



Application Pursuant to Clause 4.15 of
The Environmental Planning and Assessment
Act 1979

Statement of Environmental Effects in support of the
Demolition of existing structures and construction of a two storey
dwelling house with basement and in-ground swimming pool

38 Saxon Street, Belfield NSW 2191



| | |
|--------------|-------------------|
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| Project No: | 22276 |
| Date: | August, 2024 |
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| Title | Version | Prepared By | Checked by | Date |
|------------------------------------|---------|-------------|------------|--------------|
| Statement of Environmental Effects | 1 | NV | EE | August, 2024 |

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1 EXECUTIVE SUMMARY

1.1 INTRODUCTION

This Statement of Environmental Effects (SEE) is to accompany the plans lodged as part of the development proposal to Canterbury – Bankstown Council for demolition of existing structures and construction of a two storey dwelling house with basement and in-ground swimming pool, at 38 Saxon Street, Belfield.

The statement addresses the relevant elements of Section 4.15 of the Environmental Planning and Assessment Act 1979, together with relevant State Environmental Planning Policies and Regional Environmental Plans, The Regulations and local plans and policies.

1.2 LEGISLATIVE REQUIREMENTS

The site is located in the Canterbury – Bankstown Local Government Area (LGA) within the R3 Medium Density Residential Zone. The following state and local legislative controls are relevant to the proposal:

- State Environmental Planning Policy Resilience and Hazards 2021
- State Environmental Planning Policy – Sustainable Buildings 2022
- State Environmental Planning Policy –Transport and Infrastructure 2021
- Canterbury - Bankstown Local Environmental Plan 2023

1.3 NON-LEGISLATIVE REQUIREMENTS

The following non-legislative control is applicable to the development:

- Canterbury - Bankstown Development Control Plan 2023

1.4 CONCLUSION

It is our professional opinion that the proposal is consistent with the relevant controls, their underlying objectives, together with the plans and policies at both local and state levels. The proposal offers a high-quality, flexible, contemporary, residential outcome. The proposal will provide for and contribute to the character of two storey dwellings in this residential precinct comprised of a varied and eclectic mix of types of dwellings.

We recommend the proposal for your approval, subject to standard conditions of consent.

2 SITE SUMMARY

2.1 SITE ATTRIBUTES

| | |
|--|---|
| Address of Site: | 38 Saxon Street, Belfield |
| Local Government: | Canterbury–Bankstown City Council |
| Local Environmental Plan: | Canterbury–Bankstown L.E.P. 2023 |
| Development Control Plan: | Canterbury–Bankstown D.C.P. 2023 |
| Zone: | R3 – Medium Density Residential |
| Brief Description / Purpose of Proposal: | Construction of two storey dwelling house with basement and in-ground swimming pool |

2.2 SITE DESCRIPTION

The site is legally known as Lot 16, DP 15621 and is commonly referred to as 38 Saxon Street, Belfield. The subject site is regular in shape with a frontage of 12.19m and an average site depth of 39.625m. These measurements equate to an overall site area of 483.1m². The topography generally has a slope to the front by 1.53% from east boundary at the rear down to west boundary at the front.

