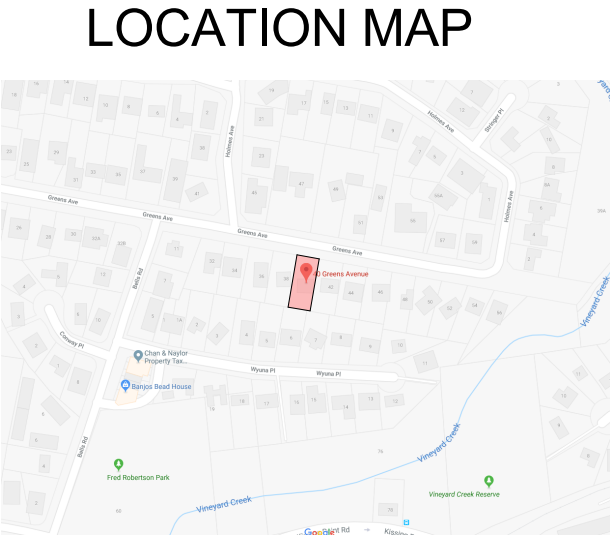
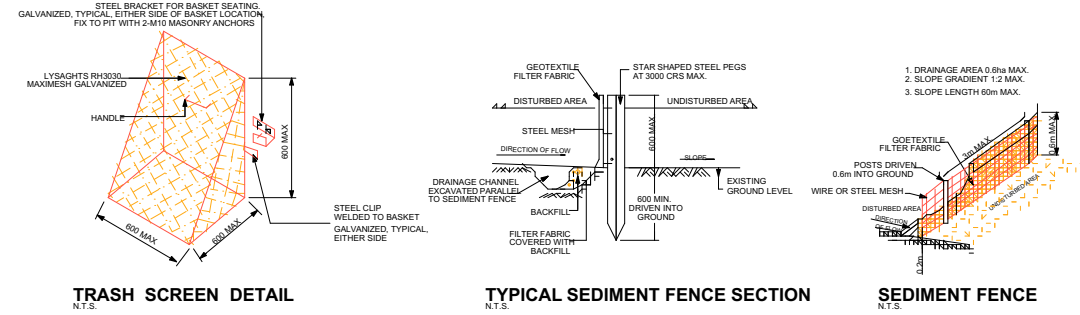
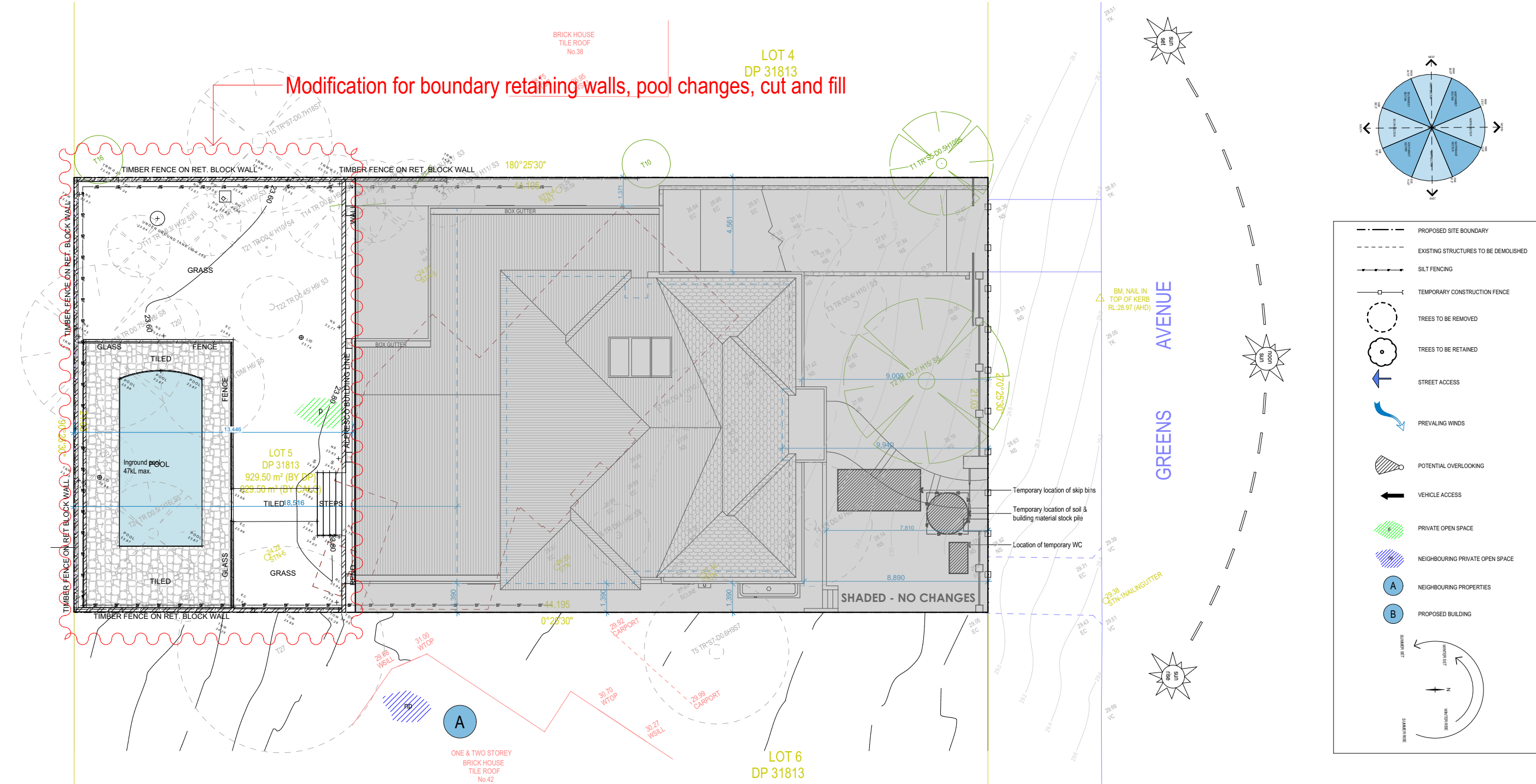


PROPOSED HOUSE DEVELOPMENT
@ 40 GREENS AVENUE OATLANDS
FOR MR & MRS ABI-KHATTER
SECTION 4.55



02/07/2024	Issue V: S4.55
11/08/2021	Issue I: S4.55
04/05/2021	Issue S: Pre-DA
04/11/2020	Issue r: BUILDING CERTIFICATE
28/10/2020	Issue q: S4.55
26/08/2020	Issue p: S4.55
10/08/2020	Issue o: S4.55
04/08/2020	Issue n: S4.55
16/07/2020	Issue m: Amended roof form
23/04/2020	Issue l: S4.55



issue w:	02/07/2024
issue v:	S4.55
issue t:	11/08/2021
issue s:	S4.55
issue r:	Pre-DA
issue c:	BUILDING CERTIFICATE
issue q:	04/11/2020
issue p:	28/10/2020
issue o:	26/08/2020
issue n:	10/08/2020
issue m:	04/08/2020
issue l:	16/07/2020
issue k:	23/04/2020

project	PROPOSED HOUSE DEVELOPMENT @ 40 GREENS AVENUE OATLANDS	scale: as shown	Council
client	MR & MRS ABI-KHATTER	date: AUG2024	COP
drawn:	A.M.	ref: 2018-118	
checked:	J.E.		

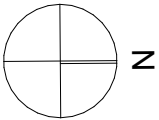
V1

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mob: 0431 111 777
admin@designcorp.com.au
www.designcorp.com.au



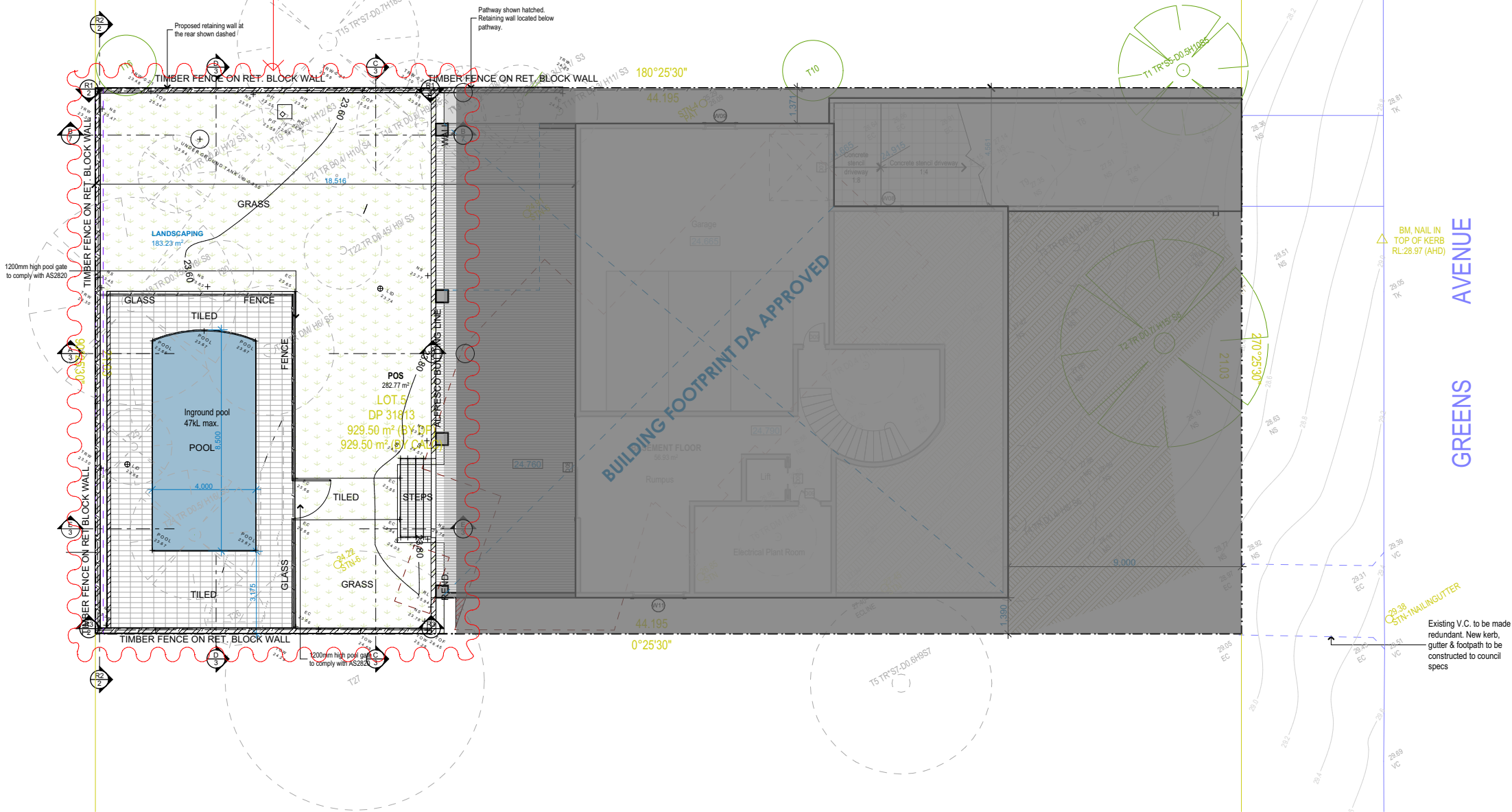
nominated architect - joe el-sabbagh 8707

