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STATEMENT OF ENVIRONMENTAL EFFECTS

Date: 29 July 2024

Reference No. 17CPY

Revision No. A

Subject Site:

17 Caldwell Parade, Yagoona

Prepared on behalf of:

DD Design Studio

Proposal:

Demolition of existing structures, construction of a new two (2) storey dual occupancy (detached) and subsequent Torrens Title subdivision.



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1. EXECUTIVE SUMMARY

This Statement of Environmental Effects has been commissioned on behalf of DD Design Studio and serves as an integral component of the Development Application submitted to Canterbury Bankstown Council ("Council") seeking development consent for the demolition of existing structures, construction of a new two (2) storey dual occupancy (detached) and subsequent Torrens Title subdivision on land at 17 Caldwell Parade, Yagoona.

The purpose of this report is to provide comprehensive support for the application seeking development consent and should be read in conjunction with all associated documentation submitted with the development application.

The proposed is development requiring development consent pursuant to Part 4 of the *Environmental Planning and Assessment Act 1979*. This statement is made in accordance prescribed application requirements as outlined by the Planning Secretary on the NSW Planning Portal and serves as a fundamental component of the application submitted to Council.

The application has been prepared in accordance with Part 3 of the *Environmental Planning and Assessment Regulation 2021* and this statement serves as a fundamental component of the application submitted to Council. This statement provides a comprehensive analysis within the framework of the *Environmental Planning and Assessment Act 1979*. The structure of this statement encompasses the following key components:

- **Site and context:** Details and examination of the site and its surrounding context.
- **Proposal details:** Detailed information regarding the proposed development.
- **Consideration of the relevant statutory provisions:** Provide an analysis of relevant statutory provisions applicable to the development.
- **Consideration of impacts:** Assist the consent authority in identifying any associated environmental impacts which could potentially arise from the development and address how those impacts are mitigated and/or achieve the objects of the relevant standard(s).
- **Recommendation:** Provide a recommendation for the proposed development to assist the consent authority in their determination of the application.

The development in our opinion represents an acceptable form of development that satisfies the intended objectives of the zone that is in harmony with the surrounding built and natural environment. The proposed neither is considered to unduly result in significant adverse material, environmental, social or economic impacts and is considered is suitable for the site. The proposed is not considered to raise any issues which would be contrary to the public interest and finally, it is recommended that a favourable determination be sought by Council.



2. SITE DETAILS

2.1 Site Identification

The subject site is located at the intersection of Caldwell Parade and Arnold Avenue, legally described as Lot 289 in DP 12704 commonly known as 17 Caldwell Parade, Yagoona.

2.2 Site Dimensions

The subject site has an area of 747.9m², is generally square in shape and characterised as a corner lot. The subject site has a frontage of 24.384 metres to Caldwell Parade, a secondary frontage of 24.384 metres to Arnold Street, a splay of 4.311 metres at the intersection of Caldwell Parade and Arnold Avenue, a depth of 27.432 metres at the eastern side boundary and a width of 27.432 metres at the northern rear boundary.

2.3 Existing Development

The existing use on the subject site is for residential purposes consisting of a single storey dwelling house with attached and detached ancillary development.

2.4 Topography

The site has a sloping topography of approximately 1.7 metres falling from the northern boundary (RL 44.50) to the splayed boundary at the intersection of Caldwell Parade and Arnold Avenue (RL 42.80).

2.5 Zoning and Surrounding Development

The subject site is located within an R2 Low Density Residential zone under the Canterbury Bankstown Local Environmental Plan 2023 and is surrounded by a mix of residential developments each diverse in age, scale, intensity and architectural style within a domesticated landscaped setting.

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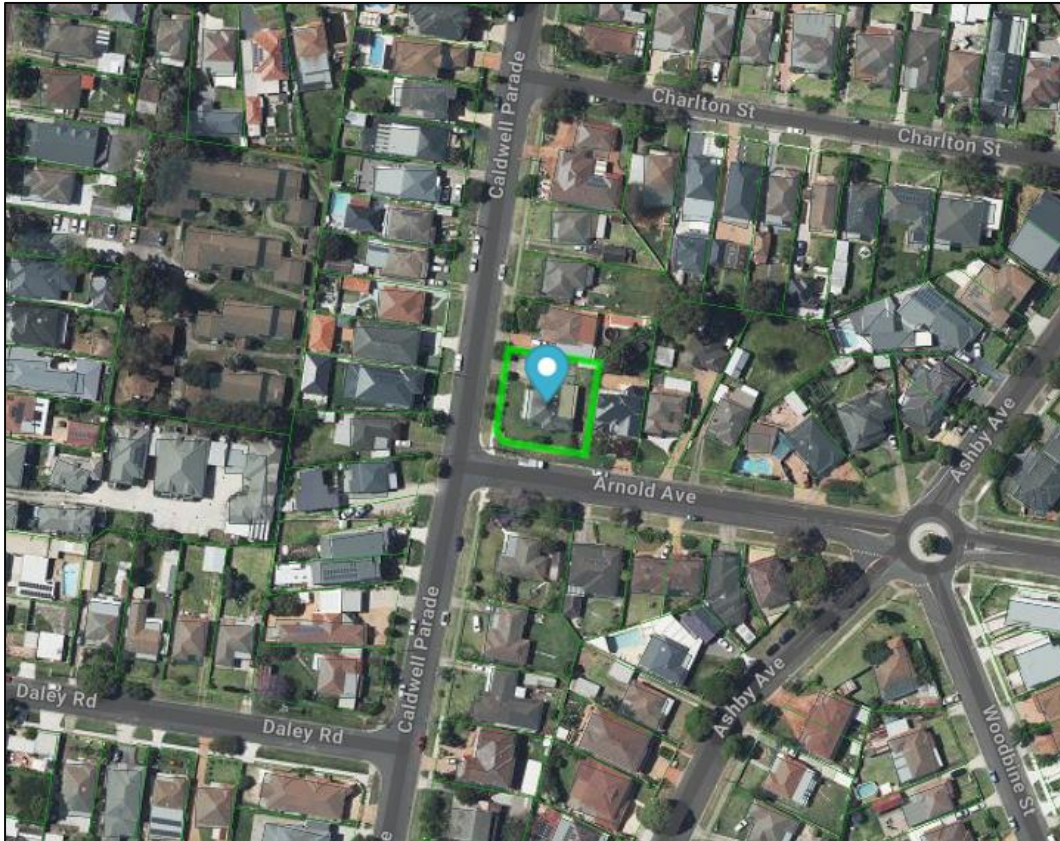