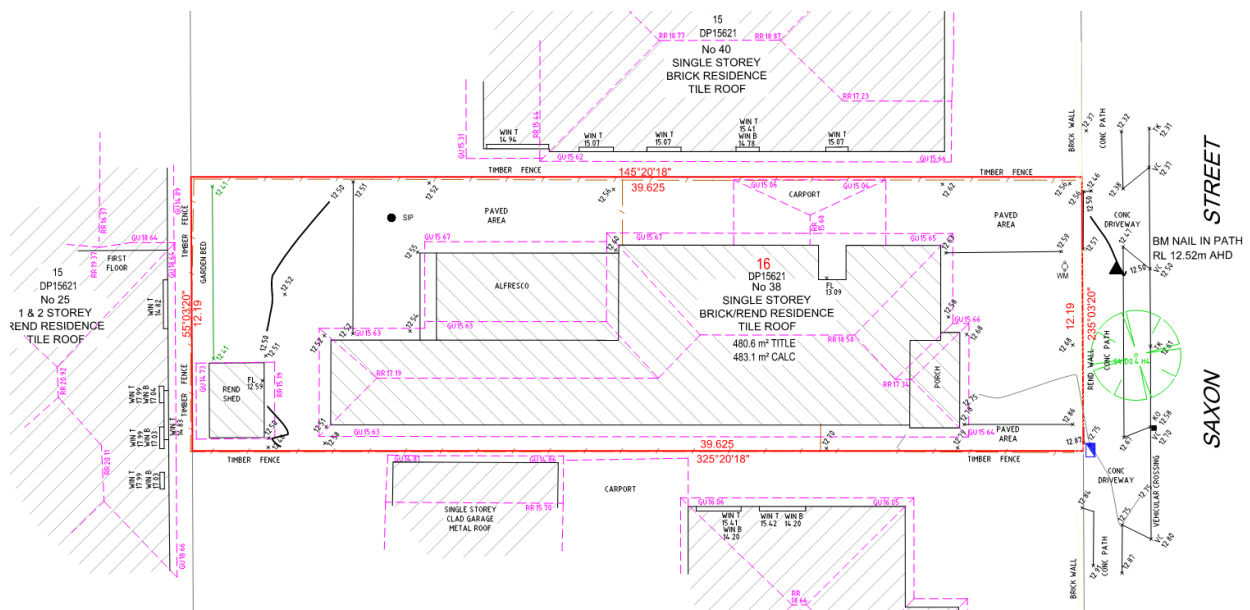


Figure 1: Site Survey

Source: Masry Survey Group

The subject allotment is currently occupied by single storey dwelling. The pedestrian and vehicle accesses are via Saxon Street.



Figure 2: Street View

Source: ES Design



Figure 3: Aerial View

Source: Metro Map

2.2.1 Site Surrounds

Reviewing the surrounds, the locality is characterised by single and two storey dwellings with associated landscaping and parking. The sites are all of a similar size and configuration with some interspaced variations to allotment areas and basic design.

3 RELEVANT SITE HISTORY

A review of Council records indicates that there is no past development or applications relevant to the subject allotment.

4 PROPOSED WORKS

The applicant seeks approval for the proposed works which entail the following:

- Demolition of existing structures;
- Construction of the proposed in-ground swimming pool at the rear;

Basement Floor RL 10.200

- Garage parking for 2 car spaces;
- A lift and stairs with access to upper levels;
- A powder;
- Storage area.

Ground Floor RL 13.000

- An entry way and porch at the dwelling frontage;
- A formal lounge at the entry hall;
- A lift and stairs with access to other levels;
- Bathroom and laundry with access from the hallway;
- Study room;
- A living area with combined dining and kitchen area;
- A patio adjacent to the living area opening out into the rear yard.

First Floor RL 16.250

- A lift and stairs with access to lower levels;
- A master bedroom with walk in wardrobe, bathroom and balcony at the front facade;
- A bathroom accessed from the hallway;
- Three (3) additional bedrooms and walk in linen accessed from the hallway.

5 HEADS OF CONSIDERATION AND EVALUATION

5.1 ENVIRONMENTAL PLANNING INSTRUMENTS

5.1.1 State Environmental Planning Policy - Sustainable Buildings 2022

A BASIX certificate has been provided indicating the proposal achieves the appropriate energy targets.

No further assessment is required.

5.1.2 State Environmental Planning Policy (Resilience and Hazards) 2021

CHAPTER 4 REMEDIATION OF LAND

The State Environmental Planning Policy requires consideration as to whether land is contaminated. A review of Council records and an inspection of site attributes indicates that the site has been utilised for residential dwelling and zoned R3 Medium Density Residential for residential purposes for a significant period.

In this regard, the works will not result in risks being posed in terms of contamination of land and thus no further consideration is required under the provisions of the SEPP. A review of the site indicates there is no evidence contamination on site or within the wider locality. The area is well established, and the land is suitable for the continuation of the land use. No further assessment with regards to contamination is required.

