

---

# STATEMENT OF ENVIRONMENTAL EFFECTS

---

65 DALTON AVENUE  
CONDELL PARK



**CIVIC**

TOWN  
PLANNING



## Project Details

Project: Section 4.55(1A) Modification to approved dwelling house development  
Property: Lot 227, DP 224013, No. 65 Dalton Avenue, Condell Park NSW 2200  
LGA: Canterbury-Bankstown  
Client: AYA Constructions

## Document Control

Date	Purpose	Issue	Author	Reviewed
16.08.24	Draft for review	1	MS	MS
21.08.24	Amendments	2	MS	MS
09.09.24	Amendments	3	MS	MS
05.10.24	Final	4	MS	MS

Signed:



**Mark Stephenson**  
UNSW BTP (Hons)

Date: 5 October 2024

## Author

**Civic Town Planning**  
81 Bridie Drive  
UPPER COOMERA QLD 4209  
[mail@civictp.com.au](mailto:mail@civictp.com.au)

ABN: 62 494 302 604

© Copyright – Civic Town Planning 2024

This document is protected by copyright. Reproduction of this document or any part thereof is not permitted without the prior written permission of Civic Town Planning.

### Disclaimer:

In preparing this report, Civic Town Planning has relied upon information and documents provided by the client or prepared by other professionals within their various areas of expertise. Civic Town Planning does not accept responsibility for determining the completeness or accuracy of information provided by other parties and is not liable for any errors or omissions, including information provided by the client or another person upon which Civic Town Planning has relied.

This report has been prepared with due care and diligence by Civic Town Planning and the statements and opinions provided in this report are given in good faith and in the reasonable belief that they are correct and not misleading, subject to the limitations above. The preparation and submission of this report does not guarantee approval from the consent authority.

## CONTENTS

1.1	Introduction	5
1.2	Background	
1.3	Report Objectives	
2.0	Site Analysis	6
2.1	Subject Site and Surrounds	
2.2	Development History	
3.0	Proposed Development	9
3.1	Description of Proposed Development	
4.0	Environmental Assessment	10
4.1	Statutory Framework	
4.1.1	Environmental Planning and Assessment Act 1979	
4.1.2	SEPP (Building Sustainability Index: BASIX) 2004	
4.1.3	Canterbury-Bankstown Local Environmental Plan 2023	
4.1.4	Canterbury-Bankstown Development Control Plan 2023	
5.0	Environmental Planning and Assessment (EP&A) Act 1979	30
5.1	Section 4.15 Evaluation	
6.0	Conclusion	32
6.1	Conclusion and Recommendation	

## 1.0 INTRODUCTION

### 1.1 Background

This Statement of Environmental Effects has been prepared to accompany an application to modify Development Consent No. DA-376/2022, which was issued by Council on 31 August 2022, granting consent to the *“Demolition of existing structures and construction of a two-storey dwelling with outbuilding and in-ground swimming pool.”*

A Construction Certificate for the approved works was issued on 20 February 2023. Construction works have yet to commence, and the applicant was recently engaged by the owner to construct the approved dwelling house development.

The application proposes to modify the approved dwelling house development through minor internal and minor and external changes which are primarily cosmetic having regard to the preferences of the owner. The proposed changes do not result in any privacy issues or overshadowing.

Having regard to the nature and extent of modifications proposed, it is considered that the proposed changes result in minimal environmental impact and can thus be considered under Section 4.55(1A) of the Act.

The subject site is zoned R2 Low Density Residential pursuant to the Canterbury-Bankstown LEP 2023. The proposed modifications are permitted within the zone and the development as proposed to be modified remains consistent with the objectives of the R2 zone.

The proposed modified development is documented in the architectural plans prepared by AYA Constructions, dated 3 October 2024. Pursuant to Section 4.55 of the Act, it is considered that the development as proposed to be modified is substantially the same as the development originally approved.