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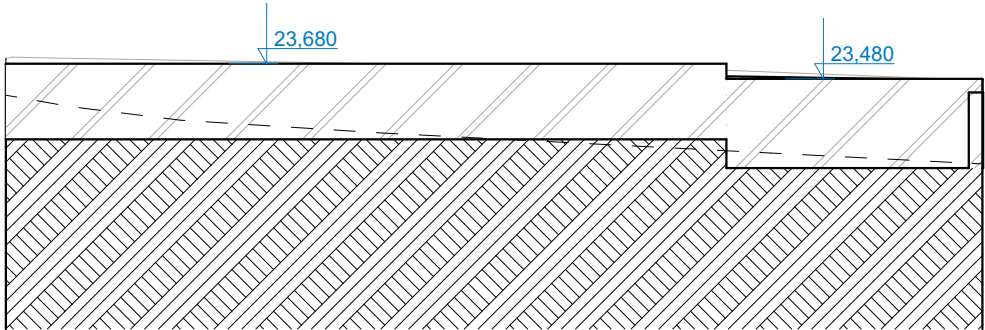
Modification for boundary retaining walls, pool changes, cut and fill

LOT 4
DP 31813



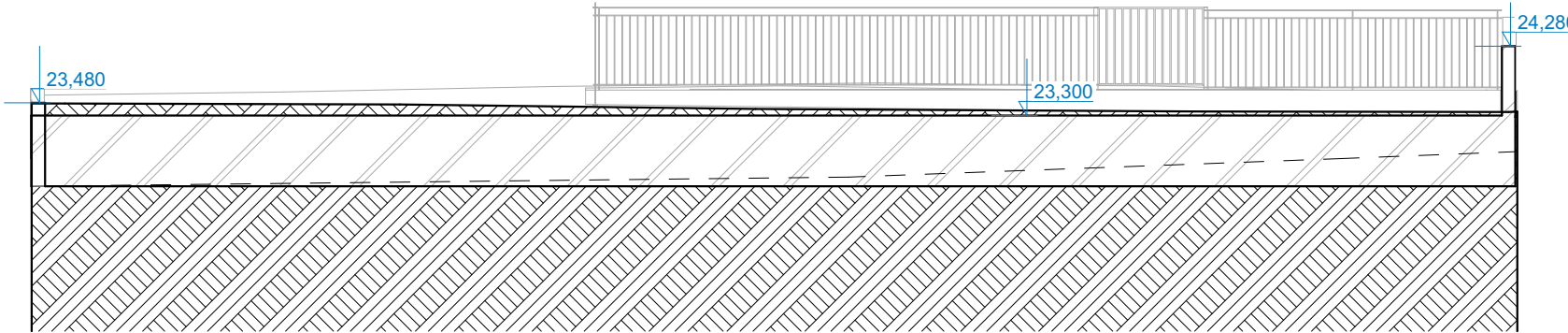
BASEMENT

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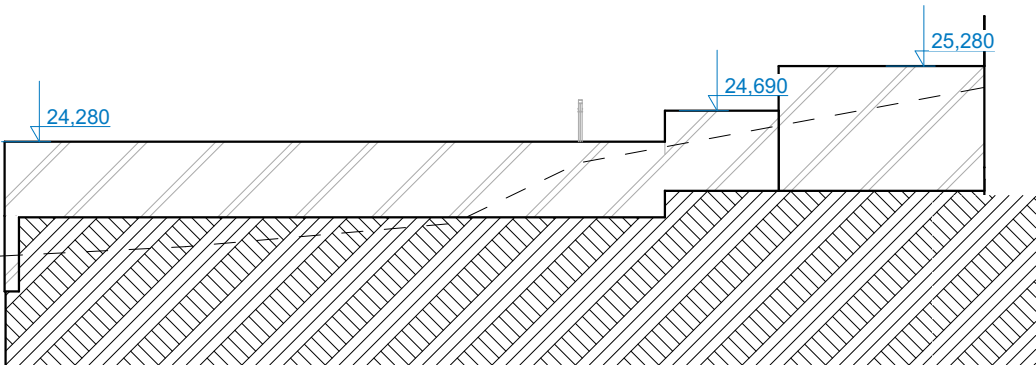
SECTION R1

1:100



SECTION R2

1:100



SECTION R3

1:100

INDICATES CUT

INDICATES FILL



issue w:	02/07/2024
issue v:	S4.55
issue t:	S4.55
issue s:	Pre-DA
issue r:	BUILDING CERTIFICATE
issue q:	S4.55
issue p:	S4.55
issue o:	S4.55
issue n:	S4.55
issue m:	Amended roof form
issue l:	S4.55

project

PROPOSED HOUSE DEVELOPMENT
@ 40 GREENS AVENUE OATLANDS

client

MR & MRS ABI-KHATTER

drawn:

A.M.

scale: as shown

Council

checked:

J.E.

date: AUG2024

ref: 2018-118

COP

V2

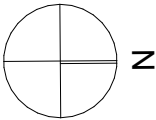
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issue w:	02/07/2024
issue v:	S4.55
issue t:	S4.55
issue s:	Pre-DA
issue r:	BUILDING CERTIFICATE
issue q:	S4.55
issue p:	S4.55
issue o:	S4.55
issue n:	S4.55
issue m:	Amended roof form
issue l:	S4.55

project	PROPOSED HOUSE DEVELOPMENT @ 40 GREENS AVENUE OATLANDS	client	MR & MRS ABI-KHATTER
drawn:	A.M.	scale:	as shown
checked:	J.E.	date:	AUG2024
		ref:	2018-118
			Council
			COP

