



0455 550 369
HBazzi@polarisplanning.com.au

Suite 4, Level 4, 402-410 Chapel Road,
Bankstown, NSW 2200

STATEMENT OF ENVIRONMENTAL EFFECTS

Date: 30 September 2024

Reference No. 73FSB

Revision No. A

Subject Site:
73 Fenwick Street, Bankstown

Prepared on behalf of:
DD Design Studio

Proposal:
Demolition of existing structures and construction of a new two (2) storey dwelling with a swimming pool.



Disclaimer:

***This report remains the intellectual property of Polaris Planning and Development. Any unauthorised use or reproduction of this document without the permission of the author is prohibited.**

This report has been prepared on the basis of information available at the date of publication. All relevant information contained within this report has relied upon information from external sources and/or as instructed by the client. This report incorporates information and events up to that date only and excludes any information arising, or event occurring, after that date which may affect the validity of the authors' opinion in this report. Polaris Planning and Development does not take responsibility for any errors, omissions, incorrect or misleading information and may be subject to limitations above.

The Client must note and accept that this report is for reference and assistance purposes only and cannot replace the assessment of any consent or certifying authority which will still need to assess the development independently for compliance purposes. The Client must also accept that the author of this report is not responsible for any consequences resulting from any missing planning information or mistakes or opinions in the assessment.

To the extent permitted by applicable law, the authors expressly disclaim all liability, whether direct or indirect, to the Instructing Party which relies or purports to rely on this report for any purpose other than the Purpose, and to any other person which relies or purports to rely on this report for any purpose whatsoever (including the Purpose).

In preparing this report, the individuals were required to make judgements which may be affected by unforeseen future events, the likelihood and effects of which are not capable of precise assessment. All surveys, forecasts, projections and recommendations contained in or associated with this report are made in good faith and on the basis of information supplied to the author at the date of this report, and upon which the author relied upon. *



TABLE OF CONTENTS

1. EXECUTIVE SUMMARY	5
2. SITE DETAILS	6
2.1 Site Identification	6
2.2 Site Dimensions	6
2.3 Existing Development	6
2.4 Topography	6
2.5 Zoning and Surrounding Development	6
2.6 Identified Site Constraints	6
2.7 Development History	6
3. THE PROPOSAL	8
3.1 Demolition	8
3.2 Lower Ground Floor	8
3.3 Ground Floor	8
3.4 Other Site Works	8
4. ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 (EP&A Act)	9
4.1 Meaning of Development (Section 1.5)	9
4.2 Application of other Acts (Section 1.7)	9
5. STATE ENVIRONMENTAL PLANNING INSTRUMENTS - Section 4.15(1)(a)(i)	10
5.1 State Environmental Planning Policy (Biodiversity and Conservation) 2021	10
5.2 State Environmental Planning Policy (Sustainable Buildings) 2022	12
5.3 State Environmental Planning Policy (Resilience and Hazards) 2021	13
6. LOCAL PLANNING INSTRUMENTS – CANTERBURY BANKSTOWN LOCAL ENVIRONMENTAL PLAN 2023 (CBLEP 2023) – Section 4.15(1)(a)(i)	14
6.1 Part 2 Permitted or prohibited development	14
6.1.1 Zoning and permissibility	14
6.1.2 Objectives of the zone	14
6.1.3 Clause 2.7 – Demolition requires development consent	15
6.2 Part 4 Principal development standards	15
6.2.1 Clause 4.3(2) – Maximum Building Height	15
6.2.2 Clause 4.3(2C) – Maximum Wall Height	15
6.2.3 Clause 4.4(2) – Floor Space Ratio	15
6.3 Part 5 Part 5 Miscellaneous provisions	16
6.4 Part 6 Additional Local Provisions	16
6.4.1 Clause 6.2 – Earthworks	16
6.4.2 Clause 6.3 - Stormwater management and water sensitive urban design	16
6.4.3 Clause 6.9 – Essential Services	16