### 1.2 Report Objectives

This Statement of Environmental Effects provides:

- An analysis of the site and the surrounding locality;
- A comprehensive description of the proposed works and the proposed use of the premises; and
- An assessment against the relevant requirements outlined within the Canterbury-Bankstown Local Environmental Plan 2023 and the Canterbury-Bankstown Development Control Plan 2023.

In accordance with the requirements outlined in the Environmental Planning and Assessment Regulation 2021, the purpose of this report is to document:

- The environmental impacts of the development.
- The steps to be taken to protect the environment or to lessen the expected harm to the environment.

## 2.0 SITE ANALYSIS

### 2.1 Subject Site and Surrounds

The subject site is legally described as Lot 227 in DP 224013, also known as No. 65 Dalton Avenue, Condell Park.

The site is located on the southern side of Dalton Avenue, approximately 140 metres to the west of Jocarm Avenue. The block is a wedge-shaped allotment with an arc frontage to Dalton Avenue of 13.92m and a total site area of 648.1m<sup>2</sup>.

The site currently contains a two-storey brick dwelling with a metal roof. The site has a fairly significant slope with a 6.5m fall to the street. This slope mainly affects the front portion of the site. The site also contains two palm trees and a number of small shrubs.

The subject site and surrounding area is zoned R2 Low Density Residential. Adjoining and surrounding development comprises mainly of single and two-storey residential dwellings characteristic of the R2 Low Density Residential zone. However, directly the adjoining the site to the rear is Dalton Reserve.

A street view of the subject site is provided at Figure 1 below. A locality map and aerial photo of the site and surrounds is provided further below at Figures 2 and 3.



Figure 1: Street view (Source – Google Maps: 2024)