V4

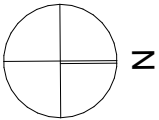
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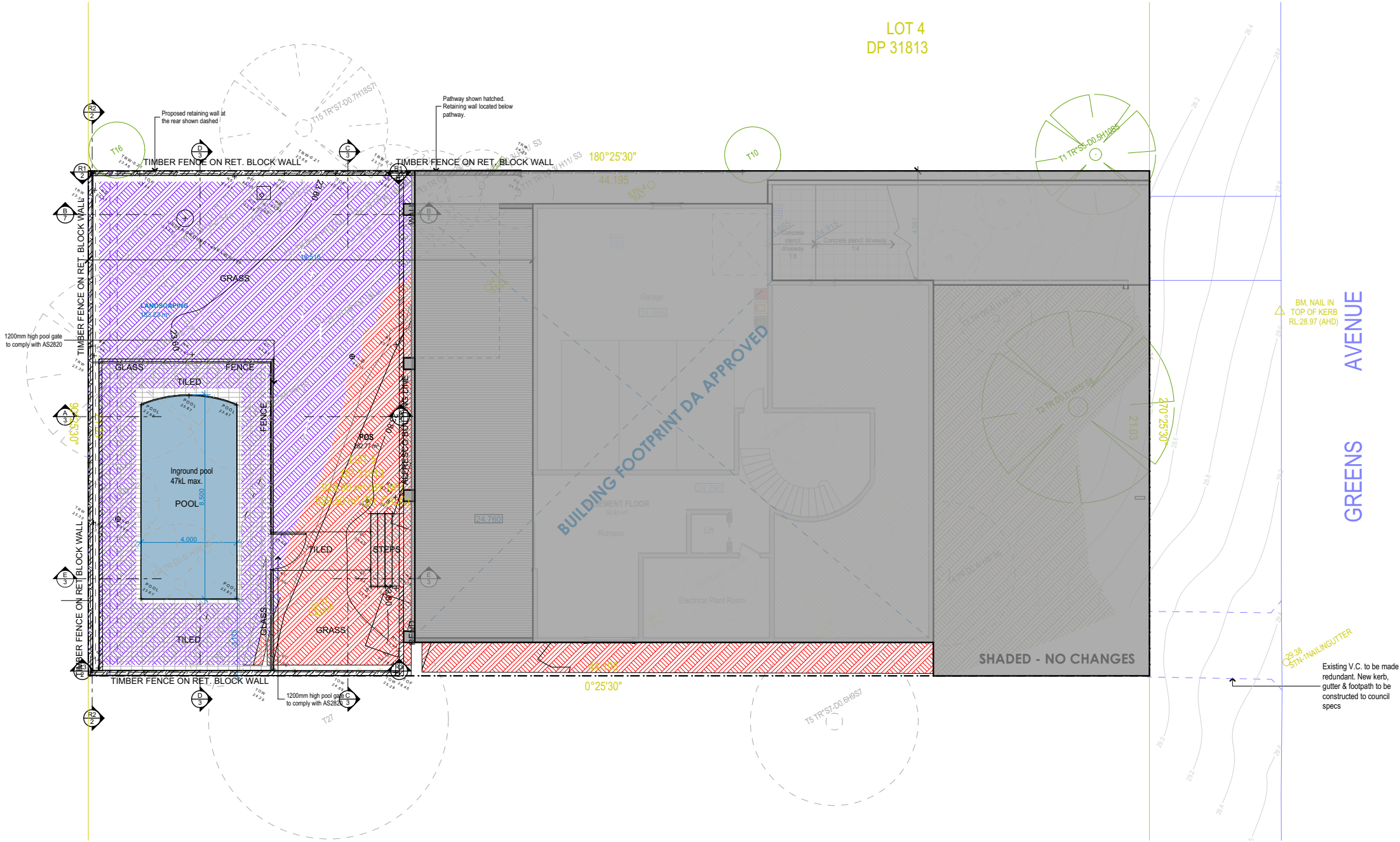
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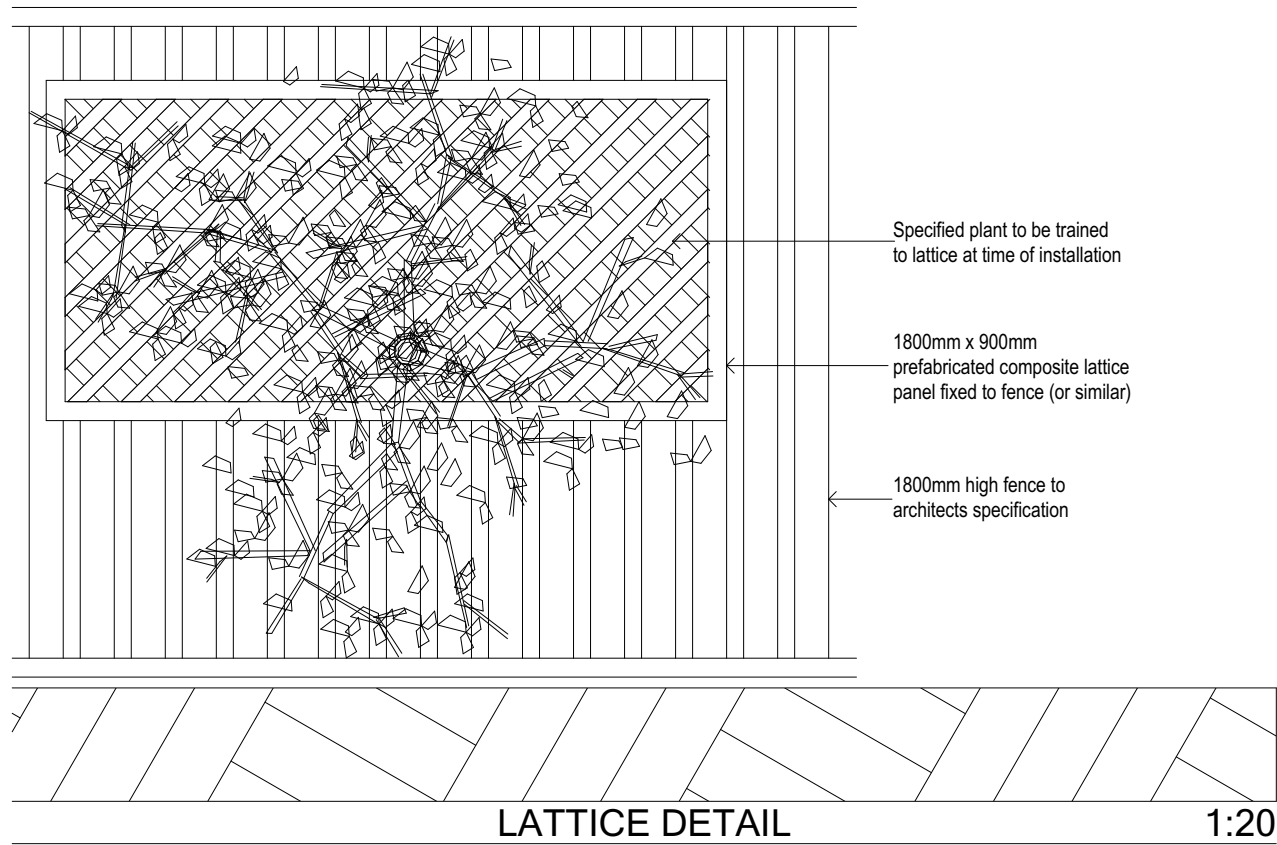
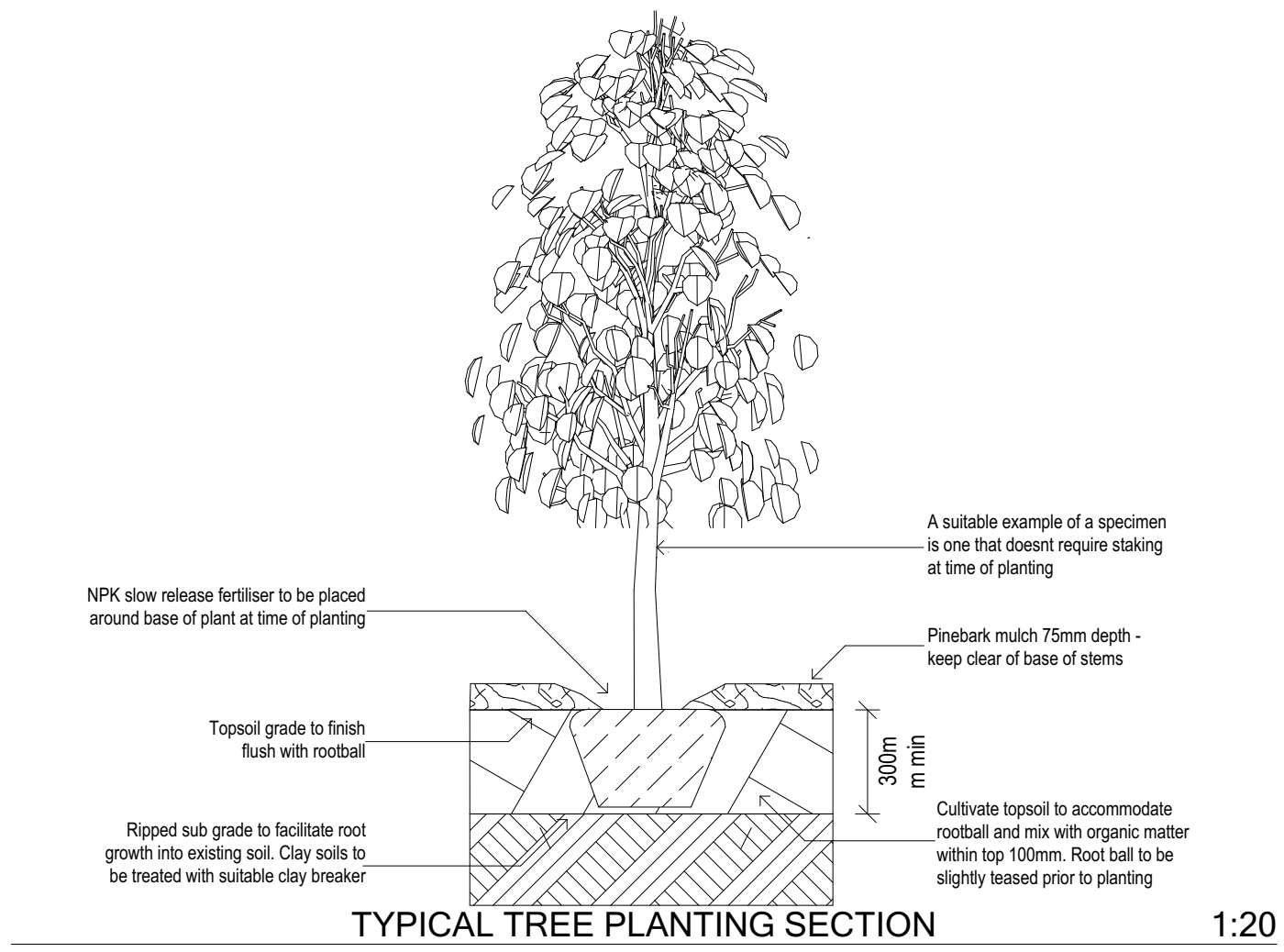
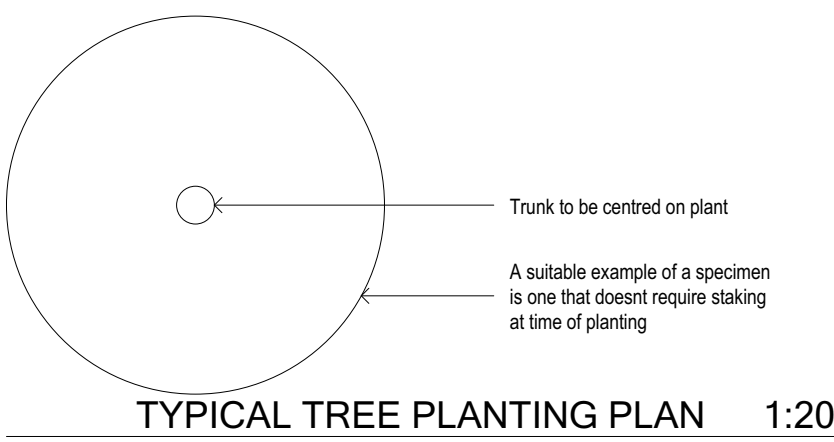
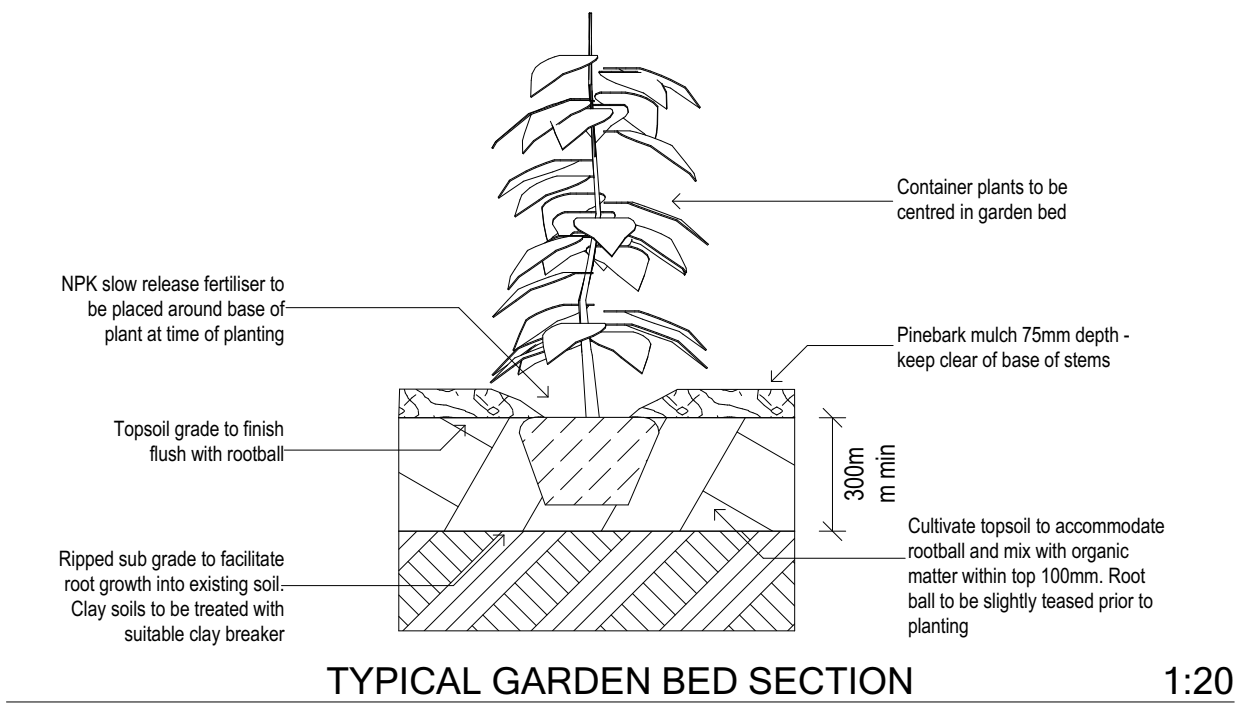
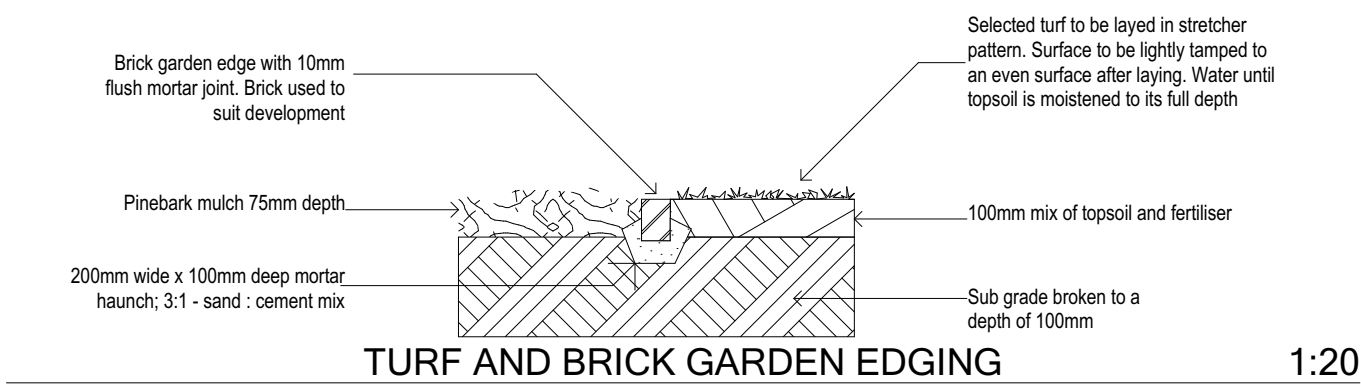
LOT 4
DP 31813