Figure 1: Aerial Photograph of Subject Site (Source: Mecone Mosaic).



Figure 2: Street view of subject site viewed from the intersection of Caldwell Parade and Arnold Avenue (Source: Google Streetview).



3. THE PROPOSAL

The proposal seeks Council's Consent for the demolition of existing structures, construction of a two (2) storey dual occupancy (detached) which are designed to essentially mirror each other and subsequent Torrens title subdivision. Details of the development as are identified below.

3.1 Demolition

The demolition involves the demolition of the existing dwelling, attached and detached ancillary structures such as retaining walls, garage, verandas and driveways.

3.2 Ground Floor (RL 43.80 – RL 44.10)

The ground floor of each dwelling consists of a two (2) car garage with storage, an entrance foyer, an open plan living, dining and kitchen with a butlers pantry, a laundry and bathroom. External to the ground floor is an entrance porch attached to the façade of the building and an alfresco attached to the rear elevation.

3.3 First Floor (RL 46.80 – RL 47.10)

The internal layout of the first floor of each dwelling consists of four (4) bedrooms, an ensuite and walk in robe is provided to the master bedroom a communal bathroom and a balcony attached to the front façade servicing the master bedroom.

3.4 Subdivision

Subsequent Torrens title subdivision is proposed of the finished development creating separate lots for each dwelling.

Lot	Area (m ²)
Lot 1	397.7m ²
Lot 2	350.2m ²

3.5 Other site works

Other site works includes the construction of separate driveway crossovers, drainage works and associated landscaping works

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Figure 3: Photomontage of finished development.

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4. ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 (EP&A Act)

4.1 Meaning of Development (Section 1.5)

Section 1.5 of the EP&A Act defines development as use of land, subdivision, erection of a building, carrying out of work, demolition or any other act controlled by an environmental planning instrument. The proposed development seeks consent for demolition of existing structures, construction of a new two (2) storey dual occupancy (detached) and subsequent Torrens Title subdivision. The proposed falls within the definition of development as defined under the Act.

4.2 Application of other Acts (Section 1.7)

This section relates to how this Act interacts with the terrestrial and aquatic environments as governed by the *Biodiversity Conservation Act 2016* and *Fisheries Management Act 1994*. The following table below provides detail of the Acts and the developments applicability to being subject of those Acts.

Act	Part	Application
Biodiversity Conservation Act 2016	Part 7	Not applicable. The proposal does not impact on any critical terrestrial habitat, species, flora or fauna with biodiversity significance.
Fisheries Management Act 1994	Part 7A	Not applicable. The proposal does not impact on any critical aquatic habitat or species with aquatic biological significance.

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5. STATE ENVIRONMENTAL PLANNING INSTRUMENTS - Section 4.15(a)(i)

Below is a table listing the State Environmental Planning Policies (SEPPs) currently in force to allow for a clear determination of the policies chapters applicability to the subject proposal. Following the table, a discussion is also provided on the SEPPs and chapters that are pertinent to the subject development.

State Environmental Planning Policies (SEPPs)	Chapters Applicable
Planning Systems 2021	No Chapters directly apply to the proposal.
Biodiversity and Conservation 2021	Chapter 2 - Vegetation in non-rural areas.
Sustainable Buildings 2022	Chapter 2 - Standards for residential development—BASIX.
Housing 2021	No Chapters directly apply to the proposal.
Industry and Employment 2021	No Chapters directly apply to the proposal.
Transport and Infrastructure 2021	No Chapters directly apply to the proposal.
Precincts—Eastern Harbour City 2021	No Chapters directly apply to the proposal.
Precincts—Central River City 2021	No Chapters directly apply to the proposal.
Precincts—Western Parkland City 2021	No Chapters directly apply to the proposal.
Precincts-Regional 2021	No Chapters directly apply to the proposal.
Resilience and Hazards 2021	Chapter 4 - Remediation of land.
Resources and Energy 2021	No Chapters directly apply to the proposal.
Primary Production 2021	No Chapters directly apply to the proposal.

5.1 State Environmental Planning Policy (Biodiversity and Conservation) 2021

Chapter 2 - Vegetation in non-rural areas

Chapter 2 aims to protect the biodiversity values of trees and other vegetation in non-rural areas of the State and to preserve the amenity of non-rural areas of the State through the preservation of trees and other vegetation. This Chapter applies to the Canterbury Bankstown local government area and on land zoned R2 Low Density Residential.

The development proposes the removal minor shrubbery and other vegetation from the subject site. Given that the species to be removed do not contain a significant retention value and some species are not native, it is considered that the proposed development does not unduly impact upon any species with biodiversity value on the site. The proposal is consistent with the provisions of Chapter 2 of the SEPP.