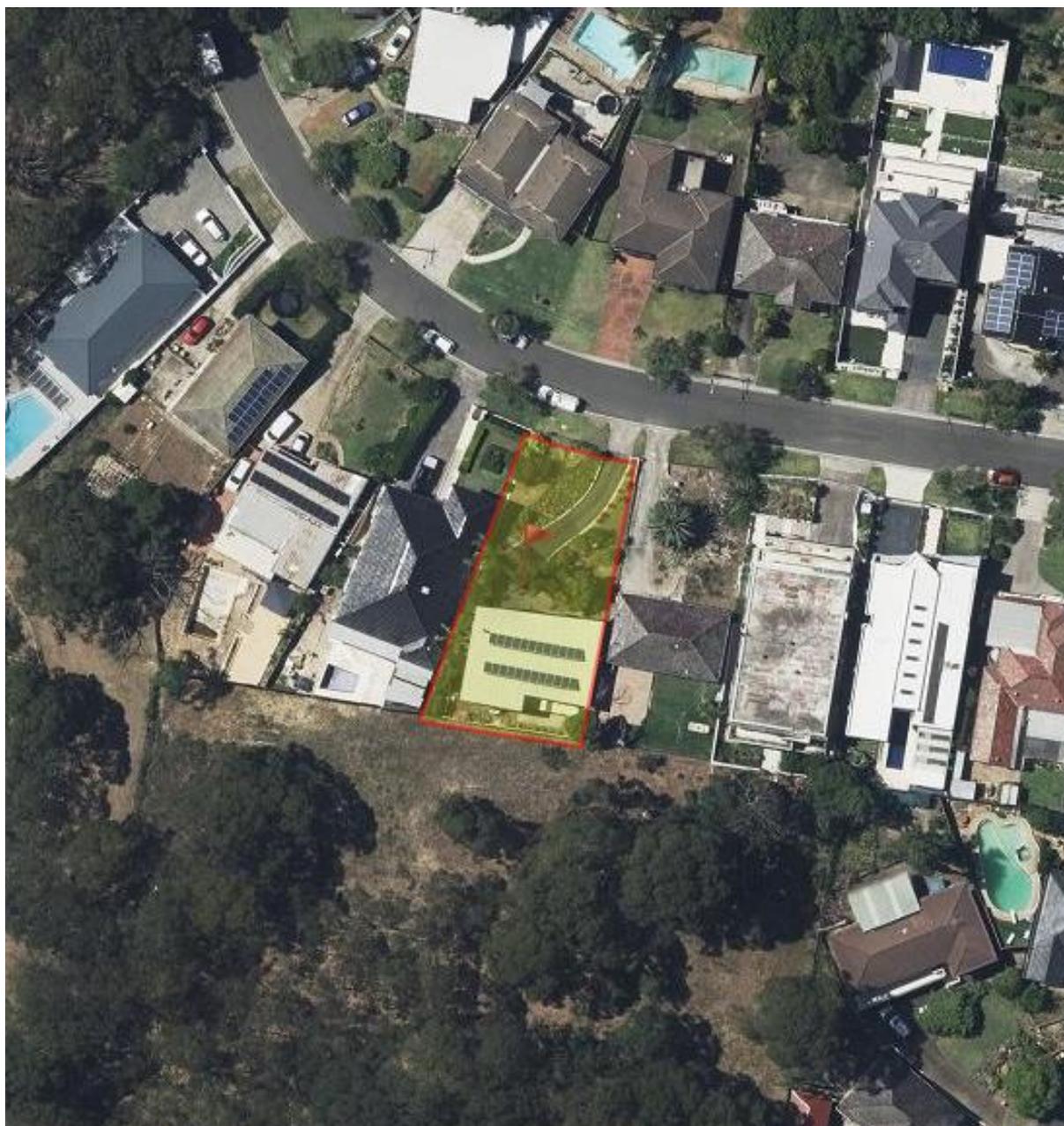


Figure 2: Aerial photo (Source – Six Maps: 2024)