5.1.3 State Environmental Planning Policy (Transport and Infrastructure) 2021

The relevant elements of the policy are outlined within the table below:

| CHAPTER 2 INFRASTRUCTURE | |
|---|---|
| 2.48 Determination of development applications—other development | |
| <p>(1) This section applies to a development application (or an application for modification of a consent) for development comprising or involving any of the following:</p> <ul style="list-style-type: none"> (a) the penetration of ground within 2m of an underground electricity power line or an electricity distribution pole or within 10m of any part of an electricity tower, (b) development carried out: <ul style="list-style-type: none"> (i) within or immediately adjacent to an easement for electricity purposes (whether or not the electricity infrastructure exists), or (ii) immediately adjacent to an electricity substation, or (iii) within 5m of an exposed overhead electricity power line, (c) installation of a swimming pool any part of which is: <ul style="list-style-type: none"> (i) within 30m of a structure supporting an overhead electricity transmission line, measured horizontally from the top of the pool to the bottom of the structure at ground level, or (ii) within 5m of an overhead electricity power line, measured vertically upwards from the top of the pool, (d) development involving or requiring the placement of power lines underground, unless an agreement with respect to the placement underground of power lines is in force between the electricity supply authority and the council for the land concerned. <p>(3) Subsection (2) does not apply to development specified in subsection (1)(b) if the development involves only one or more of the following:</p> <ul style="list-style-type: none"> (a) internal alternations to a building, (b) a change of use of an existing building, (c) a change to the hours of operation specified in the development consent, (d) a subdivision that does not involve construction work. | <p>No underground electricity power line or an electricity distribution pole within 2m and electricity tower within 10m.</p> <p>Not applicable</p> <p>Not Applicable</p> <p>Not Applicable</p> <p>Not Applicable</p> <p>Not Applicable</p> <p>The works are for a new dwelling. The proposal must be assessed against the Policy.</p> |

5.1.4 Canterbury - Bankstown Local Environmental Plan 2023

PART 1 - PRELIMINARY

The proposal is subject to the provisions of Canterbury - Bankstown Local Environmental Plan 2023. The proposals response to the relevant objectives of the Plan are as follows:

Clause 1.2 Aims of the Plan

The particular aims of this Plan are as follows:

Aim

To provide development opportunities that are compatible with the desired future character and amenity of Canterbury-Bankstown.

Comment

The development is compatible with the future surrounding context as the neighbouring developments have the potential to develop two storey dwellings with similar roof form and height.

Aim

To achieve good urban design in terms of site layouts, building form, streetscape, architectural roof features and public and private safety.

Comment

The proposal is consistent with the building form, streetscape, architectural roof features and urban character.

PART 2 – PERMITTED OR PROHIBITED DEVELOPMENT

The Canterbury-Bankstown L.E.P.2023 identifies the land use as a:

- ***Dwelling house*** means a building containing only one dwelling.

The L.E.P lists the land use as:

- ***Dwelling house*** are permissible with development consent within the R3 Medium Residential Zone.