5.2 State Environmental Planning Policy (Sustainable Buildings) 2022

Chapter 2 Standards for residential development

The development is a BASIX affected development as defined in the Regulations. As such, a BASIX certificate has been issued for the proposed development as required under the



SEPP. The Certificate confirms that the development will meet the NSW government's requirements for sustainability.

5.3 State Environmental Planning Policy (Resilience and Hazards) 2021

Chapter 4 - Remediation of land

Chapter 4 aims to promote the remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspect of the environment through:

- Specifying when consent is required, and when it is not required, for a remediation work.
- Specifying certain considerations that are relevant in rezoning land and in determining development applications in general and development applications for consent to carry out a remediation work in particular, and
- Requiring that a remediation work meet certain standards and notification requirements.

Pursuant to Clause 4.6 Council must not consent to the carrying out of any development on land unless it has considered whether the land is contaminated, and if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out.

The subject site is zoned R2 Low Density Residential and has been historically used for residential purposes. The proposed is neither carried out on land to which is referred to in Table 1 of the Contaminated Land Planning Guidelines as being or is known to have been land subject of contamination or within close proximity to any known contaminated land. As such, there is nothing to indicate that the site would be affected by soil contamination.

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6. LOCAL PLANNING INSTRUMENTS – CANTERBURY BANKSTOWN LOCAL ENVIRONMENTAL PLAN 2023 (CBLEP 2023) – Section 4.15(1)(a)(i)

CBLEP 2023 is the relevant Local Environmental Planning Instrument applicable to the subject site. The following below provides commentary of the relevant Parts, Development Standards and/or Controls contained within CBLEP 2023 which are applicable to the subject proposal.

6.1 Part 2 Permitted or prohibited development

6.1.1 Zoning and permissibility

Zoning	R2 Low Density Residential
Proposed land use:	Dual Occupancy (detached)
Permissibility:	Permissible land use as per the land use table.
Definition of land use:	<i>dual occupancy (detached)</i> means 2 detached dwellings on one lot of land, but does not include a secondary dwelling.

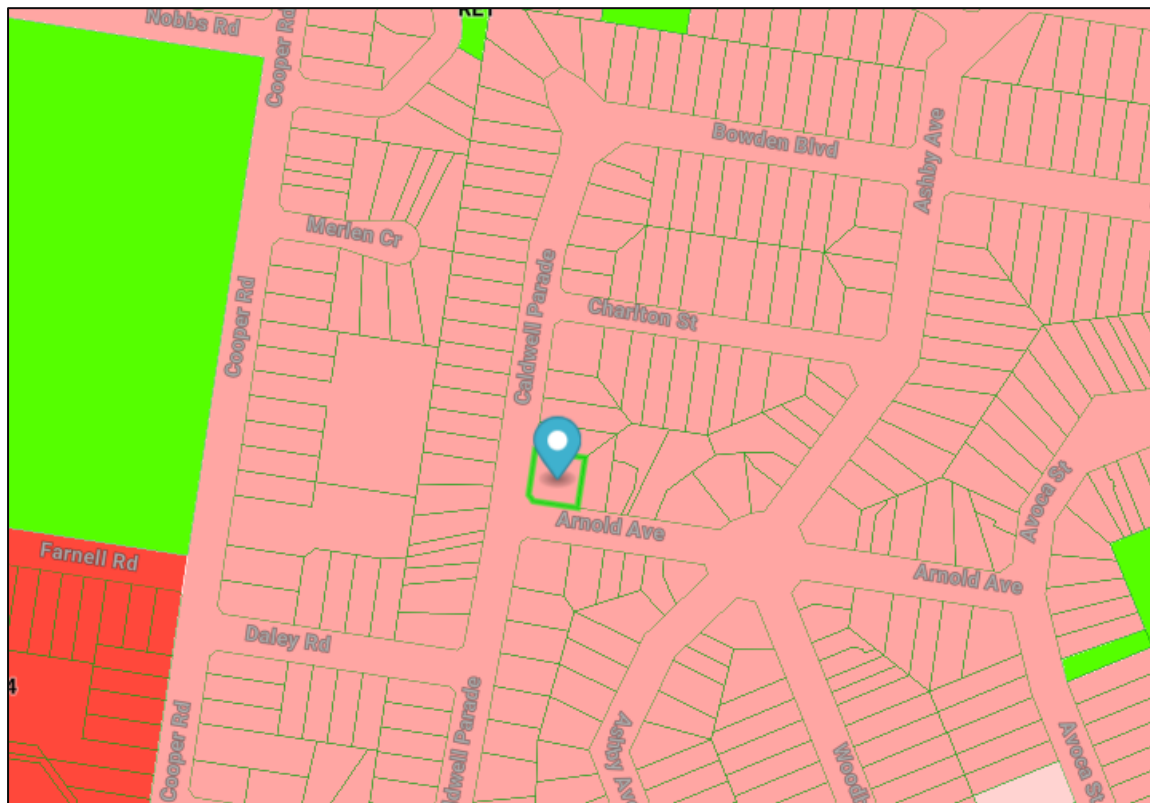


Figure 4: Land zoning demonstrating the site is located within an R2 Low Density Residential zone (Source: Mecone Mosaic).

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6.1.2 Objectives of the zone

- *To provide for the housing needs of the community within a low density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To allow for certain non-residential uses that are compatible with residential uses and do not adversely affect the living environment or amenity of the area.*
- *To ensure suitable landscaping in the low density residential environment.*
- *To minimise and manage traffic and parking impacts.*
- *To minimise conflict between land uses within this zone and land uses within adjoining zones.*
- *To promote a high standard of urban design and local amenity.*

Comment:

The proposed dual occupancy (detached) achieves the relevant objectives as it caters to the housing needs of the community with appropriate landscaping that enhances the areas already domesticated landscaped setting. The proposed development is in harmony with surrounding land uses, which is mainly characterised by lower scale residential developments and is considered to contain a high standard of urban design.