BASEMENT FLOOR PLAN CUT & FILL PLANS

1:200

 INDICATES CUT
 INDICATES FILL



Planting Schedule						
Symbol	Code	Botanical Name	Common Name	Mature Height	Pot size	Quantity
Aa	Aloe aborescens	Candelabra aloe		400mm	200mm	9
Dcvs	Dianella cvs	Dianella		400mm	200mm	26
TJT	Trachelospermum jasminoides 'Tricolour'	Tricolour		500mm	200mm	20
Ga	Gardenia augusta 'Florida'	Florida Gardenia		800mm	200mm	9
Bm	Buxus microphylla	Japanese Box		900mm	200mm	48
PX	Philodendron 'Xanadu'	Xanadu		900mm	200mm	5
Ri	Rhaphiolepis indica	Indian Hawthorn		1,000mm	200mm	14
Dd	Dracaena draco	Drago		2,000mm	200mm	3
Scvs	Syzygium cvs	Lily Pily		2,000mm	200mm	32
Oe	Olea europaea	Olive		3,000mm	45L	2
Cl	Citrus limon 'Eureka'	Eureka Lemon		3,000mm	45L	1
Jm	Jacaranda mimosifolia	Jacaranda		20,000mm	100L	4

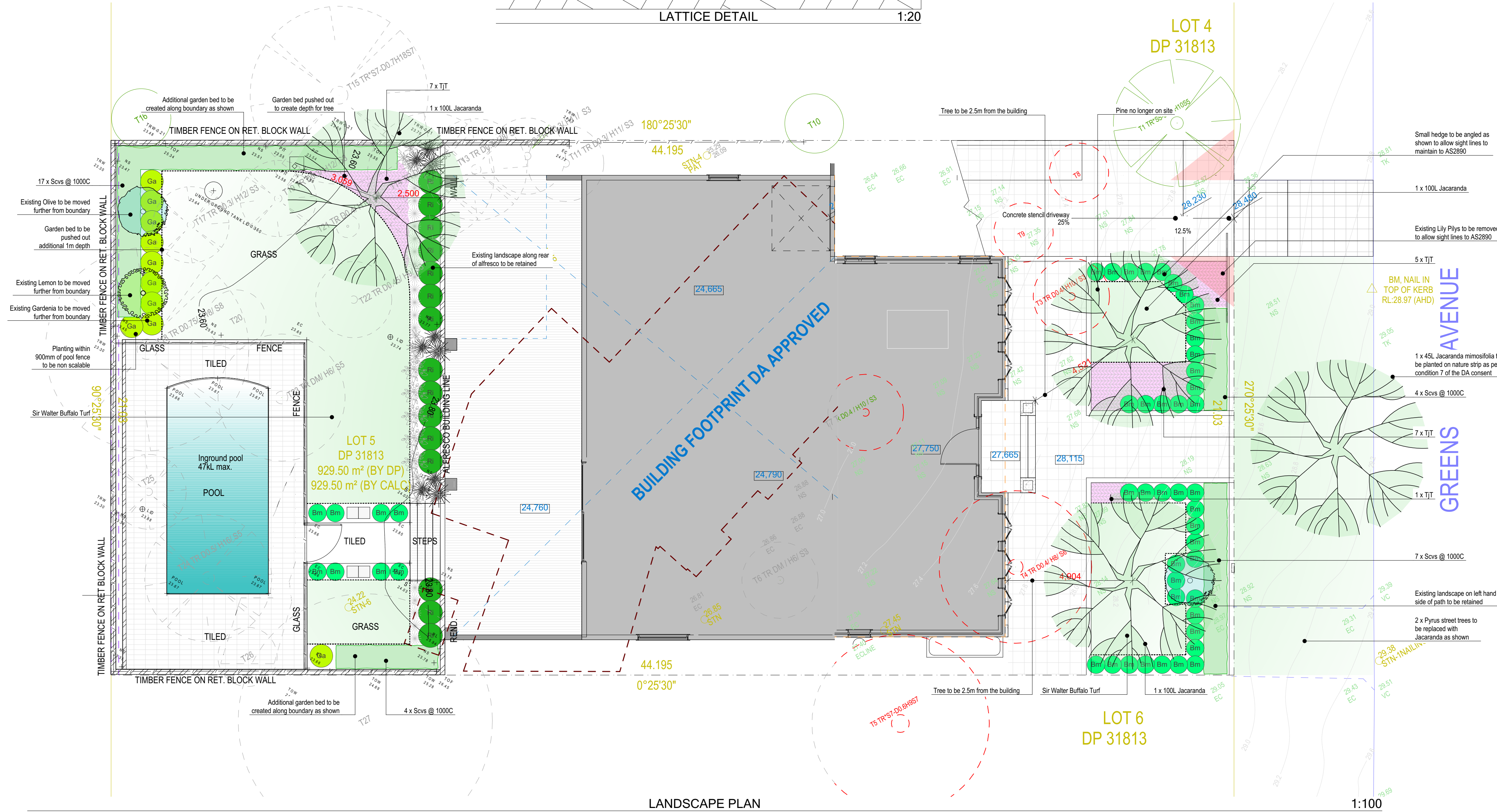
Selected pre-cast concrete stepping stone set on minimum 50mm thick mortar bed. General sizing to be adopted such as 400x400mm; 450x450mm; 500x500mm; etc.

100mm deep pebbles to clients specs

Compacted sub grade

PROPOSED LANDSCAPE DESIGN @ 40 GREENS AVENUE, OATLANDS FOR MR JOHN-PAUL ABIKHATTER SECTION 4.55

Redgum Tree No.	Genus and species	Common name	Recommendation
1	<i>Syzygium smithii</i>	Lilly Pilly	Retain and protect. - Neighbouring tree
2	<i>Cedrus atlantica</i>	Atlantic Cedar	Retain and protect.
3	<i>Livistona australis</i>	Cabbage Tree Palm	Remove and replace.
4	<i>Allocasuarina littoralis</i>	Black She Oak	Remove and replace.
5	<i>Agonis flexuosa</i>	Weeping Myrtle	Retain and protect. - Neighbouring tree
6	<i>Dypsis lutescens</i>	Golden Cane Palm	Remove and replace.
7	<i>Magnolia x soulangiana</i>	Japanese Magnolia	Remove and replace.
8	<i>Pistacia chinensis</i>	Chinese Pistachio	Remove and replace.
9	<i>Acer palmatum</i>	Japanese Maple	Remove and replace.
10	<i>Howea forsteriana</i>	Kentia Palm	Retain and protect - Neighbouring tree
11	<i>Archontophoenix cunninghamiana</i>	Bangalow Palm	Remove and replace.
12	<i>Archontophoenix cunninghamiana</i>	Bangalow Palm	Remove and replace.
13	<i>Leptospermum petersonii</i>	Lemon Scented Tea Tree	Retain and protect.
14	<i>Melaleuca bracteata 'Revolution Green'</i>	Revolution Green Paperbark	Retain and protect.
15	<i>Corymbia citrodora</i>	Lemon Scented Gum	Retain and protect. - Neighbouring tree
16	<i>Cinnamomum camphora</i>	Camphor Laurel	Retain and protect. - Neighbouring tree
17	<i>Archontophoenix cunninghamiana</i>	Bangalow Palm	Retain and protect.
18	<i>Liquidambar styraciflua</i>	Sweet Gum	Remove and replace.
19	<i>Archontophoenix cunninghamiana</i>	Bangalow Palm	Retain and protect.
20	<i>Agonis flexuosa</i>	Weeping Myrtle	Remove and replace.
21	<i>Jacaranda mimosifolia</i>	Jacaranda	Remove and replace.
22	<i>Jacaranda mimosifolia</i>	Jacaranda	Remove and replace.
23	<i>Mangifera indica</i>	Mango Tree	Remove and replace.
24	<i>Callistemon salignus</i>	Willow Bottlebrush	Remove and replace.
25	<i>Agonis flexuosa</i>	Weeping Myrtle	Remove and replace.
26	<i>Archontophoenix cunninghamiana</i>	Bangalow Palm	Retain and protect.
27	<i>Lophostemon confertus</i>	Queensland Brush Box	Retain and protect. - Neighbouring tree