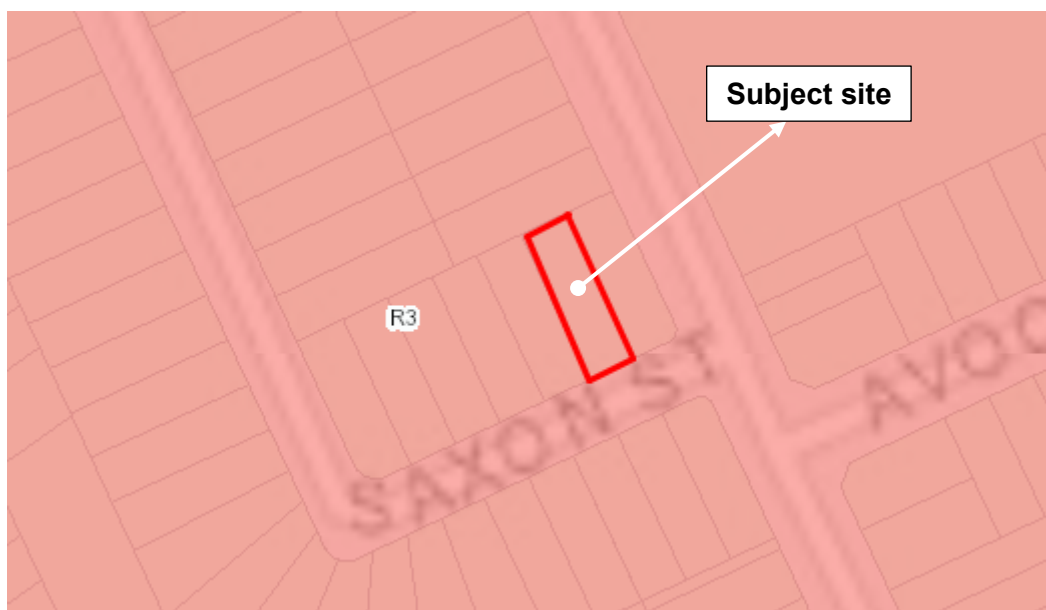


Figure 4: Zone Map

Source: Canterbury-Bankstown L.E.P. 2023

Relevant Objectives of zone

- To provide for the housing needs of the community within a medium density residential environment.

Comment

The external dwelling configuration changes together with the internal upgrades enables the dwelling to continue to contribute to the locale and its function of meeting the housing needs of the community within this low density residential environment.

- To provide a variety of housing types within a medium density residential environment.

Comment

The proposed dwelling house adds to housing diversity, allowing for a more diverse accommodation typology within the appropriate R3 Medium Density Residential Zone.

- To ensure suitable landscaping in the medium density residential environment.

Comment

The proposal will comply with the landscaped controls in this zone.

- To promote a high standard of urban design and local amenity.

Comment

The proposal will achieve high quality urban form and is compatible with the surrounding built form context. Also, subject site will improve the streetscapes visual amenity.

PART 4 – PRINCIPAL DEVELOPMENT STANDARDS (LEP)

| PART 4 - BUILT FORM CONTROLS (LEP) | | | | |
|------------------------------------|--------------------------------|-----------------------------|----------|----------|
| Control | Required | Provided | Comment | Complies |
| Minimum Site Area | 460m ² | 483.1m ² | Complies | YES |
| Building Height (Dwelling House) | Max. 8.5m | 7m | Complies | YES |
| Floor Space Ratio | 0.55:1 or 265.71m ² | 0.51:1 or 247m ² | Complies | YES |

PART 5 MISCELLANEOUS PROVISIONS

There are no miscellaneous provisions relevant to the subject proposal.

PART 6 – ADDITIONAL LOCAL PROVISIONS

Clause 6.1 Acid Sulphate Soils

A review of the maps and details outlined within the Local Environmental Plan indicates the proposal site is caught by the provisions of Clause 6.1 (Refer to Figure 5 below):