6.2 Part 4 Principal development standards

6.2.1 Clause 4.1A - Minimum lot sizes and special provisions for dual occupancies

Minimum lot size:

According to Clauses 4.1A(2)(2)(ii) and 4.1(2)(b)(ii), a minimum lot size of 700m² and a width of 20 metres at the building line is required to facilitate a dual occupancy (detached) development on land zoned R2 Low Density Residential. The subject site has an area of 747.9m² and first floor is designed to cantilever over the ground floor, forming the building line where the site has a width of approximately 27.4 metres. The proposed satisfies the minimum lot size requirements for a dual occupancy (detached).

Subdivision:

Clause 4.1A(3) permits subdivision of detached dual occupancies on land zoned R2 Low Density Residential, so long as the resulting lots are no less than 350m². Following subdivision, Lot 1 will achieve a total area of 397.7m² and Lot 2 will achieve 350.2m². The proposed subdivision satisfies the minimum subdivision lot requirements.



6.2.2 Clause 4.3 - Height of buildings

Maximum building height:

Pursuant to Clause 4.3(2), the maximum height of buildings allowable on the subject site is 9 metres. The proposed building heights from the highest point of each roof measured vertically to the lowest existing ground levels are reflected in the tables below:

Unit 1	
Top of wall (highest):	RL 50.250
EGL below (lowest indicative contour):	RL 43.50
Maximum overall height:	6.75 metres

Unit 2	
Top of wall (highest):	RL 50.800
EGL below (lowest indicative contour):	RL 43.80
Maximum overall height:	7 metres

Maximum wall height:

Pursuant to Clause 4.3(2C), the maximum wall height for a dual occupancy in Zone R2 in Area 1 is 7 metres. Similar to the overall building, the wall height from the top of the parapet measured vertically to the existing ground level is 7 metres as shown on the elevations.

6.2.3 Clause 4.4 - Floor space ratio

Pursuant to Clause 4.4(2), the maximum prescribed Floor Space Ratio (FSR) is limited to a ratio of 0.50:1 or a Gross Floor Area (GFA) of 373.95m². The following table below provides the specific GFA per level including a calculation of FSR.

Level:	Inclusions/Exclusions	Area (m ²)
Ground Floor:	<ul style="list-style-type: none"> ➤ Internal face of external walls with a height greater than 1.4 metres per GFA definition, ➤ Include staircase as per the judgement established in <i>Chami v Lane Cove Council [2015] NSWLEC 1003</i> as not "common" vertical circulation; and, ➤ Exclude carparking allocated for two (2) spaces to meet the parking requirements of the consent authority per (g) of the definition of GFA contained in CBLEP 2023. 	173.4m ²
First Floor:	<ul style="list-style-type: none"> ➤ Internal face of external walls with a height greater than 1.4 metres per GFA definition; and, ➤ Exclude void above staircase as per the judgement established in <i>Chami v Lane Cove Council [2015] NSWLEC 1003</i>. 	195.3m ²
Total GFA:		368.7m²
FSR Calculation:		$\frac{368.7\text{m}^2}{747.9\text{m}^2}$ <p>FSR = 0.49:1</p>



6.3 Part 5 Part 5 Miscellaneous provisions

6.3.1 Clause 5.21 - Flood planning

The subject site is identified as partially being susceptible to the 100 year ARI and subject to the probable maximum flood which traverses along the Arnald Avenue boundary of the site. The proposed is considered to result in negligible impact in relation to flood risk and is considered in compliance with relevant objectives and controls.

The development does not propose any structures along the boundary other than driveways. The development does not propose any structures along the boundary other than driveways which allows the flow path to traverse freely without any obstruction or blockages.

This mitigates the risk of altering flood behaviour or exacerbating flood affectation to surrounding properties, in line with objectives to minimise flood risk to life and property and ensure compatibility with the lands flood function. As there are no structures proposed along the Arnald Street boundary, the risk of erosion, siltation or harm to riparian vegetation is limited, further fulfilling the criteria to avoid adverse environmental impacts.

The proposal inherently aligns with the requirements for development consent within flood planning areas by posing no threat to altering flood dynamics or impeding evacuation routes, thereby further supporting the objective to manage flood risks effectively, especially in the context of projected climate change impacts. Overall, the proposed is considered to satisfy the provisions of Clause 5.21.