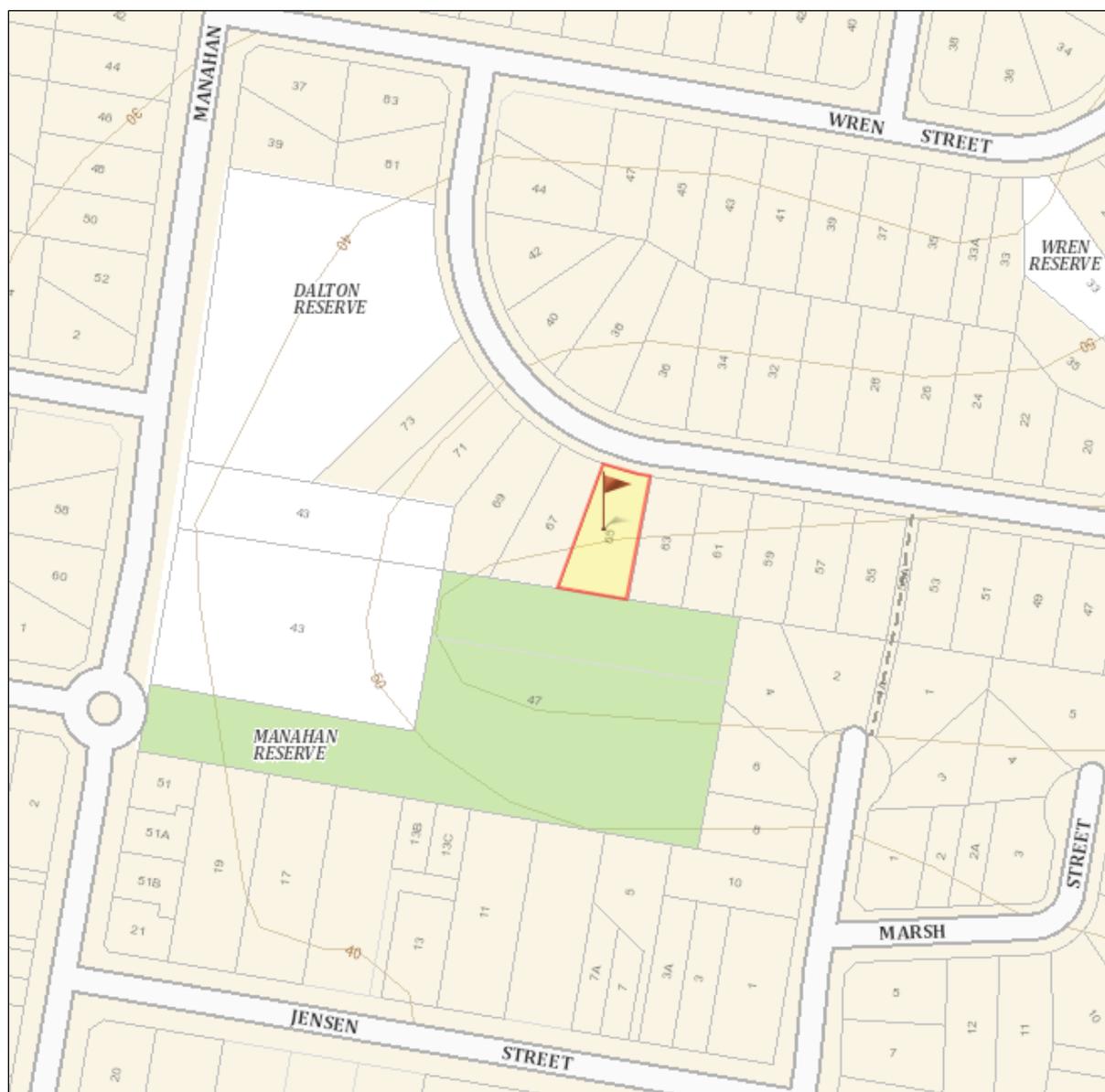


Figure 3: Locality map (Source – Six Maps: 2024)

## 2.2 Development history

- On 31 August 2022, Council issued Development Consent No. DA-376/2022 for the *Demolition of existing structures and construction of a two-storey dwelling with outbuilding and in-ground swimming pool.*
- On 20 February 2023, a Construction Certificate for the approved works was issued by a private certifier. Construction works have yet to commence, with the owner recently engaging AYA Constructions to construct the development.

### **3.0 PROPOSED DEVELOPMENT**

#### **3.1 Description of Proposed Development**

The subject development proposes to modify DA-376/2022 through minor internal and external design changes. The proposed development is illustrated and detailed in the accompanying architectural plans prepared by AYA Constructions, dated 3 October 2024.

Specific details of the proposed modified development are detailed as follows:

##### Basement Level

- Extend basement to provide for additional storage area within the garage, as well as for the internal storage of plant and equipment.
- Reconfiguration at front with new W/C
- External walls of basement changed from 270mm double brick to 200mm Dincel concrete wall system

##### Ground Floor Level

- Raise FFL of entry by 350mm from 63.1m to 63.45m, resulting in a reduction in access steps.
- Extend front verandah to match patio.
- New steps along western boundary at the front of the site.
- Construct new spa adjacent to pool.
- Increase size of cabana and relocate pool equipment to internal storage area within basement.
- New landscape planter in rear corner of backyard.
- New Dincel retaining walls along boundary to retain approved cut.

##### First Floor Level

- Raise FFL of first floor landing by 350mm from 66.3m to 66.65m, resulting in a reduction in access steps.
- Reconfigure ensuites to master bedroom internal stairwell.
- Extend balcony to master bedroom and provide vertical privacy louvres.

##### Roof

- Minor changes to skillions and parapets.
- Provide additional skylights.

##### External Facade

- Add new façade wall elements to front elevation.
- Add curtain wall to west elevation.
- Changes to design and placement of windows and sliding doors.
- Remove planter box surrounding first floor balcony.

##### Front Pedestrian and Vehicular Entry

- Redesign entry steps and retaining walls / planter boxes for pedestrian entrance.
- Redesign retaining wall adjacent to driveway to provide for landscape planters and bin storage area.