6.5 Schedule 1	17
7. ANY PROPOSED ENVIRONMENTAL PLANNING INSTRUMENT - Section 4.15(1)(a)(ii)	17
8. DEVELOPMENT CONTROL PLAN - Section 4.15(1)(a)(iii)	18
8.1 Canterbury Bankstown Development Control Plan 2023 (CBDPC 2023)	18
9. PLANNING AGREEMENTS - Section 4.15(1)(a)(iia)	23
10.ENVIRONMENTAL PLANNING AND ASSESSMENT REGULATIONS 2021 – Section 4.15(iv) ...	23
10.1 Demolition	23
11.ANY LIKELY NATURAL OR BUILT ENVIRONMENT IMPACT OR SOCIAL AND ECONOMIC IMPACT – Section 4.15(b)	23
11.1 Natural Environment	23
11.2 Built Environment	23
11.3 Social Impact	23
11.4 Economic Impact	24
12.SITE SUITABILITY - Section 4.15(c)	25
13.SUBMISSIONS - Section 4.15(d)	25
14.PUBLIC INTEREST - Section 4.15(e)	25
15.INTEGRATED DEVELOPMENT - Section 4.46 and 4.47(2)	26
16.CONCLUSION	28



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 and construction of a new two (2) storey dwelling with a swimming pool on land at 73 Fenwick Street, Bankstown.

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 along the eastern side of Fenwick Street and is legally described as Lot 87 in DP 9332 commonly known as 73 Fenwick Street, Bankstown.

2.2 Site Dimensions

The subject site has an area of 887.5m², is rectangular in shape and characterised as a standard lot. The subject site has a frontage of 20.115 metres to Fenwick Street, depths of 44.120 metres along the northern and southern boundaries as well as a width of 20.115 metres eastern rear boundary.

2.3 Existing Development

The existing land use on the subject site is for residential purposes being a dwelling house and the existing structures includes a two (2) storey dwelling house with minor ancillary structures.

2.4 Topography

The site has a sloping topography of 8.73 metres falling from the north western corner (RL 63.77) to the south eastern corner (RL 55.04).

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 diverse in age, scale and architectural style within a domesticated landscaped setting. The subject site is also within the immediate vicinity of Maxwell Reserve to the north zoned RE1 for the purposes of public recreation.

2.6 Identified Site Constraints

A desktop review notes that there are no constraints, hazards, risks or restrictions to consider for development.

2.7 Development History

There is no notable history associated with the subject site applicable to the proposed development.