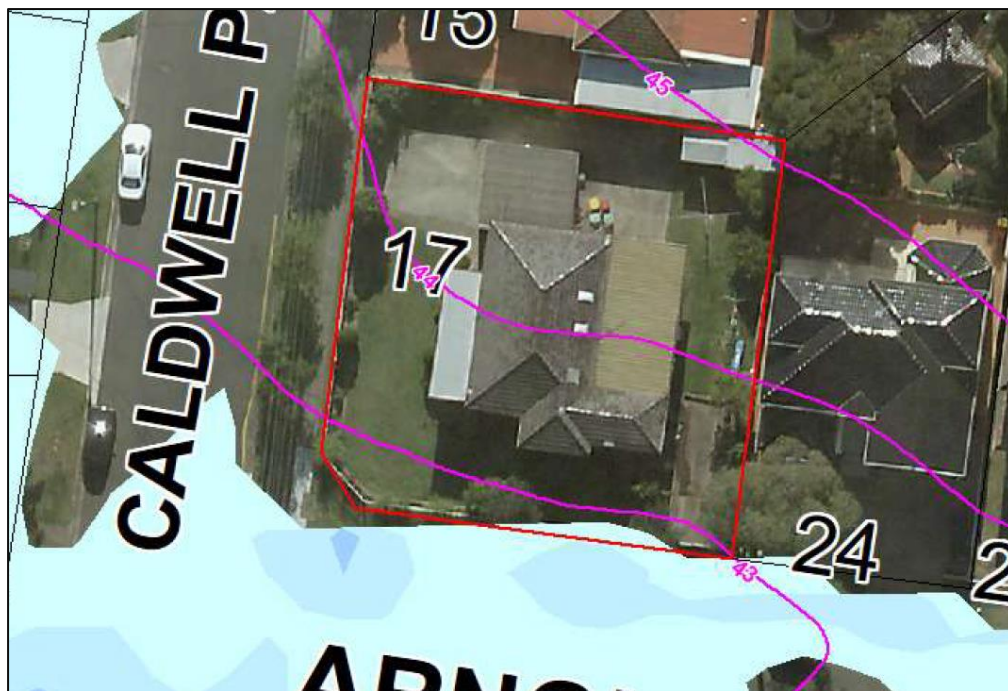


Figure 5: 1% AEP (100 year ARI) Flood Depth (Source: Stormwater Systems Report prepared by Canterbury Bankstown Council dated 23 July 2024).



6.4 Part 6 Additional Local Provisions

6.4.1 Clause 6.2 – Earthworks

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. The development proposes minimal levels of earthworks to facilitate the development.

The extent of earthworks is what is generally expected in a residential zone and are considered to not result in any detrimental impacts upon environmental functions and processes, neighbouring uses or features of surrounding land. The proposed earthworks are considered not adversely impact the amenity of adjoining properties and is considered to be consistent with the provisions of Clause 6.2(3).

6.4.2 Clause 6.3 - Stormwater management and water sensitive urban design

The proposed development integrates effective stormwater management strategies, aligned with Water-Sensitive Urban Design (WSUD) Principles. The proposed stormwater management system for the development discharges to the kerb along Arnold Avenue and incorporates rainwater tank. Although there may be an increase in stormwater runoff from the site, the implementation of WSUD Principles aims to minimise its impact on the drainage network.

The proposal is considered to satisfy the provisions of Clause 6.4. For further details regarding the proposed drainage scheme, refer to the submitted Stormwater Drainage Concept plans.

6.4.3 Clause 6.9 - Essential services

Pursuant to Clause 6.9 the consent authority must not grant development consent unless the following services are available or adequate arrangements for the supply of water, electricity disposal and management of sewage, waste disposal and recycling, onsite drainage and suitable vehicular access.

The site currently has access to water and electricity supply as well as sewage disposal facilities, owing to the presence of an existing building on the lot. However, any additional connections or increased capacity of existing utilities will typically be subject to the conditional requirements set by the relevant utility providers, such as Sydney Water, Endeavour Energy and others.

In compliance with BASIX requirements for water reuse incorporated into the development. The Drainage Plans, which have been submitted as part of the application, also detail the drainage system adequately. Furthermore, vehicular access to the property is facilitated via Arnold Avenue. Therefore, with consideration of the above, the proposed satisfies the provisions of Clause 6.9.



6.5 Schedule 1

There are no additional permitted uses associated with the subject site.

7. ANY PROPOSED ENVIRONMENTAL PLANNING INSTRUMENT - Section 4.15(1)(a)(ii)

There is no relevant draft EPI, Planning Proposal or Plan relevant to the proposed development.

8. DEVELOPMENT CONTROL PLAN - Section 4.15(1)(a)(iii)

8.1 Canterbury Bankstown Development Control Plan 2023 (CBDCP 2023)

The proposed development is subject to the provisions of Canterbury Bankstown Development Control Plan 2023 (CBDCP 2023). The following table below is an assessment against the relevant applicable controls contained within CBDCP 2023.

Where strict compliance has not been achieved, pursuant to Section 4.15(3A)(b) of the EP&A Act 1979, flexibility is sought from Council in determining whether a reasonable alternative solution that achieves the objects is provided by the proposed development. These matters are also discussed in the table below.

CBDCP 2023	Comment
Chapter 3 – General Requirements	
Chapter 3.2 – Parking	
Off-Street Parking Schedule	
Dual occupancies/ semi-detached dwellings: Two (2) spaces per three (3) or more bedrooms.	Each dwelling contains four (4) bedrooms and two (2) parking spaces are provided per dwelling.
Chapter 5 – Residential Accommodation	
Chapter 5.1 - Former Bankstown LGA	
Section 4 – Dual Occupancies	
Storey limit (not including basements)	
Maximum two (2) storeys.	The buildings are two (2) storeys in scale.
The siting of dual occupancies, and landscape works must be compatible with the existing slope and contours of the site and any adjoining sites. Council does not allow any development that involves elevated platforms on columns; or excessive or unnecessary terracing, rock excavation, retaining walls or reclamation.	<p>The siting of the development integrates with the sites topography, the landscaped setting of the development incorporates deep soil areas to support the growth of shrubs, hedges, mature trees and other vegetation, which allows the development to align with the established domesticated landscape setting.</p> <p>While some excavation is necessary to accommodate the development, the impact of retaining walls is minimised with landscaping and being located behind the building line. Hard paving is also kept to a minimum, limited to entrance pathways and the driveway.</p> <p>This ensures that the landscape obscures the hard surfaces, contributing to the overall aesthetic and natural harmony setting. Consequently, the design</p>