## 4.0 ENVIRONMENTAL ASSESSMENT

### 4.1 Statutory Framework

#### 4.1.1 Environmental Planning and Assessment Act 1979

This report has been prepared in accordance with the provisions of the Environmental Planning and Assessment Act 1979. The proposed development has been considered having regard to the requirements of Part 4 of the Act, in particular, Section 4.55(1A). Consistency with the requirements of Section 4.55(1A) is documented below:

#### **4.55 Modification of consents—generally** (cf previous s 96)

...

#### **(1A) Modifications involving minimal environmental impact**

*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 proposed modification is of minimal environmental impact, and*

The proposed works comprise of minor internal changes to the approved layout, including an extension to the basement level to allow for storage within the garage and for plant and equipment, and minor external changes to the design and placement of windows, front façade, roof, landscaping and retaining works within the front setback area, rear swimming pool and cabana, and new landscape planter in rear yard.

The changes are minor in nature and extent and are primarily cosmetic changes having regard to the preferences of the owner. The proposed changes do not result in any privacy issues or overshadowing.

- (b) *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*

Development Consent No. DA-376/2022 granted consent to the *construction of a two-storey dwelling with outbuilding and in-ground swimming pool*. The subject application proposes to modify the development consent through minor internal and external design changes. In essence, the proposed development remains the construction of a two-storey dwelling with outbuilding and swimming pool.

It is considered that the development as proposed to be modified is essentially and materially the same as that which was originally approved, and in this regard, it is considered that the proposed development as modified is substantially the same as the development that was originally approved.

- (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

Council to publicly exhibit the application in accordance with their policy requirements for the public exhibition of Modification Applications.

- (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.

Should any submissions be received during this period, concerns will be considered by Council in the assessment and determination of the application.

#### 4.1.2 State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

An amended BASIX Certificate has been submitted demonstrating that the modified development meets the required targets.

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

As identified in Figure 4 below, the site is zoned R2 Low Density Residential to the Canterbury-Bankstown Local Environmental Plan 2023.



Figure 4:  
Zoning map  
(Source –  
Legislation  
website: 2024)

The Land Use Table for the R2 zone is replicated below:

## **Zone R2 Low Density Residential**

### **1 Objectives of 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 development that are compatible with residential uses and does 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.*

### **2 Permitted without consent**

*Home occupations*

### **3 Permitted with consent**

*Bed and breakfast accommodation; Building identification signs; Business identification signs; Car parks; Centre-based child care facilities; Community facilities; Dual occupancies; Dwelling houses; Early education and care facilities; Environmental facilities; Environmental protection works; Exhibition homes; Flood mitigation works; Group homes; Health consulting rooms; Home businesses; Oyster aquaculture; Places of public worship; Pond-based aquaculture; Recreation areas; Respite day care centres; Roads; Secondary dwellings; Semi-detached dwellings; Tank-based aquaculture*

### **4 Prohibited**

*Any development not specified in item 2 or 3*

#### **Comment:**

The site is zoned R2 Low Density Residential under the provisions of the Canterbury-Bankstown Local Environmental Plan 2023. The proposed modification of an approved dwelling house development is permitted within the zone and considered to be consistent with the objectives of the zone.

Compliance with the relevant development standards contained within the Canterbury-Bankstown LEP 2023 is demonstrated in Table 1 below.