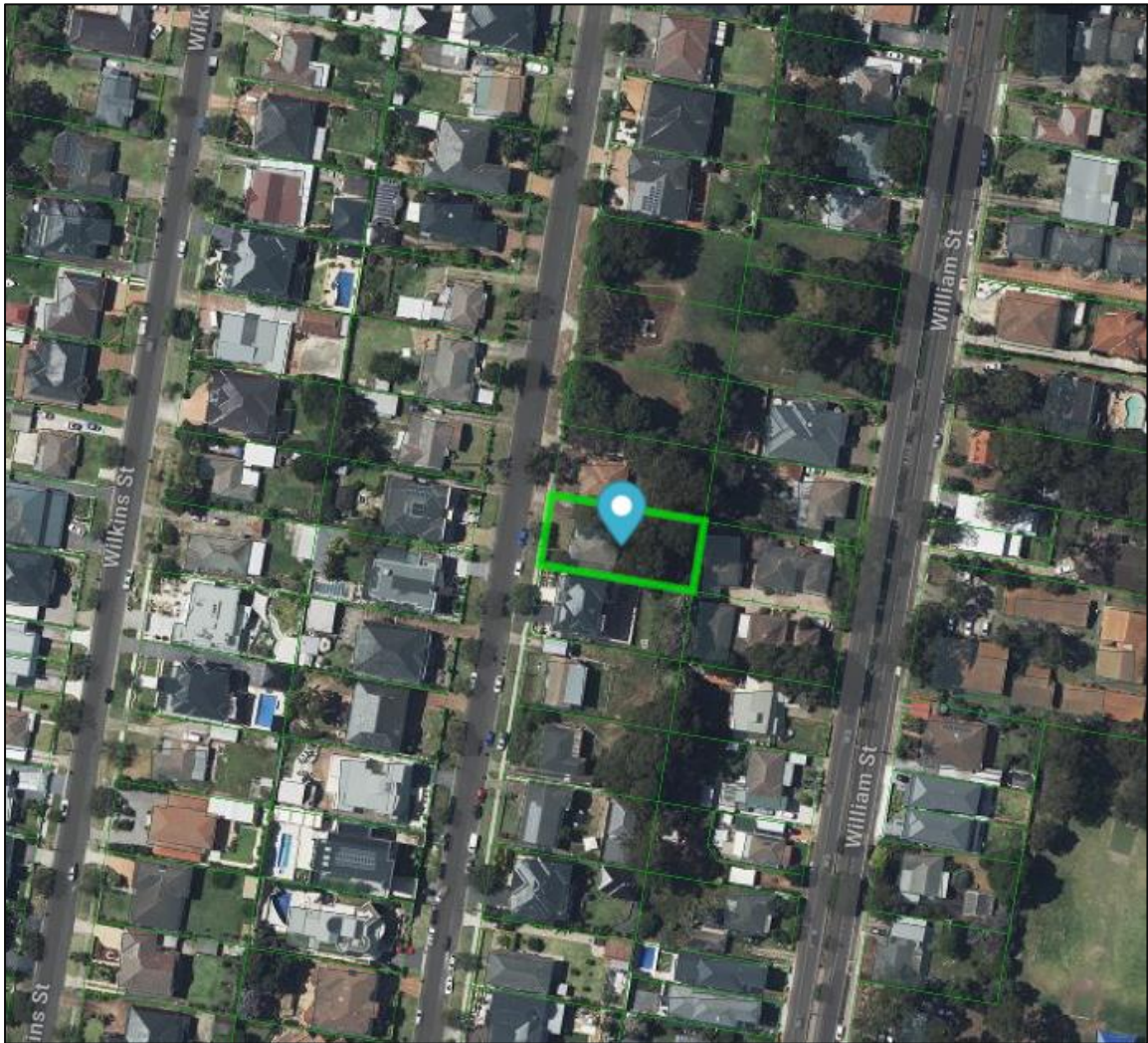


Figure 1: Aerial photograph of subject site (Source: Mecone Mosaic).



Figure 2: Street view of subject site viewed from Fenwick Street (Source: Google Streetview).



3. THE PROPOSAL

The proposal seeks Council's Consent for demolition of existing structures and construction of a new two (2) storey dwelling with a swimming pool. Details of the development as are identified below.

3.1 Demolition

Demolition of existing structures which includes the two (2) storey dwelling house, pathways, retaining wall and other minor ancillary structures.

3.2 Lower Ground Floor (RL 59.540)

The lower ground floor consists of a garage with a turntable, a theatre room with a kitchenette and WC, a communications room, a storage area, a guest bedroom with a walk in robe, a bathroom and an open plan living and dining area. External to the lower ground floor is an alfresco which includes a BBQ area, a fire pit and a swimming pool with a sun shelf.

3.3 Ground Floor (RL 62.790)

The internal layout of the ground floor includes an entrance foyer, four (4) bedrooms with ancillary amenities such as a walk-in robe and/or ensuite, a laundry and bathroom, an open plan living, kitchen and dining. An alfresco is also proposed attached to the rear elevation.

3.4 Other Site Works

Other site works include earthworks and associated retaining walls, drainage works, landscaping works, minor ancillary development and a front fence.



Figure 3: Photomontage of proposed development viewed from Fenwick Street (Source: Architectural Plans.



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 an existing building and construction of a two (2) storey building used for residential purposes. 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.

The remainder of this page is left intentionally blank.



5. STATE ENVIRONMENTAL PLANNING INSTRUMENTS - Section 4.15(1)(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. Chapter 6 Water catchments.
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 2 Coastal management. 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 does not involve the removal or impact on any vegetation on the subject site. Given that the development does not unduly impact upon any species with biodiversity value, the proposal is consistent with the provisions of the SEPP.