CBDCP 2023	Comment
	meets the control requirements, avoiding elevated platforms, excessive terracing or unnecessary excavation aligning with the desired character for low density residential development.
Setback restrictions	
The erection of dual occupancies is prohibited within 9 metres of an existing animal boarding or training establishment.	Not applicable. The subject site does not adjoin an existing animal boarding or training establishment.
Street setbacks	
<u>Primary Road:</u> <ul style="list-style-type: none"> ➤ 5.5 metres for the first storey (i.e. the ground floor); and ➤ 6.5 metres for the second storey. 	Ground floor setback: 5.5 metres - 7.91 metres First Floor: 6.5 metres - 7.91 metres
<u>Secondary Road:</u> <ul style="list-style-type: none"> ➤ 3 metres for a building wall; and ➤ 5.5 metres for a garage or carport that is attached to the building wall. 	Secondary setback: 3.5 metres – 4.75 metres.
Side setbacks	
For the portion of the building wall that has a wall height less than or equal to 7 metres, the minimum setback to the side boundary of the site is 0.9 metre. Council may increase the minimum setback to reduce any impact on the amenity of an adjoining dwelling or to avoid the drip line of a tree on an adjoining site.	The side setback is at minimum 900mm for each garage and greater than 900mm for the remainder of the ground floor walls and first floor walls.
For the portion of the building wall that has a wall height greater than 7 metres, the minimum setback to the side boundary of the site is 1.5 metres.	Not applicable. The wall heights do not exceed 7 metres.
The minimum setback between a dual occupancy and the side boundary must be clear of obstacles such as a hot water unit, waste storage area, storage shed and the like.	Unobstructed access is provided clear of any ancillary structures along the side boundaries.
Private open space	
Minimum 80m ² per dwelling behind the front building line.	Unit 01: 92m ² Unit 02: 80m ²
Access to sunlight	
At least one living area of each dwelling must receive a minimum three hours of sunlight between 8.00am and 4.00pm at the mid-winter solstice. Council may allow light wells and skylights to supplement this access to sunlight provided these building elements are	The primary living areas of each unit are located to the rear of each dwelling which is orientated north. The orientation of the lot and location of the living areas allow for unobstructed solar access between 8.00am and 4.00pm at the mid-winter solstice.



CBDPC 2023	Comment
not the primary source of sunlight to the living areas.	
At least one living area of a dwelling on an adjoining site must receive a minimum three hours of sunlight between 8.00am and 4.00pm at the mid-winter solstice. Where this requirement cannot be met, the development must not result with additional overshadowing on the affected living areas of the dwelling.	The development will impact the western openings of the eastern adjoining lot from approximately 1pm in mid-winter. Unobstructed solar access will be achieved to the adjoining dwellings living area to the northern (rear) elevation and the openings located on the western elevation achieves a minimum three (3) hours between 9am – 12pm at the very least.
A minimum 50% of the private open space required for each dwelling and a minimum 50% of the private open space of a dwelling on an adjoining site must receive at least three hours of sunlight between 9.00am and 5.00pm at the equinox. Where this requirement cannot be met for a dwelling on an adjoining site, the development must not result with additional overshadowing on the affected private open space.	Given the orientation of the lot, the proposed does not impact the POS of the adjoining neighbouring dwelling.
Development should avoid overshadowing any existing solar hot water system, photovoltaic panel or other solar collector on the site and neighbouring sites.	No photo photovoltaic panels or other solar collectors present on the adjoining neighbouring property.



CBDCP 2023	Comment
Visual privacy	
<p>Where development proposes a window that directly looks into the living area or bedroom window of an existing dwelling, the development must:</p> <ul style="list-style-type: none"> ➤ Offset the windows between dwellings to minimise overlooking; or ➤ Provide the window with a minimum sill height of 1.5 metres above floor level; or ➤ Ensure the window cannot open and has obscure glazing to a minimum height of 1.5 metres above floor level; or ➤ Use another form of screening to the satisfaction of Council. ➤ Where development proposes a window that directly looks into the private open space of an existing dwelling, the window does not require screening where: <ul style="list-style-type: none"> ➤ The window is to a bedroom, bathroom, toilet, laundry, storage room, or other non-habitable room; or ➤ The window has a minimum sill height of 1.5 metres above floor level; or ➤ The window has translucent glazing to a minimum height of 1.5 metres above floor level; or ➤ The window is designed to prevent overlooking of more than 50% of the private open space of a lower-level or adjoining dwelling. 	<p>The finished ground floor level of each dwelling is not significantly elevated above existing ground level. The internal living areas and POS are located on the ground floor of each dwelling and any privacy impact is safe guarded by the dividing boundary fence. The first-floor windows orientated to the adjacent dwelling on the same lot or adjoining property are either consist of raised sill heights to 1.6 metres above the FFL or are obscurely glazed.</p>
<p>Council may allow dual occupancies to have an upper floor side or rear balcony solely where the balcony is not accessible from a living area or hallway, and the balcony design:</p> <ul style="list-style-type: none"> ➤ Does not have an external staircase; and 	<p>Not applicable. No balconies attached to the side or rear elevations.</p>