Legend	
	Selected turf laid in stretcher pattern. Surface to be lightly tamped to an even surface after laying. Water until topsoil is moistened to its full depth. Ensure that all surface water runoff is directed away from buildings and towards inlet pits, kerbs, etc.
	Soft fall areas
	Pavers in pebbles
	Permeable paving
	Garden area to be mulched (refer to detail)
	Garden area to be mulched with non floating mulch
	Brick garden edge to suit development (refer to detail) Curves formed are to be even and straight lines as shown. All surfaces to finish flush
	Clothes line
	Trees to be retained
	Trees to be removed
	Boundary fence (to architects details)
	Front boundary fence (to architects details)

NOTES

- Contractors must verify all dimensions on site before commencing work which must be approved before manufacturing.
- Do not scale off drawing. If in doubt all dimensions are to be verified by designer.
- This drawing is to be read in conjunction with the approved architectural, hydraulic and survey plans.
- All trees to be retained shall be protected as per arborist report and/or council requirements. All pruning shall be in accordance with A.S. 4373.
- All landscape works shall comply with all council DA & CC conditions and all relevant Australian Standards. Any deviation from the approved design is not authorised under the development consent. Any alteration to design and plant material must be approved by the accredited certifier.
- Irrigation system - If required, shall be designed & installed to comply with AS 2688.1-1994, AS 2688.2-1985, AS 2688.3-1980, water board and other relevant authority regulations.
- All landscape works are to be maintained for a period of 12 months after final completion. All plants that fail are to be replaced with the same species. Mulch is to be maintained at specified depth. All plants and turf shall be watered on a regular basis to maintain moisture levels required for optimum growth. All garden areas are to be maintained free from weeds.
- Minimum BASIX requirement in relation to native landscaped area to be met.
- Planted areas within on site detentions or any planted areas on a flood risk sites or sites that contain overland flow are to be mulched with non floating mulch to avoid floating material.

Scale

0 1 2 3 4 5 7.5 10m

Issue

Issue f: Section 4.55	20/08/2024
Issue e: Section 4.55	19/11/2020
Issue d: Building Certificate	30/06/2020
Issue c: Construction Certificate	09/07/2019
Issue b: Development Application	19/06/2018
Issue a: Development Application	22/04/2018

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mob: 0413 933 613
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ANDREW MURPHY DESIGN ABN 658019745153

PROJECT
PROPOSED LANDSCAPE DESIGN @
40 GREENS AVENUE, OATLANDS

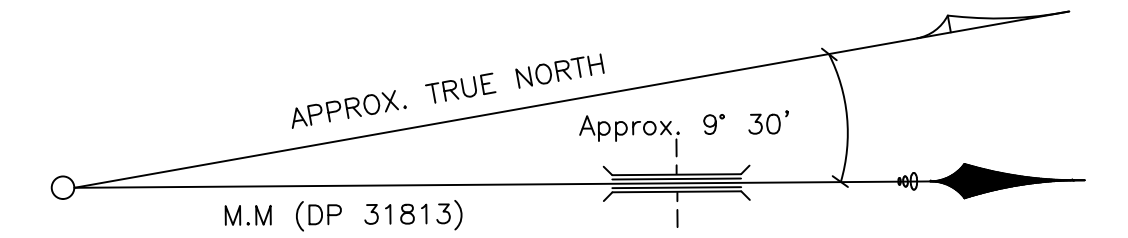
CLIENT
MR JOHN-PAUL ABIKHATTER

drawn: A.M. | **date:** AUG24 | **ref:** 2018-034 | **Council:** COP

F01

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A1



LOT 4
DP 31813

ONE & TWO STOREY
BRICK HOUSE
TILE ROOF
No.38

LOT 18
DP 31813

AVENUE

BM.NAIL IN
TOP OF KERB
RL: 28.97(AHD)

LOT 5
DP 31813
929.5 m²
(STATED BY DP 31813)
929.5 m²
(BY CALCULATION)

TWO STOREY
REND. HOUSE
TILE ROOF
No.40

GREENS

LOT 19
DP 31813

LOT 6
DP 31813

ONE & TWO STOREY
BRICK HOUSE
TILE ROOF
No.42

LEGEND:

AHD	AUSTRALIAN HEIGHT DATUM
AWN	AWNING
BB	BOTTOM OF BANK
BM	BENCH MARK
BOW	BOTTOM OF WALL
BRW	BOTTOM OF RETAINING WALL
CL	CENTRE LINE
CONC	CONCRETE
CS	CONCRETE SURFACE
D/H/S	DIAMETER/HEIGHT/SPREAD
D	DOOR
EB	EDGE OF BITUMEN
EC	EDGE OF CONCRETE
EG	EAVE & GUTTER
EP	ELECTRICAL BOX
EXR	EXPOSED ROCK
FL	FLOOR LEVEL
GDN	GARDEN
HYD	HYDRANT
IC	INSPECTION COVER
INV	INVERT LEVEL
KO	KERB OUTLET
LH	LAMP HOLE
LIP	LIP OF KERB
NS	NATURAL SURFACE
PAV	PAVERS
PP	POWER POLE
RL	REDUCED LEVEL
RTK	ROLLING TOP OF KERB
S	STEPS
SL	SURFACE LEVEL
SILL	WINDOW SILL
SIP	SEWER INSPECTION POINT
SMH	SEWER MAN HOLE
SV	STOP VALE
TB	TOP OF BANK
TEL	TELSTRA PIT
TOF	TOP OF FENCE
TK	TOP OF KERB
TOW/TW	TOP OF WALL
TRW	TOP OF RETAINING WALL
UC	UNDER SIDE OF EAVES
VC	VEHICLE CROSSING
WM	WATER METER
WTOP	TOP OF WINDOW



THE SUBJECT TITLE NOTES : AS AT 22/4/2024

1 RESERVATIONS AND CONDITIONS IN THE CROWN GRANT(S)
2 AN132429 MORTGAGE TO ARAB BANK AUSTRALIA LIMITED

NOTES:

- A) THIS SURVEY IS SPECIFICALLY FOR CONTOUR PURPOSES ONLY. THE BOUNDARIES OF THE SUBJECT PROPERTY HAVE NOT BEEN INVESTIGATED BY US AND THE POSITION SHOWN IS APPROXIMATE ONLY.
B) IF THE DIMENSIONS OR DESCRIPTION OF THE TITLE ARE CRITICAL FOR DESIGN AND/OR CONSTRUCTION OF NEW STRUCTURES OR FINANCIAL DECISIONS WE RECOMMEND THAT AN IDENTIFICATION SURVEY OR RE-SURVEY OF BOUNDARIES BE CARRIED OUT.
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G) USE STATED DIMENSIONS. DO NOT SCALE.
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(REGISTERED SURVEYOR)
SURVEYOR ID No. 8959

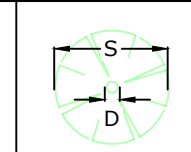
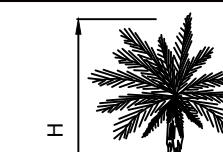
REVISION No	DESCRIPTION	DATE
V1	PLAN ISSUED	29/4/24
V2		
V3		
V4		

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www.candasurveyors.com.au

PARTIAL DETAIL SURVEY OF
LOT 5 IN DP 31813, LOCATED AT
No.40, GREENS AVENUE, OATLANDS.

— S — S —	APPROXIMATE LOCATION OF BURIED SEWER MAIN BY SYDNEY WATER DBYD RECORDS	
— W — W —	APPROXIMATE LOCATION OF BURIED WATER MAIN (WM) BY SYDNEY WATER DBYD RECORDS	
— E — E —	ELECTRIC LINE	
 TELSTRA PIT	 STOP VALVE	 POWER POLE
 WATER METER	 HYDRANT	

 TREE

D/H/S DIAMETER/HEIGHT/SPREAD

INSTRUCTING PARTY:		JOHN PAUL		SURVEYED BY: GB		DATUM: AHD	
LGA: CITY OF PARRAMATTA	AREA BDY DP:	929.5 m ²	DRAWN BY: DR	CHECKED BY: KO			
SURVEY DATE: 23/4/2024	AREA BY CALC:	929.5 m ²	SCALE: 1:100@A1	REF.NO: 7642-18 DET			
DATE DRAWN: 29/4/2024	CONTOUR INTERVAL: 0.2 m	REV No: V1	SHEET: 1 OF 1				



Statement of Environmental Effects

SECTION 4.55 MODIFICATION
AND BUILDING INFORMATION CERTIFICATE

40 GREENS AVENUE,
OATLANDS

10 JULY 2024



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CONCLUSION

19

EXECUTIVE SUMMARY AND DESCRIPTION OF AMENDMENTS

This Statement of Environmental Effects has been prepared in support of a Section 4.55 (2) modification that seeks consent for amendments to the approved plans associated with a dwelling house, swimming pool, and ancillary works at 40 Greens Avenue, Oatlands. It is noted that a concurrent BIC application is submitted to cover the works given they are already complete and this SEE also covers the BIC application as well as the S4.55 and they should be read together.

Background

DA/563/2018 approved the following:

Demolition works, tree removal and construction of a two storey dwelling with inground swimming pool and front fence.

Subsequent modifications followed including amendments to the pool and changes to finished ground level at the rear of the site, including associated retaining walls.

A number of attempts to regularise the unauthorised works have been unsuccessful, including a building information certificate application (BICA) on the 14th of April 2021 and a refusal of an application under Section 4.55 of the Environmental Planning and Assessment Act 1979 to modify DA/563/2018 on the 7th of February 2022.

The refusal for the refusal of both the BICA and S.4.55 application relate to flooding and amenity impact of the unauthorised works on the immediately adjoining properties. Furthermore, the amenity impact appears to be visual impact, overlooking and overshadowing caused by filling and resultant elevated private open space of the rear yard.