Chapter 6 - Water catchments

The subject land is located within the Georges River Catchment and as such State Environmental Planning Policy (Biodiversity and Conservation) 2021 – Chapter 6, Waterway Catchment applies to the application. The following table below provides commentary on the developments performance against the relevant provisions contained in Chapter 6.



Provision	Comment
Division 2 Controls on development generally	
Clause 6.6 - Water quality and quantity	<p>The proposed development integrates effective sediment and erosion control measures alongside stormwater management strategies, all aligned with Water-Sensitive Urban Design (WSUD) Principles.</p> <p>By suitable landscaping, it ensures a neutral or beneficial impact on water quality, while designed to minimise disruption and prevent adverse impacts on natural waterbody flow through water-sensitive practices.</p> <p>Although there may be an increase in stormwater runoff from the site, the implementation of WSUD Principles aims to minimise its impact on the catchment. The proposed earthworks do affect the water table, ensuring minimal cumulative impact on the water catchment.</p> <p>The measures taken are designed to avoid impact where practical, with adequate provisions made to protect both the quality and quantity of groundwater, reflecting a comprehensive approach to preserving environmental integrity of the catchment. Overall, the development is designed to ensure that the effect is as close as possible to neutral or beneficial.</p>
Clause 6.7 - Aquatic ecology	<p>The development is designed to have minimal direct, indirect or cumulative adverse impacts on terrestrial, aquatic, or migratory animals or vegetation.</p> <p>The development does not involve the clearing of riparian vegetation. The works are also positioned more than 40 metres from the waterway, negating the need for a controlled activity approval under the <i>Water Management Act 2000</i> or a permit under the <i>Fisheries Management Act 1994</i> as the development does not impact upon any aquatic ecology.</p> <p>Strategies are implemented to minimise or avoid erosion and sedimentation into the catchment. These include the use of erosion control measures and sediment traps to manage runoff effectively.</p> <p>The development is not situated in proximity to coastal wetlands and littoral rainforests, thereby eliminating the risk of adverse impact on these environmentally sensitive areas.</p> <p>Although the development is identified within the catchment, it has been designed to ensure a neutral or beneficial effect on the water quality of the waterbody.</p>
Clause 6.8 - Flooding	<p>The subject site is not identified as a flood control lot and consideration against Clause 6.8 is not deemed necessary.</p>



Provision	Comment
Clause 6.9 - Recreation and public access	The development is located on private land and does not impact upon any area for recreation and public access.
Clause 6.10 - Total catchment management	Not required in this case as the downstream local government area is Canterbury Bankstown.
Division 3 Controls on development in specific areas	
Clause 6.11 - Land within 100m of natural waterbody	The subject site is not within 100 metres of any waterbody within the catchment. Nevertheless, the subject site is zoned R2 Low Density Residential and is surrounded by a mix of residential developments within a domesticated landscaped setting. The development maintains the residential land use associated with the area and does not result in conflict of land uses.