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<ul style="list-style-type: none"> ➤ Does not exceed a width of 1.5 metres throughout; and ➤ Incorporates a form of screening to the satisfaction of Council such as partially recessing the balcony into the building. 	
Council does not allow dual occupancies to have roof-top balconies and the like.	No roof top terraces proposed.
Building design	
Development for the purpose of dual occupancies must demolish all existing dwellings (not including any heritage items) on the site.	All existing structures on the lot are proposed to be demolished.
<p>The design of dual occupancies must ensure:</p> <ul style="list-style-type: none"> ➤ The street facade of dual occupancies (attached) or dual occupancies (detached) incorporate architectural elements that are compatible with the asymmetrical appearance of neighbouring dwelling houses, particularly where a pattern is established by a group of adjoining dwelling houses; and ➤ The front porch and one or more living area or bedroom windows to each dwelling face the street; and ➤ The garage, driveway and front fence do not dominate the front of the building and front yard; and ➤ The two dwellings on a corner site each face a different frontage. 	<p>The façade of each dwelling is designed to be asymmetrical providing an individual identity for each dwelling. The façade of each dwelling incorporates a combination of vertically orientated windows, balconies, porches, an articulated and well-modulated design with suitable external finishes which is compatible with existing surrounding development.</p> <p>Both porches and master bedrooms are designed to be orientated to the Arnold Avenue.</p> <p>The extent of the garage is considered minimised as the external finishes are integrated into each façade. The driveways are also minimised where practical.</p> <p>The proposed design orients both dwellings to the Arnold Avenue frontage. Although this orientation does not strictly comply with the requirement for each dwelling to address different frontages for corner lots, the proposed design is considered to not result in adverse impact and satisfies the relevant objectives of the control.</p> <p>The orientation of the dwellings is dictated by the irregular shape of the corner lot, which provides sufficient width to allow for a side-by-side layout. This makes it more practical to have both dwellings face the same direction. The design maintains the suburban character by ensuring a cohesive architectural style that fits well with the</p>



CBDCP 2023	Comment
	<p>surrounding environment, preserving the character of the area consistent with Objective O1.</p> <p>The proposed orientation maximises the size and functionality of the living spaces and POS of each dwelling. The north orientation of the living area and POS enhances sunlight access throughout mid-winter, demonstrating consistency with Objective O2. If the dwellings were oriented to comply with different frontages, it might compromise the availability of solar access to the primary living areas and POS for each dwelling.</p> <p>In terms of neighbouring impact, the proposed orientation mitigates privacy concerns by reducing the number of openings facing adjacent properties. This ensures a higher degree of privacy for both the future occupants and neighbours is achieved, addressing potential issues that could arise from increased openings if the dwellings were reoriented to comply with the control.</p> <p>Additionally, the design effectively manages the visual bulk of the building, avoiding an imposing appearance and ensuring appropriate scale and massing, illustrating consistency with Objective O3. Despite the non-compliance, the orientation is justified on the basis that the non-compliance does not result in adverse impacts and is consistent with the relevant objectives of the control and therefore the non-compliance can be considered acceptable on merit.</p>
The maximum roof pitch for dual occupancies is 35 degrees.	Roof pitches do not exceed 35 degrees.
Building design (car parking)	
Development must locate the car parking spaces behind the front building line with at least one covered car parking space for weather protection.	<p>The garages are located at least 1 metre from the balconies of each dwelling. These balconies form the building line, in line with the definition contained within CBLEP 2023 which means:</p> <p>building line or setback means the horizontal distance between the property boundary or other stated boundary (measured at 90 degrees from the boundary) and—</p> <p>(a) a building wall, or</p> <p>(b) <u>the outside face of any balcony, deck or the like</u>, or</p> <p>(c) the supporting posts of a carport or verandah roof,</p>
Where development proposes a garage with up to two car parking spaces facing the street, Council must ensure the garage architecturally integrates with the development and does not dominate	A double width garage is provided per dwelling in a side-by-side arrangement. The design of each garage is integrated well into each façade and does not dominate the façade.



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the street facade. Council does not permit internal stacked or tandem garages.	
<p>Where development proposes a garage with more than two car parking spaces facing the street, Council must consider the architectural merit of the development and may allow the garage provided:</p> <ul style="list-style-type: none"> ➤ The building is at least two storeys in height, and ➤ The garage is architecturally integrated with the upper storey by: <ul style="list-style-type: none"> ○ Ensuring the garage does not project more than 3 metres forward of the upper storey street facade; and ○ Designing a covered balcony, rooms or other architectural features of the upper storey to extend over the garage roof. 	<p>The building is two (2) storeys in scale.</p> <p>The garage does not protrude greater than 3 metres of the upper storey and is concealed by the balconies on the upper storeys.</p>
Landscape	
Development must retain and protect any significant trees on the site and adjoining sites. To achieve this clause, the development may require a design alteration or a reduction in the size of the dual occupancy.	Not applicable. No major mature trees are located on the subject site.
Minimum 45% of the area between the dual occupancy and the primary street frontage	The landscaped area forward of the building line is 109.2m ² , which exceeds 45% of the primary street frontage.
Minimum 45% of the area between the dual occupancy and the secondary street frontage.	The secondary frontage is wholly landscaped aside from a minor pathway and the area between the building and secondary frontage exceeds 45%.

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9. PLANNING AGREEMENTS - Section 4.15(1)(a)(iiia)

There is no planning agreement being entered into as part of this application.

10. ENVIRONMENTAL PLANNING AND ASSESSMENT REGULATIONS 2021 – Section 4.15(iv)

The Regulation underpins the day-to-day operation of the NSW planning system. The Regulation guides the processes, plans, public consultation, impact assessment and decisions made by local councils, the Department of Planning, Industry and Environment and others. The Regulation provides standard and relevant Conditions (i.e Compliance with the BCA/NCC, Australian Standards, Section 7.11/7.12 Contributions etc...) which the Consent Authority must impose when issuing Development Consent. These Conditions will be implemented upon the issue of Development Consent.