Since the date of refusal of the BICA and S.4.55, the owner of 40 Green Avenue, Oatlands have removed a portion of the unauthorised fill and retaining walls on the eastern and western boundaries of the rear yard. This action has resulted in a reduction to the height of the boundary fence adjacent to the adjoining residential properties. Furthermore, a hydraulic engineer has been engaged to prepare a new flood analysis of the unauthorised works. As such, the proposed Section 4.55(1a) modification seeks to amend the approved architectural plans and a new flood study have been prepared to accompany the application.

Changes and the Modified Proposal

The extent and scope of the amendments, relative to the most recent MOD granted consent under DA/563/2018/E (28/01/2021,) are as follows noting the work is complete and therefore the S4.55 and BIC are submitted concurrently.

- Adjust the size and shape of the swimming pool at the rear of the site which has increased the setback to the rear and reduced the size of the pool from 54KL to 47KL. The rear setback has been increased from approximately 1m from the pool edge to approximately 2m.
- Amend the finished ground levels at the rear of the site, with a retaining wall proposed around the rear of the site with associated filling works to the southern portion of the site. There is also some additional cut at the rear of the dwelling. The net effect is to achieve a useable POS area at the rear of the site to improve amenity. The plans (Sheets 3-5) demonstrate clearly the proposed cut and fill noting the maximum extent of fill is approximately 1.236m. The proposed retaining wall is topped with a 1.8m high boundary fence to mitigate any cross-viewing to adjoining properties.

Extracts of the prior approved plan, and the current amended plans is provided below for ease of understanding of the changes.

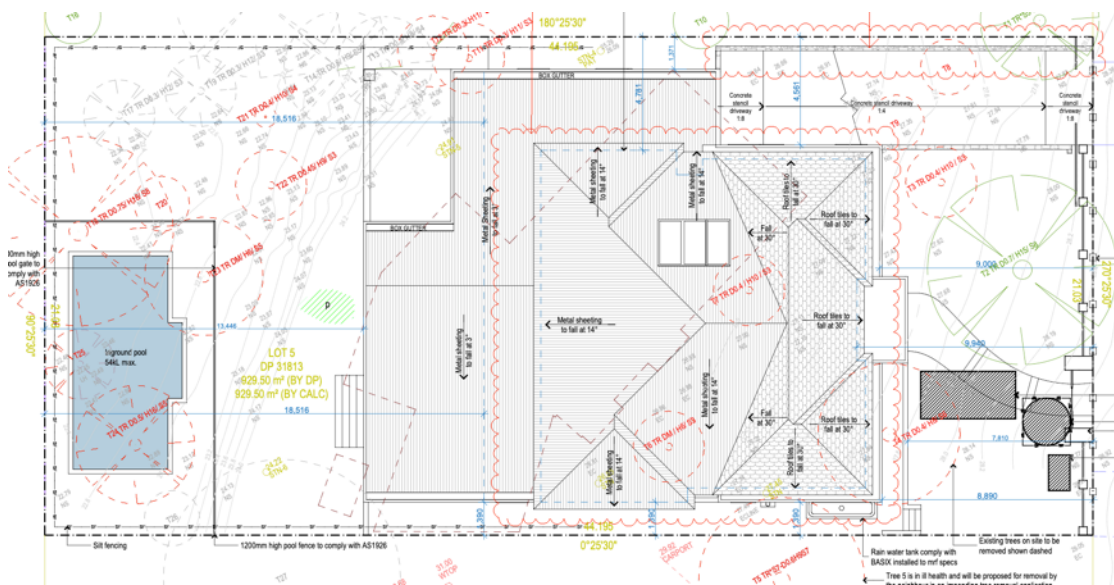


Image 1: Approved Site Plan

[illegible]

Plans/Reports	Prepared by
Statement of Environmental Effects	Think Planners
Architectural Plans	Designcorp
Survey	C & A Surveyors
Flood Impact Assessment	Telford Civil

After a review of the amended plans and consideration of the relevant planning controls it is recommended that Council grant consent to the modification application with appropriate amendments to consent conditions – namely condition 1 of consent to reflect the amended plans. In addition we request the issue of the BIC.



RESPONSE TO MATTERS RAISED BY COUNCIL IN PRIOR REFUSAL

Matter Raised by Council	Response
Amenity impacts of the unauthorised works on the immediate adjoining properties including visual impact, overlooking and overshadowing caused by the filling and resultant elevated private open space of the rear yard	The client has removed a portion of the unauthorised fill and retaining walls on the eastern and western boundaries of the rear yard to reduce the extent of fill and retaining wall heights. This has resulted in a reduction in the height of the boundary fence adjacent to the adjoining properties. As such, this will alleviate amenity impacts in terms of visual and overshadowing caused by the unauthorised fill and retaining walls to neighbouring eastern and western boundaries. It is anticipated the application will be notified to adjoining property owners as part of the application.
Flooding impact on the immediately adjoining properties	A Flood Impact Assessment prepared by Telford Consulting Pty Ltd accompanies this application. The Flood Impact Assessment has found that proposed works will not have any adverse impact on the floodplain in the surrounding area and that Council’s requirements are met. As such potential flooding impacts on the immediately adjoining properties is addressed and is satisfactory given the content of the flood report.



SITE AND LOCALITY

The subject site, known legally as Lot 5 DP31813, but commonly known as 40 Greens Avenue, Oatlands, is located on the Southern side of Greens Avenue. Within close proximity to several public reserves, the locality is serviced by key road networks including Pennant Hills Road and Kissing Point Road and the Cumberland Highway.

The site itself has a frontage of approximately 21.03m to Greens Avenue and a total site area of 929.5m². The site has a fall of approximately 6m from the front towards the rear. The site is undergoing redevelopment as reflected on the aerial photograph below.

Aerial Photograph 1: Shows the dwelling located at 40 Green Avenue, Oatlands.



Photographs of the rear area of the site are provided below.

Photograph 1: Rear yard area



Photograph 2: Relationship to Rear Adjoining Property to the south.



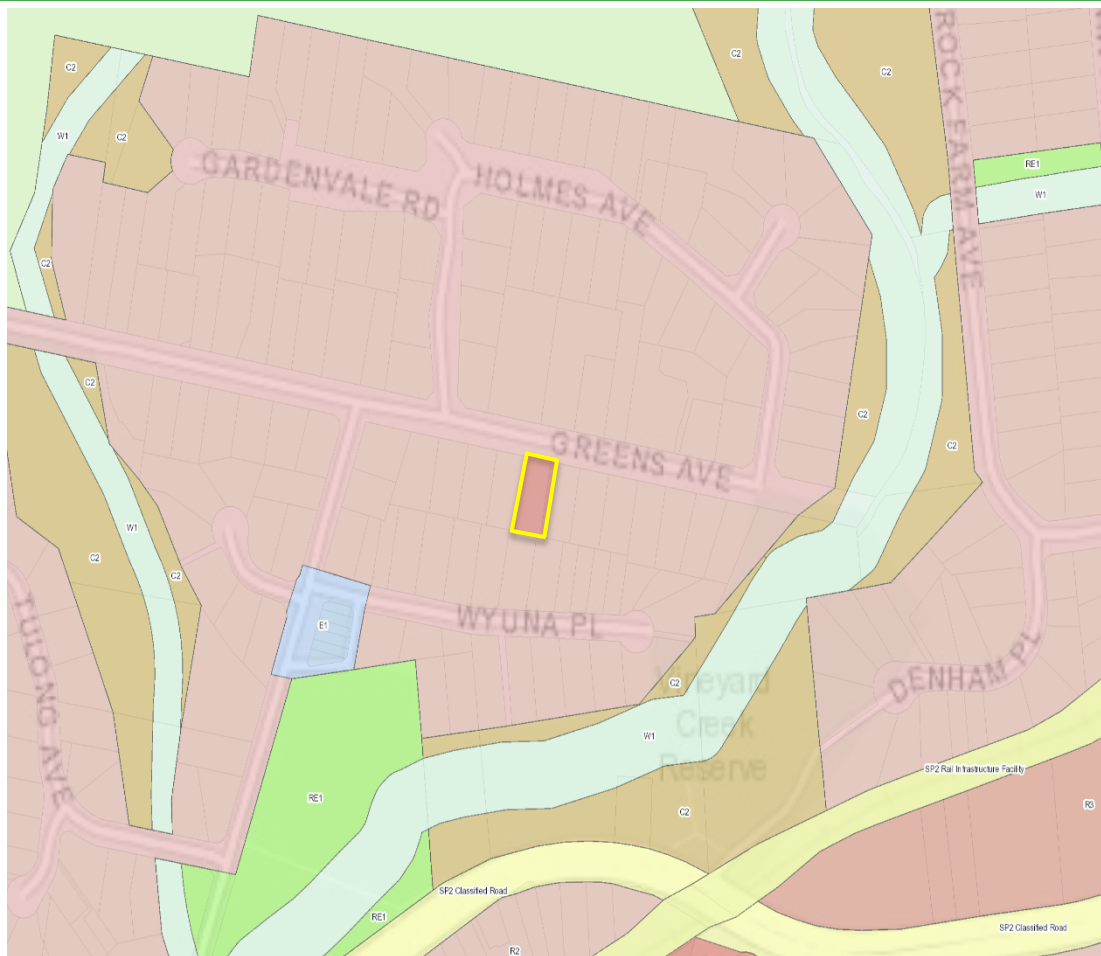


Zoning

As evident via the zoning map extract provided below, the subject site is zoned R2 Low Density Residential as per the Parramatta Local Environmental Plan 2023.

'*Dwelling Houses*' continue to be a permissible land use with consent within the R2 zone.

Figure 2: Zoning Map Extract (Source: ePlanning Spatial Viewer)



 **Subject Site**

The locality is currently undergoing a growth of its built form towards larger architectural designed contemporary 2 storey dwellings and dual occupancies. This is evident with the recent development of large two storey dwellings and dual occupancies along Greens Avenue and in adjoining streets.



PLANNING CONTROLS

STATUTORY CONTROLS

The relevant Statutory Planning Controls include:

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

POLICY CONTROLS

The applicable policy control documents include:

- Parramatta Development Control Plan 2023.

S.4.55(2) ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

Pursuant to S.4.55 (2) of the Act, Council may consider an application to amend a development consent on the following basis:

(2) Other modifications

A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent if—

- (a) it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which consent was originally granted and before that consent as originally granted was modified (if at all), and*
- (b) it has consulted with the relevant Minister, public authority or approval body (within the meaning of Division 4.8) in respect of a condition imposed as a requirement of a concurrence to the consent or in accordance with the general terms of an approval proposed to be granted by the approval body and that Minister, authority or body has not, within 21 days after being consulted, objected to the modification of that consent, and*
- (c) it has notified the application in accordance with—*
 - (i) the regulations, if the regulations so require, or*
 - (ii) a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and*
- (d) it has considered any submissions made concerning the proposed modification within the period prescribed by the regulations or provided by the development control plan, as the case may be.*

Subsections (1) and (1A) do not apply to such a modification.