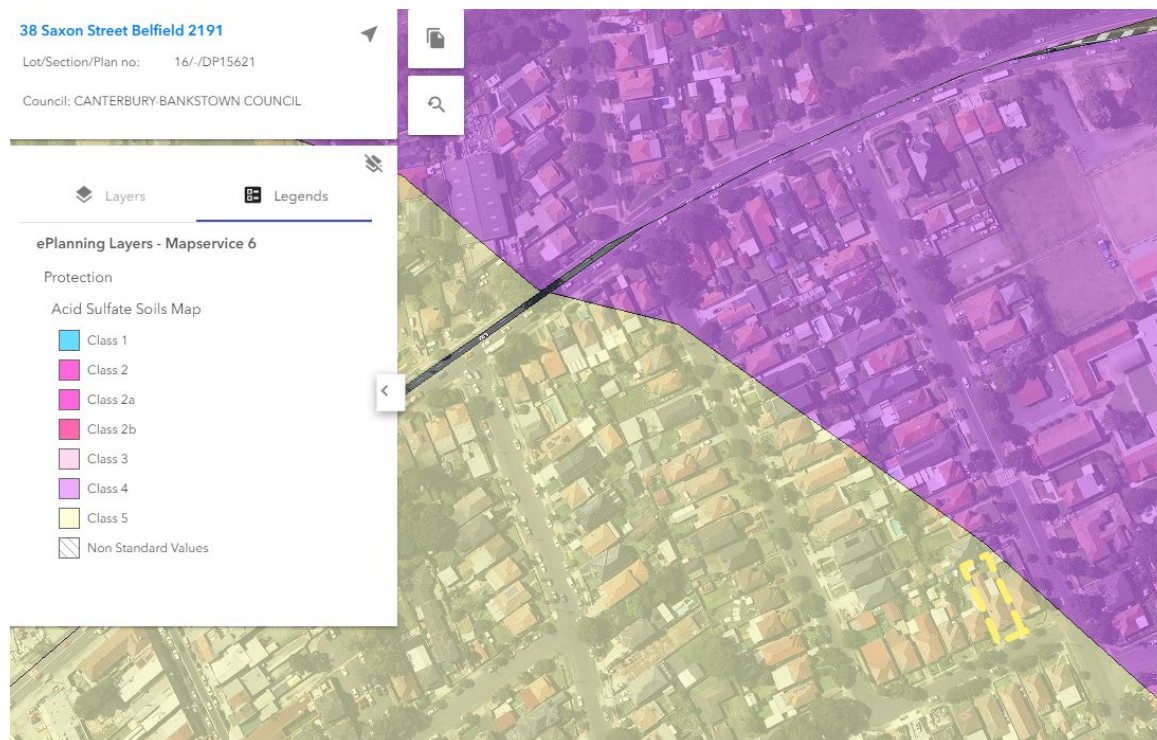


Figure 5: Acid Sulfate Soils Map

Source: Spatial Viewer

| Objectives | Response | | | | | | | | | | | | | | |
|---|---|---------------|---|------------|---|---|---|--|---|--|---|---|-------|--|----------------|
| (1) The objective of this clause is to ensure that development does not disturb, expose or drain acid sulfate soils and cause environmental damage. | COMPLIES | | | | | | | | | | | | | | |
| (2) Development consent is required for the carrying out of works described in the Table to this subclause on land shown on the Acid Sulfate Soils Map as being of the class specified for those works. | NOTED | | | | | | | | | | | | | | |
| <table border="1"> <thead> <tr> <th>Class</th><th>Works of land</th></tr> </thead> <tbody> <tr> <td>1</td><td>Any works.</td></tr> <tr> <td>2</td><td>Works below the natural ground surface. Works by which the watertable is likely to be lowered.</td></tr> <tr> <td>3</td><td>Works more than 1 metre below the natural ground surface. Works by which the watertable is likely to be lowered more than 1 metre below the natural ground surface.</td></tr> <tr> <td>4</td><td>Works more than 2 metres below the natural ground surface. Works by which the watertable is likely to be lowered more than 2 metres below the natural ground surface.</td></tr> <tr> <td>5</td><td>Works within 500 metres of adjacent Class 1, 2, 3 or 4 land that is below 5 metres Australian Height Datum and by which the watertable is likely to be lowered below 1 metre Australian Height Datum on adjacent Class 1, 2, 3 or 4 land.</td></tr> <tr> <td>.....</td><td></td></tr> </tbody> </table> | Class | Works of land | 1 | Any works. | 2 | Works below the natural ground surface. Works by which the watertable is likely to be lowered. | 3 | Works more than 1 metre below the natural ground surface. Works by which the watertable is likely to be lowered more than 1 metre below the natural ground surface. | 4 | Works more than 2 metres below the natural ground surface. Works by which the watertable is likely to be lowered more than 2 metres below the natural ground surface. | 5 | Works within 500 metres of adjacent Class 1, 2, 3 or 4 land that is below 5 metres Australian Height Datum and by which the watertable is likely to be lowered below 1 metre Australian Height Datum on adjacent Class 1, 2, 3 or 4 land. | | | NOT APPLICABLE |
| Class | Works of land | | | | | | | | | | | | | | |
| 1 | Any works. | | | | | | | | | | | | | | |
| 2 | Works below the natural ground surface. Works by which the watertable is likely to be lowered. | | | | | | | | | | | | | | |
| 3 | Works more than 1 metre below the natural ground surface. Works by which the watertable is likely to be lowered more than 1 metre below the natural ground surface. | | | | | | | | | | | | | | |
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| 5 | Works within 500 metres of adjacent Class 1, 2, 3 or 4 land that is below 5 metres Australian Height Datum and by which the watertable is likely to be lowered below 1 metre Australian Height Datum on adjacent Class 1, 2, 3 or 4 land. | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | |
| | NOT APPLICABLE | | | | | | | | | | | | | | |
| | NOT APPLICABLE | | | | | | | | | | | | | | |
| | NOT APPLICABLE | | | | | | | | | | | | | | |
| | APPLICABLE | | | | | | | | | | | | | | |
| | The proposed excavation will not result in the water table to be lowered by 1m below the A.H.D | | | | | | | | | | | | | | |
| (6) Despite subclause (2), development consent is not required under this clause to carry out any works if— | | | | | | | | | | | | | | | |
| (a) the works involve the disturbance of less than 1 tonne of soil, and | NOTED, refer to comment above | | | | | | | | | | | | | | |
| (b) the works are not likely to lower the watertable. | | | | | | | | | | | | | | | |