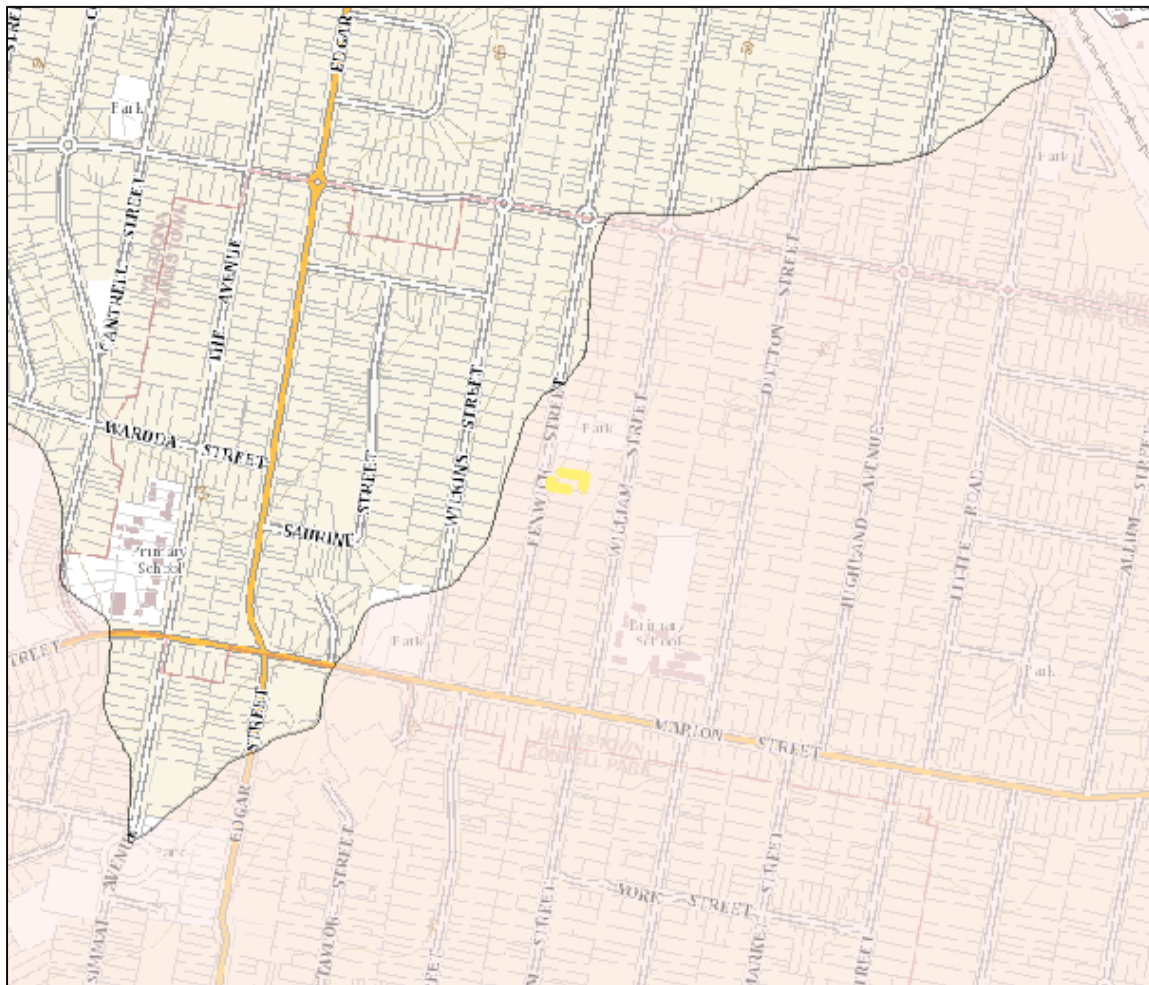


Figure 4: Subject site location within the Georges River Catchment (Source: E-planning Spatial Viewer).

5.2 State Environmental Planning Policy (Sustainable Buildings) 2022

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.

The remainder of this page is left intentionally blank.



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:	Dwelling House.
Permissibility:	Permissible development.