10.1 Demolition

The requirements of Australian Standard AS2601-2001: The Demolition of Structures are relevant to the proposed as the proposal encompasses demolition works. The requirements of this standard including the management of asbestos containing materials (if any) can readily be addressed by conditional requirements.

11. ANY LIKELY NATURAL OR BUILT ENVIRONMENT IMPACT OR SOCIAL AND ECONOMIC IMPACT – Section 4.15(b)

11.1 Natural Environment

The proposed development is located in a well-established residential environment on an allotment with appropriate zoning for the proposed development. The proposed is designed to operate at a domestic scale which does not result in unreasonable acoustic or air pollution. The design, location and siting of the building is orientated to maximise solar access and includes sustainable measures for water and energy consumption. Overall, the proposal is designed to mitigate any potential impacts on the natural environment.

11.2 Built Environment

The proposed development is predominantly designed and sited in accordance with the relevant built form controls, compatible with the existing streetscape patterns and achieves the desired future character of the area. Where the development has not demonstrated compliance with those controls, the relevant objectives are achieved, and impact is mitigated and minimised where practical. Overall, as demonstrated in this statement, it is unlikely that the development will consist of an adverse impact on the built environment.

11.3 Social Impact

There are no adverse social impacts identified with the provision of a detached dual occupancy within an R2 Low Density Residential Zone.



11.4 Economic Impact

No adverse negative economic impacts are likely to result from the development. The development is likely to contribute to a range of economic benefits such as generation of local jobs, utilise existing infrastructure and services and encourage the use of local business and local economy.

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12. SITE SUITABILITY - Section 4.15(c)

The subject site is appropriately zoned for the development, and the development is considered to satisfy the relevant built form development standards and controls. The development neither is considered to result in adverse material, environmental, social or economic impacts. Therefore, it is considered that the development is suitable for the site.

13. SUBMISSIONS - Section 4.15(d)

Any submissions received as a result on notification of the Development Application will be considered by the consent authority.

14. PUBLIC INTEREST - Section 4.15(e)

The public interest is best serviced by the consistent application of the relevant statutory requirements which ensures the consent authority that any adverse effects arising from development are minimised. Having regard to the proposed developments performance against the applicable statutory provisions and policies, the proposal is not considered to raise any issues that would be contrary to the public interest.

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15. INTEGRATED DEVELOPMENT - Section 4.46 and 4.47(2)

Integrated development is development (not being State significant development or complying development) that, in order for it to be carried out, requires development consent and one or more approvals. The following table below provides detail of other required approvals and if the development is subject of any of those approvals.

Act	Provision	Approval	Required
Coal Mine Subsidence Compensation Act 2017	Section 22	Approval to alter or erect improvements, or to subdivide land, within a mine subsidence district	No
Fisheries Management Act 1994	Section 144	Aquaculture permit	No
	Section 201	Permit to carry out dredging or reclamation work	No
	Section 205	Permit to cut, remove, damage or destroy marine vegetation on public water land or an aquaculture lease, or on the foreshore of any such land or lease	No
	Section 219	permit to— (a) set a net, netting or other material, or (b) construct or alter a dam, floodgate, causeway or weir, or (c) otherwise create an obstruction, across or within a bay, inlet, river or creek, or across or around a flat	No
Heritage Act 1977	Section 58	Approval in respect of the doing or carrying out of an act, matter or thing referred to in s 57(1)	No
Mining Act 1992	Sections 65 and 64	Grant of mining lease	No
National Parks and Wildlife Act 1974	Section 90	Grant of Aboriginal heritage impact permit	No
Petroleum (Onshore) Act 1991	Section 16	Grant of production lease	No
Protection of the Environment Operations Act 1997	Sections 43(a), 47 and 55	Environment protection licence to authorise carrying out of scheduled development work at any premises.	No
	Sections 43(b), 48 and 55	Environment protection licence to authorise carrying out of scheduled activities at any premises (excluding any activity described as a “waste activity” but including any activity described as a “waste facility”).	No
	Sections 43(d), 55 and 122	Environment protection licences to control carrying out of non-scheduled activities for the purposes of regulating water pollution resulting from the activity.	No

<u>Roads Act 1993</u>	Section 138	Consent to— (a) erect a structure or carry out a work in, on or over a public road, or (b) dig up or disturb the surface of a public road, or (c) remove or interfere with a structure, work or tree on a public road, or (d) pump water into a public road from any land adjoining the road, or (e) connect a road (whether public or private) to a classified road.	No
<u>Rural Fires Act 1997</u>	Section 100B	Authorisation under section 100B in respect of bush fire safety of subdivision of land that could lawfully be used for residential or rural residential purposes or development of land for special fire protection purposes	No
<u>Water Management Act 2000</u>	Sections 89, 90 and 91	Water use approval, water management work approval or activity approval under Part 3 of Chapter 3	No

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16. CONCLUSION

After consideration of the development against Section 4.15 of the *Environmental Planning and Assessment Act 1979* and the pertinent statutory provisions, the proposed development is considered to be reasonable and appropriate for the site and within its specific context.

The subject site is appropriately zoned for the development and the development is considered to satisfy the relevant built form development standards, controls and associated objectives. The development neither is considered to result in adverse material, environmental, social or economic impacts.

On balance, the proposal is considered suitable for the site and not contrary to the public interest and therefore, it is recommended that Council as the consent authority pursuant to Section 4.16 of the *Environmental Planning and Assessment Act 1979*, grant consent for the demolition of existing structures, construction of a new two (2) storey dual occupancy (detached) and subsequent Torrens Title subdivision on land at 17 Caldwell Parade, Yagoona.

Statement prepared by Polaris Planning and Development.