- (3) In determining an application for modification of a consent under this section, the consent authority must take into consideration such of the matters referred to in section 4.15(1) as are of relevance to the development the subject of the application. The consent authority must also take into consideration the reasons given by the consent authority for the grant of the consent that is sought to be modified.*
- (4) The modification of a development consent in accordance with this section is taken not to be the granting of development consent under this Part, but a reference in this or any other Act to a development consent includes a reference to a development consent as so modified.*

The application is substantially the same as the approved development, with the approved development scheme continuing to incorporate a dwelling and swimming pool with the works limited to the change to the pool, and the levels in the rear POS area of the site.

Section 4.55(3) of the act requires a consent authority to consider:

(3) In determining an application for modification of a consent under this section, the consent authority must take into consideration such of the matters referred to in section 4.15(1) as are of relevance to the development the subject of the application. The consent authority must also take into consideration the reasons given by the consent authority for the grant of the consent that is sought to be modified.

This modification does not undermine the reasons for approval and remains consistent with them.

It is anticipated that the development application will be notified to adjoining property owners and a discussion against the relevant planning controls is provided further in this statement.

STATE ENVIRONMENTAL PLANNING POLICY (SUSTAINABLE BUILDINGS) 2022

Has been addressed via previous DAs, and given the nature of this application, no future assessment of this policy is required.

STATE ENVIRONMENTAL PLANNING POLICY (RESILIENCE AND HAZARDS) 2021

Potential contamination has been addressed via previous DAs, and given the nature of this application, no further contamination investigation is required.

STATE ENVIRONMENTAL PLANNING POLICY (BIODIVERSITY AND CONSERVATION) 2021

Has been addressed via previous DAs, and given the nature of this application, no future assessment of this policy is required beyond the flooding considerations in Chapter 6 of the SEPP.

The flood impact assessment confirms the flood impacts to adjoining properties is acceptable.

STATE ENVIRONMENTAL PLANNING POLICY (TRANSPORT AND INFRASTRUCTURE) 2021

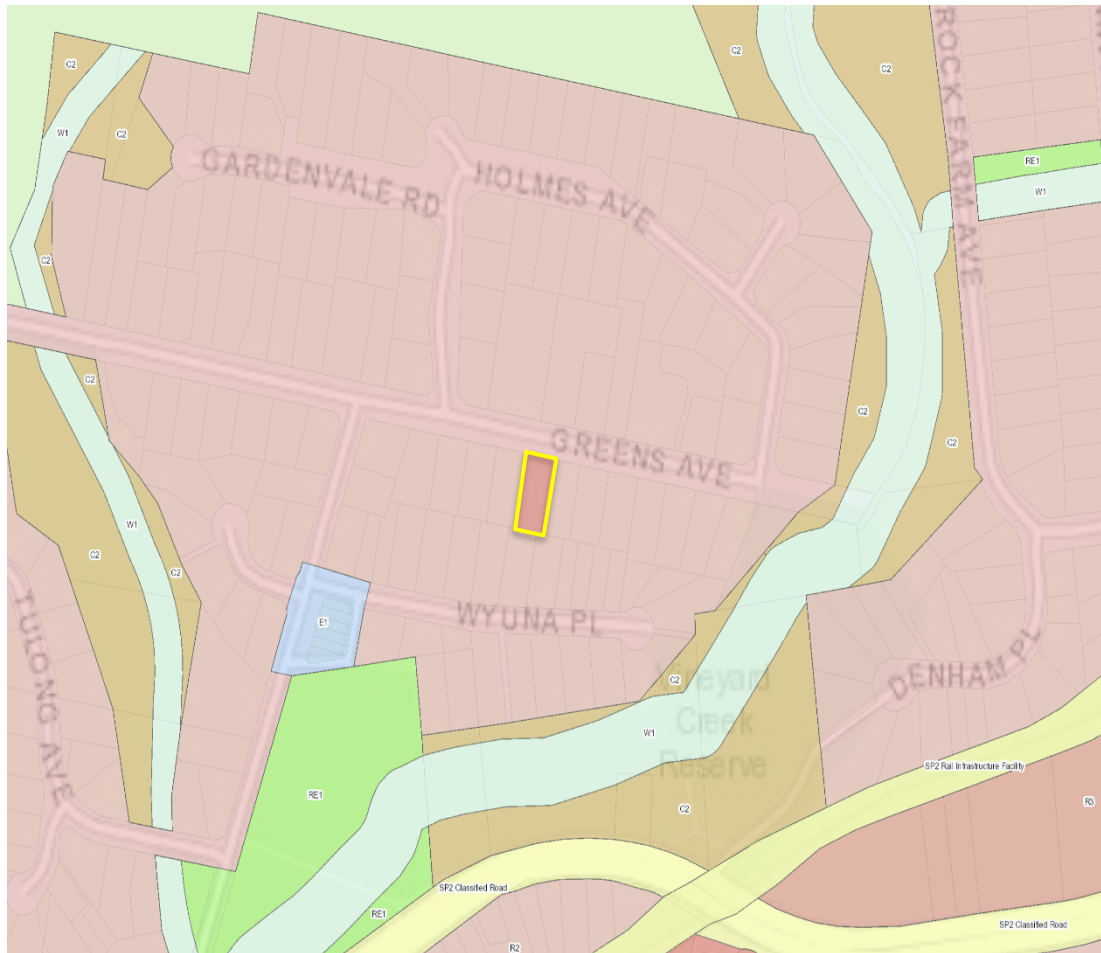
Chapter 2 which contains planning rules and controls from the former Infrastructure SEPP for infrastructure in NSW, such as for hospitals, roads, railways, emergency services, water supply and electricity delivery has been addressed via previous DAs, and given the nature of this application, no further assessment of this policy is considered necessary.



PARRAMATTA LOCAL ENVIRONMENTAL PLAN 2023

As evident via the zoning map extract provided below, the subject site is zoned R2 Low Density Residential as per the Parramatta Local Environmental Plan 2023.

Figure 5: Zoning Map Extract (Source: ePlanning Spatial Viewer)



Subject Site

'Dwelling Houses' continue to be a permissible land use with consent within the R2 zone and the proposal is consistent with the definition contained within the LEP:

dwelling house means a building containing only one dwelling.

The proposal will continue to be consistent with the prescribed zone objectives that are stipulated as:

- 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 maintain the low density residential character of the area.*
- *To ensure non-residential land uses are carried out in a way that minimise impacts on the amenity of a low density residential environment.*
- *To provide a range of community facilities that serve the needs of people who live in, work in and visit the area.*
- *To protect and enhance tree canopy, existing vegetation and other natural features.*

The amendment facilitates the improved POS arrangement at the rear of the site noting that the proposal has also been designed to mitigate any visual privacy impacts through the use of fencing on top of the retaining walls.

The table below provides detail on the development standards relevant to the current proposal as well as other relevant LEP provisions- noting the majority are not relevant to the proposal.

Parramatta Local Environmental Plan 2023 – Compliance Table			
Clause	Controls	Comments	Complies
Zoning	R2 Low Density Residential	<i>‘Dwelling Houses’</i> continues to be a permissible land use with Council consent in the R2 Low Density Residential Zone.	Yes
Part 2 Permitted or Prohibited Development			
2.3	Zone Objectives and Land Use Table	The proposal is consistent with the zone objectives of the R2 Low Density Residential zone.	Yes
2.6	Subdivision – Consent Requirements	N/A.	N/A
2.7	Demolition Requires Consent	No demolition works is proposed, noting that the development is seeking retrospective approval for the removal of a portion of unauthorised fill and retaining walls on the rear eastern and western boundaries.	N/A

Clause	Controls	Comments	Complies
Part 4 Principal Development Standards			
4.3	Height of Building: 9m	The current application which is limited to addressing unauthorised fill and retaining walls will have no impact on the height of the existing two storey building.	N/A
4.4	Floor Space Ratio: 0.5:1	Has been addressed via previous DAs, noting that development will continue to comply with the prescribed maximum FSR.	N/A
Part 5 Miscellaneous Provision			
5.10	Heritage conservation	The site is not identified as a heritage item, is not located within a heritage conservation area however there are local heritage items within the broader locality. Considering the minor nature of the development, which is limited to the removal of a portion of the unauthorised fill and retaining walls and with the subject site sufficiently separated from the local heritage items and with existing road networks and urban development's providing adequate buffer, the proposal will have no impact on the curtilage associated with the heritage items. As a result, the subject site will not have any associated heritage restriction and no further heritage investigation is considered necessary.	Yes
5.21	Flood planning	The accompanying Flood Impact Assessment has identified that the subject site is slightly affected by flooding at the southern boundary, with the site identified as medium flood risk. The Flood Impact Assessment has found that the subject site is outside the flood extent for the 100-year storm event. Therefore, the proposed works will have no adverse impacts on floodplain storage within the site or surrounding properties.	Yes

Clause	Controls	Comments	Complies
		Furthermore, the subject site is not affected by mainstream flooding , with recent draft flood study by City of Parramatta Council (2023) showing the 1% AEP flood extent during the proposed conditions as not affecting the site. As such, the Flood Impact Assessment has concluded that the proposed work will not have any adverse impact to n the floodplain in the surrounding area. Refer to attached Flood Impact Assessment for more detail.	
Part 6 Additional Local Provisions			
6.1	Acid sulfate soils	Has been addressed via previous DAs, noting that despite the site being identified as being affected by Class 5 Acid Sulphate Soils, the proposed removal of a portion of the unauthorised fill and retaining walls will not have any adverse impact on the site itself or on its surrounds.	N/A
6.2	Earthworks	This application seeks retrospective approval for the removal of a portion of unauthorised fill and retaining walls on the eastern and western boundaries of the rear in order to regularise the unauthorised works. As such the proposed earthworks is considered to have minimal adverse environmental or amenity impacts.	Yes
6.3	Biodiversity	Has been addressed via previous DAs, noting that the subject site is not identified as containing Biodiversity Land under Parramatta Local Environmental Plan 2023.	N/A
6.4	Riparian land and waterways	Has been addressed via previous DAs, noting that the subject site is not identified as containing Riparian Land and Waterways under Parramatta Local Environmental Plan 2023.	N/A

Clause	Controls	Comments	Complies
6.5	Stormwater management	There is no change to the stormwater components of the development.	Yes

PARRAMATTA DEVELOPMENT CONTROL PLAN 2023

The two storey dwelling house continues to be consistent with the requirements contained within the DCP, in terms of its building envelope and physical presentation to the streetscape.