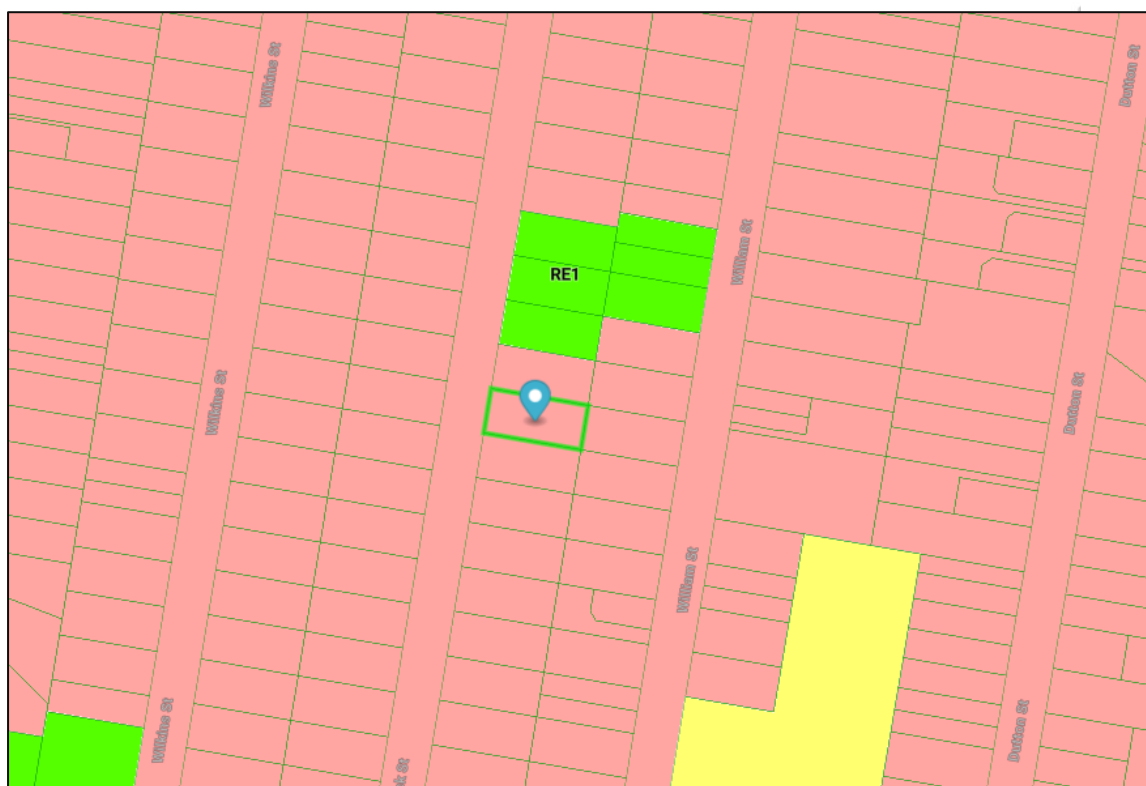


Figure 5: Land zoning demonstrating the site is located within an R2 Low Density Residential zone
(Source: Mecone Mosaic).

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 dwelling house 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.

6.1.3 Clause 2.7 – Demolition requires development consent

Development consent is sought for the demolition of existing structures which includes the two (2) storey dwelling house, pathways, retaining wall and other minor ancillary structures.

6.2 Part 4 Principal development standards

6.2.1 Clause 4.3(2) – 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 height from the top of the parapet measured vertically to the existing ground level is below 9 metres as shown on the elevations.

6.2.2 Clause 4.3(2C) – Maximum Wall Height

Pursuant to Clause 4.3(2C), the maximum wall height for a dwelling house in Zone R2 in Area 1 is 7 metres. As a result of the sites topographical constraints, the development proposes the following wall heights:

- 8.562 metres along the northern elevation measured vertically to the top of the parapet at the worst point of the elevation; and,
- 8.564 metres along the southern elevation measured vertically to the underside of the eaves at the wall line at the worst point.

An exemption to the development standard is sought pursuant to Clause 4.6 of CBLEP 2023. A Clause 4.6 report accompanies this Development Application demonstrating the planning merits of the development. Refer to submitted Clause 4.6 document.

6.2.3 Clause 4.4(2) – 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 443.75m². As per the Site Calculations provided on the Architectural Plans, the dwelling contains a total floor area of 424.6m², resulting in a ratio of 0.48:1.



6.3 Part 5 Part 5 Miscellaneous provisions

There are no miscellaneous provisions which directly apply to the proposed development.

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 would involve levels of excavation for the basement and swimming pool.

The depth of earthworks is not deemed major earthworks than what is 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 Fenwick Street and incorporates an absorption system at the rear.

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 Fenwick Street. 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.

The remainder of this page is left intentionally blank.