Clause 6.2 Earthworks

| Control | Response |
|--|--------------|
| (1) <i>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.</i> | Complies |
| (2) <i>Development consent is required for earthworks unless:</i> | |
| (a) <i>the earthworks are exempt development under this Plan or another applicable environmental planning instrument, or</i> | Noted |
| (b) <i>the earthworks are ancillary to development that is permitted without consent under this Plan or to development for which development consent has been given.</i> | Noted |
| (3) <i>In deciding whether to grant development consent for earthworks (or for development involving ancillary earthworks), the consent authority must consider the following matters—</i> | |
| (a) <i>the likely disruption of, or any detrimental effect on, drainage patterns and soil stability in the locality of the development,</i> | Satisfactory |
| (b) <i>the effect of the development on the likely future use or redevelopment of the land,</i> | Negligible |
| (c) <i>the quality of the fill or the soil to be excavated, or both,</i> | Satisfactory |
| (d) <i>the effect of the development on the existing and likely amenity of adjoining properties,</i> | Negligible |
| (e) <i>the source of any fill material and the destination of any excavated material,</i> | Noted |
| (f) <i>the likelihood of disturbing relics,</i> | Noted |
| (g) <i>the proximity to, and potential for adverse impacts on, any watercourse, drinking water catchment or environmentally sensitive area,</i> | N/A |
| (h) <i>any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.</i> | Noted |

5.2 Proposed (Draft) Environmental Planning Instruments

There are no Draft Environmental Planning Instruments being formulated at strategic level or on exhibition at the time of preparing this report. Therefore, there are no draft controls relating to the proposal.

No further investigation is required in this regard.

5.3 Development Control Plans

5.3.1 Canterbury-Bankstown Development Control Plan 2023

The following table shows the proposals response to the relevant numerical standards for dual occupancies:

| DEVELOPMENT CONTROL TABLE (DCP) | | | | |
|----------------------------------|-------------------------------------|--------------------------------|--------------|----------|
| Control | Required | Provided | Comment | Complies |
| Primary Front setback | Min. 5.5m | 5.545m | Complies | YES |
| Side Setbacks | Min. 0.9m | 0.9m | Complies | YES |
| Rear Setbacks | Min. 6m | 11.730m | Complies | YES |
| Storeys | Two storeys (2) | Two storeys (2) | Complies | YES |
| Building Height (Dwelling House) | Max. 8.5m | 7m | Complies | YES |
| External Wall Height | Max. 7m | 7m | Complies | YES |
| Floor Space Ratio | Max. 0.55:1 or 265.71m ² | 0.51:1 or 247m ² | Complies | YES |
| Site Coverage | Max. 50% or 241.55m ² | 44.67% or 215.83 ² | Complies | YES |
| Landscaping (Deep soil) | Min. 20% or 96.62m ² | 21.90% or 105.81m ² | Complies | YES |
| Impervious Area | Max. 75% or 362.325m ² | 70% or 338.43m ² | Complies | YES |
| Parking | 2 car spaces | 2 car spaces | 2 car spaces | YES |

6 ADDITIONAL CONSIDERATIONS

Visual Privacy

A review of the plans indicates that the habitable room windows on the side boundaries are successful in providing appropriate offsets to adjoining windows on adjoining developments. The proposed balcony has been located on the first floor adjoining the master bedroom at south-east elevation.