The key controls that are applicable to this application is discussed below.

3.2 General Residential Controls

3.32.1 Solar Access and Cross Ventilation & 3.2.2 Visual and Acoustic Privacy

The current application is seeking to amend the application to reflect changes to fill and retaining walls on the eastern and western boundaries of the rear yard. As shown on the plans and in the photographs the fences are of a suitable height to mitigate visual privacy impacts from the rear yard area to adjoining properties which is suitable.

3.3 Dwelling Houses, Secondary Dwellings and Dual Occupancies

Considering the development is limited to changes to the rear yard and retaining walls and pool location the only controls relevant to the current application relates to deep soil zone and landscaping which will be addressed below:

3.3.1.4 Open Space and Landscaping

C.01 & C.02 – The modification application will have no impact on the deep soil and landscaping arrangements approved via previous DAs noting the extent and quantum of landscaped area is retained.

The landscape setting to the street frontage will also remain unchanged.

C.03 – No change to the provision of private open space to the existing dwelling house however the level changes have provided for a flat rear yard to maximise functionality of the rear POS area without unreasonable impacts to the adjoining properties.



CONCLUSION

Following a review of the relevant planning controls, it is concluded that the proposed development is consistent with the objectives, planning strategies and detailed controls of these planning documents.

Consideration has been given to the potential environmental and amenity impacts that are relevant to the proposed development and this report addresses these impacts.

Having regard to the benefits of the proposal and taking into account the absence of adverse environmental, social or economic impacts, the application is submitted to Council for assessment and granting of consent to the amendments. In addition it is requested that Council issue the BIC.



FILE COPY

24 September 2024

Dear Sir/Madam,

DEVELOPMENT APPLICATION ON PUBLIC NOTIFICATION

Application No.: DA/563/2018/G
Property: 40 Greens Avenue, OATLANDS NSW 2117, LOT 5 DP 31813
Applicant's Name: Think Planners
Proposal: Section 4.55(1A) modification of DA/563/2018 for demolition works, tree removal and construction of a two storey dwelling with inground swimming pool and front fence. The modification seeks to regularise the swimming pool, retaining walls, and associated works located to rear of the site.

Notification Period: 2 October 2024 to 17 October 2024

City of Parramatta has received the above Development Application.

You are invited to review the application and should you wish, make a written submission. Please refer to the City of Parramatta website for information to guide you with the submissions process: cityofparramatta.nsw.gov.au/business-development/submissions.

You can access the entire application (other than internal residential floor plans, documents containing signatures or personal information) via "Online Services" (Track an Application) on Council's website: cityofparramatta.nsw.gov.au.

Due to maintenance on Council's DA Tracker, the application will also be published on the NSW Planning Portal website during the exhibition dates: planningportal.nsw.gov.au/daexhibitions.

If you do not have access to the internet or are having difficulties perusing the documents, please attend your nearest City of Parramatta Library where computers are available for use.

If you have any questions relating to this application, please phone Seka Mitrovic, Development Assessment Officer during contact hours (10am-12pm) on 9806 5600.

Yours sincerely,

A handwritten signature in blue ink, appearing to be "Seka Mitrovic".

Per: Seka Mitrovic
Development Assessment Officer

Contact us:

council@cityofparramatta.nsw.gov.au | 02 9806 5050
@cityofparramatta | PO Box 32, Parramatta, NSW 2124
ABN 49 907 174 773 | cityofparramatta.nsw.gov.au



Notification Map - DA/563/2018/G



Legend

- Suburbs
- Ward Boundary
- Formerly Parramatta City Cour
- Street Names
- Parcel
- Parks
- Railway Station
- Railway Line
- Road
- Road Intersection
- Watercourse

Disclaimer: While every effort has been made to ensure the correctness of the information on this map at the time of its Production, City of Parramatta council does not warrant the information or plans do not contain errors and the Council shall be in no way liable for any loss, damage or injury as a result of any such errors.

1: 1,000



Maps Updated and Published by ICT, City of Parramatta

Base data supplied from NSW Department of Lands
Projection - Map Grid of Australia (MGA94)
Datum - Geocentric Datum of Australia (GDA94)

Printed 24/09/2024

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Development Application Form

Portal Application number: PAN-465556

Council Application number: DA/563/2018/G

Development details

Application type	Modification Application
On what date was the development application to be notified determined	8/11/2018
Type of modification requested	S4.55(2) - Other modification, where the development will remain substantially the same as the development that was originally approved
Development Application number of the consent to be modified	DA/563/2018
Description of the proposed modification	Changes to swimming pool, retaining walls, and finished levels in rear yard
Was the DA applied for via the NSW Planning Portal?	No
What is the Development Application number of the consent to be modified?	DA/563/2018
Site address #	1
Street address	40 GREENS AVENUE OATLANDS 2117
Local government area	CITY OF PARRAMATTA
Lot / Section Number / Plan	5/-/DP31813 ☒
Primary address?	Yes
Planning controls affecting property	Land Application LEP Parramatta Local Environmental Plan 2023 Land Zoning R2: Low Density Residential Height of Building 9 m Floor Space Ratio (n:1) 0.5:1 Minimum Lot Size 550 m² Heritage NA Land Reservation Acquisition NA Foreshore Building Line NA Acid Sulfate Soils Class 5 Local Provisions SEPP (Western Sydney Aerotropolis) 2020 Wind Turbines Map

Proposed development

Selected common application types	Erection of a new structure
Selected development types	Dwelling House

Description of development	demolition works, tree removal and construction of a two storey dwelling with inground swimming pool and front fence
Does the development include affordable housing?	
Dwelling count details	
Number of dwellings / units proposed	1
Number of storeys proposed	
Number of pre-existing dwellings on site	
Number of dwellings to be demolished	
Number of proposed occupants	
Existing gross floor area (m2)	
Proposed gross floor area (m2)	
Total site area (m2)	
Total net lettable area (m2)	
Cost of development	
Estimated cost of work / development (including GST)	
Capital Investment Value (CIV)	
Do you have one or more BASIX certificates?	No
Climate Zone	
What climate zone/s is the development in?	Climate zone 8 - alpine
Has the climate zone impacted the design of the development?	No
Subdivision	
Number of existing lots	
Proposed operating details	
Number of staff/employees on the site	

Number of parking spaces

Number of loading bays	
Is a new road proposed?	No
Concept development	
Is the development to be staged?	No, this application is not for concept or staged development.
Crown development	
Is this a proposed Crown development?	

Related planning information

Is the application for integrated development?	No
Is your proposal categorised as designated development?	No
Is your proposal likely to significantly impact on threatened species, populations, ecological communities or their habitats, or is it located on land identified as critical habitat?	No
Is this application for biodiversity compliant development?	No

Does the application propose a variation to a development standard in an environmental planning instrument (eg LEP or SEPP)?	No
Is the application accompanied by a Planning Agreement ?	No
Section 68 of the Local Government Act	
Is approval under s68 of the Local Government Act 1993 required?	No
10.7 Certificate	
Have you already obtained a 10.7 certificate?	
Tree works	
Is tree removal and/or pruning work proposed?	No
Local heritage	
Does the development site include an item of environmental heritage or sit within a heritage conservation area.	No
Are works proposed to any heritage listed buildings?	No
Is heritage tree removal proposed?	No
Affiliations and Pecuniary interests	
Is the applicant or owner a staff member or councillor of the council assessing the application?	No
Does the applicant or owner have a relationship with any staff or councillor of the council assessing the application?	No
Political Donations	
Are you aware of any person who has financial interest in the application who has made a political donation or gift in the last two years?	No
Please provide details of each donation/gift which has been made within the last 2 years	

Sustainable Buildings

Is the development exempt from the State Environmental Policy (Sustainable Buildings) 2022 Chapter 3, relating to non-residential buildings?	Yes
Provide reason for exemption. Is the development any of the following:	Development that is wholly residential

Application documents

The following documents support the application.

Document type	Document file name
Cost estimate report	Cost Summary Report
Fee estimate	Fee Estimate_1727189345.pdf DL Accepted Fees Required - DL 546 2024 - 40 Greens Avenue, OATLANDS NSW 2117
Flood Risk Impact and/or Management Plan	Flood Impact Assessment (issue A) dated July 2025
Generated Pre-DA form	Pre-DA form_1724928120.pdf
Landscape plan	Landscape Plan
Other	DL Returned - DL 546 2024 -40 Greens Avenue, OATLANDS NSW 2117
Owner's consent	Owners Consent Template for Signing
Site Plans	Architectural plans dated 2 July 2024
Statement of environmental effects	SEE S4.55& BIC - Dwelling House - 40 Greens Avenue, Oatlands
Survey plan	Final Survey Plan

Applicant declarations

I declare that all the information in my application and accompanying documents is , to the best of my knowledge, true and correct.	Yes
I understand that the development application and the accompanying information will be provided to the appropriate consent authority for the purposes of the assessment and determination of this development application.	Yes
I understand that if incomplete, the consent authority may request more information, which will result in delays to the application.	Yes
I understand that the consent authority may use the information and materials provided for notification and advertising purposes, and materials provided may be made available to the public for inspection at its Offices and on its website and/or the NSW Planning Portal	Yes
I acknowledge that copies of this application and supporting documentation may be provided to interested persons in accordance with the Government Information (Public Access) 2009 (NSW) (GIPA Act) under which it may be required to release information which you provide to it.	Yes
I agree to appropriately delegated assessment officers attending the site for the purpose of inspection.	Yes
I agree to pay any required NSW Planning Portal Service Fee/s specified under Schedule 4 of the Environmental Planning and Assessment Regulation 2021 to the Department of Planning, Housing and Infrastructure.	Yes
I have read and agree to the collection and use of my personal information as outlined in the Privacy Notice	Yes
I confirm that the change(s) entered is/are made with appropriate authority from the applicant(s).	

Lodgement details

Outcome of the pre-lodgement review	Application was lodged
Applicant paid the fees?	Yes
Total fee paid	\$975.85
Council unique identification number	DA/563/2018/G

This information is provided from City of Parramatta
Date on which the application was lodged
into Council's system

23/09/2024