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


8.1 Canterbury Bankstown Development Control Plan 2023 (CBDP 2023)

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

CBDP 2023	Comment
Chapter 3 – General Requirements	
3.2 Parking	
Section 2: Off Street parking Rates: Minimum two (2) spaces.	Two (2) spaces are provided for the dwelling within the lower ground floor.
Chapter 5 - Residential Accommodation	
5.1 Former Bankstown LGA	
Dwelling Houses	
Storey limit: Two (2) storeys	The building is two (2) storeys in scale.
The siting of dwelling houses 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.	The building is designed to respond to the topography and shape of the site. It is configured as a single storey dwelling when viewed from the street, which aligns with the natural land contours and maintains visual consistency with the existing development along Fenwick Street. The development consists of landscaped works which is sympathetic to the existing character and does not propose elevated platforms on columns, excessive or unnecessary terracing, rock excavation, unnecessary retaining walls or reclamation.
Street Setbacks: <u>Primary Road:</u> ➤ Ground Floor: 5.5 metres ➤ First Floor: 6.5 metres	The development proposes a primary road setback of 6 metres.
➤ 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. ➤ 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.	The proposed side setbacks are as follows: Northern side: 4 metres Southern side: 900mm where the wall height is less than 7 metres and 1.5 metres where the wall height exceeds 7 metres.



CBDP 2023	Comment
<p><u>Private open space:</u></p> <p>Dwelling houses must provide a minimum 80m² of private open space behind the front building line. This may be in the form of a single area, or a sum of areas provided the minimum width of each area is 5 metres throughout.</p>	<p>Greater than 80m² of POS is provided which is in the form of an alfresco and open rear yard. The calculations exclude the swimming pool including any area which does not meet 5 metres throughout.</p>
<p><u>Access to sunlight:</u></p> <ul style="list-style-type: none"> ➤ At least one living area must receive a minimum three hours of sunlight between 8.00am and 4.00pm at the mid-winter solstice. ➤ 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. 	<p>The primary living area of the proposed dwelling will achieve a minimum of three (3) hours solar access predominantly between 9am and 3pm on 21 June.</p> <p>The openings along the northern elevation of the southern adjoining property at 75 Fenwick Street includes the formal lounge areas on the ground floor level.</p>  <p>Figure 6: Ground Floor Plan of 75 Fenwick Street (Source: realestate.com.au - https://www.realestate.com.au/sold/property-house-nsw-bankstown-145410388).</p> <p>The shadow diagrams illustrate that the proposal will impact these openings during the specified periods prescribed by the control.</p> <p>The subject site is located in a low-density residential zone and the subdivision pattern along Fenwick Street, follows a north–south orientation which impacts the availability of solar access between allotments. 75 Fenwick Street is oriented south of the development site and the sites share a significant slope in the natural topography from the front to the rear of the land.</p>

CBDCP 2023	Comment
<p>➤ A minimum 50% of the private open space required for the dwelling house 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.</p>	<p>Given this orientation and topography, 75 Fenwick Street is considered particularly vulnerable to overshadowing and it is reasonable to expect impacts on the north-facing windows. The applicant has prepared existing shadow diagrams which illustrate that there is an existing impact on the north facing living area windows at 75 Fenwick Street.</p> <p>The proposed development generally complies with the prescribed built form controls concerning height, bulk and scale with the exception of the wall height. However, where the non – compliant wall height impacts the dwelling at 75 Fenwick Street, the non-compliant wall height is not a contributing factor, rather the wall which is compliant with the 7-metre development standard is the element of the building which results in the non-compliant overshadowing impact.</p> <p>Thus, the shadowing is not attributed to the non-compliance or a poor design but rather to the constraints imposed by the subdivision pattern, orientation between the allotments and topography. Therefore, it is concluded that any development on the subject site would create a similar solar impact, which can be deemed acceptable, as it stems from the inherent constraints related to the orientation, subdivision pattern and topography.</p> <p>Considering these factors, the development aligns with the Planning Principles set out in <i>The Benevolent Society v Waverley Council</i> [2010] NSWLEC 1082 and <i>Davies v Penrith City Council</i> [2013] NSWLEC 1141. Consequently, any reduction in solar access is considered an inherent outcome of the sites redevelopment, is negligible and anticipated. Despite the non-compliance, the development is justifiable on its merits and can be considered acceptable.</p> <p>The proposed development will achieve greater than 50% solar access to the principal private open space primarily between 9am and 1pm at the equinox. The development will not result in an unacceptable overshadowing impact to the adjoining dwelling at 75 Fenwick Street with greater than 50% of the private open space between 9.00am and 5.00pm remaining unobstructed.</p>
<p><u>Visual Privacy:</u></p>	<p>The finished ground floor level of the lower ground floor is not significantly elevated above existing ground level to result in visual privacy impacts. Where the FFL is elevated on the ground floor, the windows of habitable rooms consist of a combination of aluminium louvres, privacy screens, obscure glazing or a combination of multiple privacy mitigation features. Privacy screening is also erected along the northern and southern edges of the alfresco. It should</p>