Acoustic Privacy

The proposal does not include a change of use or intensification of the existing permissible use being a dwelling. Any resultant noise from the site as a result of the proposal will be commensurate with that of the existing dwelling and a residential use. No further investigation is required in this regard.

Bulk and Scale

The proposed dwelling house is two storeys in nature and is comparable to the bulk and scale of the Saxon Street streetscape. The building envelope is determined by compliance with controls such as setback, landscaped area and height. The development is not designed to forward the prevailing setback line in order to minimise the building bulk and mass, keeping the building rhythm in the street.

Solar Access and Overshadowing

Referring to the shadow diagrams accompanying the proposal, the dwellings within the development site and adjoining properties at No.36 and No.40 successfully receive greater than 3 hours direct sunlight in habitable living areas and greater than 50% of the primary private open space between 8am and 4pm on 21st June. No further assessment is required in this regard.

6.1 PLANNING AGREEMENTS

There are currently no Draft Planning Agreements or Planning Agreements applicable to the development. No further investigation is required in this regard.

6.2 THE REGULATIONS

6.2.1 Clause 36 and 91

Were Council to require additional information, consideration must be given to the number of days taken in this assessment in light of this clause within the Regulation. No additional information has been requested at the time of writing of the statement.

6.2.2 Clause 62

The consent authority is to consider the upgrading of a building (including fire safety upgrade of development). This matter may be addressed via a condition of consent.

6.2.3 Clause 69

The consent authority is to consider AS 2601 – 1991: The Demolition of Structures. This matter may be addressed via a condition of consent.

6.3 SITE SUITABILITY

6.3.1 Environmental

The assessment of the proposal has shown that any environmental impacts resulting from the works will be negligible. Regard is shown for the natural environment in terms of on-site management of stormwater and drainage, with appropriate measures incorporated into the overall design that operate in concert with the extensive areas of landscaping provided by the site layout.

The built environment will be enhanced by the upgraded site allowing for the more economical use of the available resource, without impacting or dominating the area in terms of built form. The proposal satisfies the requirements of both the natural and built environments.

6.3.2 Social

The proposal adds to housing diversity, allowing for a more diverse accommodation typology within the appropriate R3 Medium Density Residential Zone. This allows a more diverse population cross section to “settle and stay” within the Canterbury-Bankstown LGA. The increased choice of housing in this area provided by the proposal increases the longevity of the site whilst allowing residents an upgraded modern alternative.

The dwelling will continue to utilise local services available to the occupants of dwellings in terms of housing. The proposal adds to the available housing stock within the area and provides opportunities for more varied dwelling choice. The proposal will allow the occupants to “age in place” and remain in occupation. The proposal is consistent with the social requirements in these regards.

6.3.3 Economic

The provision of appropriately serviced housing opportunities within this appropriately zoned locality, contributes to the easing of housing affordability pressure on potential homeowners whilst showing regard for the requirements of this R3 Zone.

Maintaining resident numbers in this appropriate zone will add to the economic stability of the area by allowing for residents to live in a locality that is gentrified and economically vibrant. The site is in close proximity to local services and within reasonable distance to local business and upgraded infrastructure. All of these entities will benefit from the employment and economic input provided by the future residents.

6.4 SUBMISSIONS

There are no submissions relating to the proposal from the community or the consent authorities at this stage of the proposal process. No further investigation is required in this regard.

6.5 THE PUBLIC INTEREST

The public interest is serviced by the accommodating of an upgraded dwelling in a manner that adds to housing stock and site longevity. The dwelling remains consistent with other dwellings in the street and remains consistent with the streetscape character and built form as existing. The proposal is clearly within the public interest

7 CONCLUSIONS AND RECOMMENDATIONS

The project, located within suburban Belfield, offers a high-quality, flexible, contemporary, residential outcome which provides for and contributes to the housing diversity in this residential precinct comprised of a varied and eclectic mix of types of dwellings.

The proposal has demonstrated consistency with the underlying objectives of the controls and general compliance with the numerical standards contained within both State and Local policies and plans. The proposal shows regard for Section 4.15 of the Act, shows regard for all heads of consideration including site suitability, economic, social and environmental impacts and the public interest.