CBDP 2023	Comment
	be further noted that the topography allows for distant views and traditionally, these properties do not receive complete privacy to achieve uninterrupted views.
<p><u>Building design (car parking)</u></p> <ul style="list-style-type: none"> ➤ Must be located behind the building line, ➤ Be setback a minimum 6 metres from the primary frontage ➤ 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 the street facade. ➤ 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: <ul style="list-style-type: none"> (a) the building is at least two storeys in height, and (b) the garage is architecturally integrated with the upper storey by: <ul style="list-style-type: none"> (i) ensuring the garage does not project more than 3 metres forward of the upper storey street facade; and (ii) designing a covered balcony, rooms or other architectural features of the upper storey to extend over the garage roof. 	<p>The garage entry is located along the northern elevation on the side of the building, behind the building line.</p> <p>The location of the garage is setback greater than 6 metres from the front boundary.</p> <p>Not applicable. The garage is not oriented to facing the street.</p> <p>Not applicable. The garage is not oriented to facing the street.</p>
<u>Landscaping:</u>	<p>Total Area Forward of the Building Line: 120.692m²</p> <p>Total Area Proposed: 65.6m²</p>



CBDP 2023	Comment
45% between building and street.	Total Percentage: 54.3%
Liveable Housing (Dwelling Houses)	
Capability for a safe and continuous path of travel from the street or car parking area into the dwelling.	A safe continuous path of travel is available from Fenwick Street to the entrance of the dwelling with a pedestrian pathway.
Internal doors with a clearance of 820mm and corridors with a clearance of 1000mm, that facilitate comfortable unimpeded movement between spaces	All internal doors consists of a 820mm clearance as notated on the floor plans and 1 metre wide corridors.
A toilet at the ground floor level	A bathroom is available on the ground floor.
A bathroom that contains a hobless shower recess	Hobless shower recess available.
Reinforced walls around the toilet, shower and bath to support safe installation of grabrails at a later date	Reinforced walls around the toilets and showers are available for potential provisions of grabrails.
Stairways that are designed with handrails and safe access.	The stairway is designed to contain handrails and facilitate safe access.
Ancillary Development (Outdoor Structures)	
<u>Front Fence</u>	The front fence is 1.2 metre-high and to be constructed of masonry materials.
<u>Swimming Pools:</u> <ul style="list-style-type: none"> ➤ Located behind the building line. ➤ Setback to waterline from side and rear boundaries – 1 metre. 	The swimming pool is located in the rear which is behind the building line of the dwelling and consist of setbacks greater than 1 metre from the side and rear setbacks.



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 dwelling house 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.

The remainder of this page is left intentionally blank.



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.

The remainder of this page is left intentionally blank.



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
<u>Coal Mine Subsidence Compensation Act 2017</u>	Section 22	Approval to alter or erect improvements, or to subdivide land, within a mine subsidence district	No
<u>Fisheries Management Act 1994</u>	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
<u>Heritage Act 1977</u>	Section 58	Approval in respect of the doing or carrying out of an act, matter or thing referred to in s 57(1)	No
<u>Mining Act 1992</u>	Sections 65 and 64	Grant of mining lease	No
<u>National Parks and Wildlife Act 1974</u>	Section 90	Grant of Aboriginal heritage impact permit	No
<u>Petroleum (Onshore) Act 1991</u>	Section 16	Grant of production lease	No
<u>Protection of the Environment Operations Act 1997</u>	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

The remainder of this page is left intentionally blank.



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 and construction of a new two (2) storey dwelling with a swimming pool on land at 73 Fenwick Street, Bankstown.

Statement prepared by Polaris Planning and Development.