**Table 1 – Compliance with Canterbury-Bankstown LEP 2023**

<b>CANTERBURY-BANKSTOWN LEP 2023</b>			
<b>Clause</b>	<b>Required</b>	<b>Provided</b>	<b>Complies</b>
<b>Part 1 Preliminary</b>			
<b>1.3 Land to which this Plan applies</b>	(1) This Plan applies to the land identified on the Land Application Map.	The site is identified on the Land Application Map.	Yes
<b>Part 2 Permitted or prohibited development</b>			
<b>2.2 Zoning of land to which Plan applies</b>	For the purposes of this Plan, land is within the zone shown on the Land Zoning Map.	As shown on the Land Zoning Map, the site is zoned R2 Low Density Residential.	Yes
<b>2.6 Subdivision—consent requirements</b>	(1) Land to which this Plan applies may be subdivided, but only with development consent.	Subdivision is not proposed.	N/A
<b>2.7 Demolition requires development consent</b>	The demolition of a building or work may be carried out only with development consent.	No change to existing approval.	N/A
<b>Part 4 Principal development standards</b>			
<b>4.3 Height of buildings</b>	(2) The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map.  - maximum 9m height	- Max. 8.01m  No change to existing approval.	N/A
<b>4.4 Floor space ratio</b>	(2) The maximum floor space ratio for a building on any land is not to exceed the floor space ratio shown for the land on the Floor Space Ratio Map.  - Max 0.5:1	- Total site area: 648.1m <sup>2</sup> - Proposed GFA: G/F = 184.9m <sup>2</sup> F/F = 129.0m <sup>2</sup> - Total GFA = 313.9m <sup>2</sup> - FSR = (313.9m <sup>2</sup> / 648.1m <sup>2</sup> ) = 0.48:1	Yes
<b>4.6 Exceptions to development standards</b>	(3) Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a	N/A	N/A

	<p>written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:</p> <ul style="list-style-type: none"> <li>(a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and</li> <li>(b) that there are sufficient environmental planning grounds to justify contravening the development standard.</li> </ul>		
<b>Part 5 Miscellaneous provisions</b>			
<p><b>5.10 Heritage conservation</b></p>	<p><b>(5) Heritage assessment</b></p> <p>The consent authority may, before granting consent to any development:</p> <ul style="list-style-type: none"> <li>(a) on land on which a heritage item is located, or</li> <li>(b) on land that is within a heritage conservation area, or</li> <li>(c) on land that is within the vicinity of land referred to in paragraph (a) or (b),</li> </ul> <p>require a heritage management document to be prepared that assesses the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item or heritage conservation area concerned.</p>	<p>N/A</p>	<p>N/A</p>
<p><b>5.21 Flood planning</b></p>	<p>(2) Development consent must not be granted to development on land the consent authority considers to be within the</p>	<p>N/A</p>	<p>N/A</p>

	<p>flood planning area unless the consent authority is satisfied the development—</p> <ul style="list-style-type: none"> <li>(a) is compatible with the flood function and behaviour on the land, and</li> <li>(b) will not adversely affect flood behaviour in a way that results in detrimental increases in the potential flood affectation of other development or properties, and</li> <li>(c) will not adversely affect the safe occupation and efficient evacuation of people or exceed the capacity of existing evacuation routes for the surrounding area in the event of a flood, and</li> <li>(d) incorporates appropriate measures to manage risk to life in the event of a flood, and</li> <li>(e) will not adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses.</li> </ul>		
<b>Part 6 Additional local provisions</b>			
<b>6.1 Acid sulfate soils</b>	(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.	N/A	N/A

<p><b>6.2 Earthworks</b></p>	<p>(3) Before granting development consent for earthworks (or for development involving ancillary earthworks), the consent authority must consider the following matters—</p> <ul style="list-style-type: none"> <li>(a) the likely disruption of, or any detrimental effect on, drainage patterns and soil stability in the locality of the development,</li> <li>(b) the effect of the development on the likely future use or redevelopment of the land,</li> <li>(c) the quality of the fill or the soil to be excavated, or both,</li> <li>(d) the effect of the development on the existing and likely amenity of adjoining properties,</li> <li>(e) the source of any fill material and the destination of any excavated material,</li> <li>(f) the likelihood of disturbing relics,</li> <li>(g) the proximity to, and potential for adverse impacts on, any waterway, drinking water catchment or environmentally sensitive area,</li> <li>(h) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.</li> </ul>	<p>No change to existing approval.</p>	<p>N/A</p>
<p><b>6.3 Stormwater management and water sensitive urban design</b></p>	<p>(3) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that the development—</p>	<p>No change to existing approval.</p>	<p>N/A</p>

	<ul style="list-style-type: none"><li>(a) is designed to maximise the use of water permeable surfaces on the land having regard to the soil characteristics affecting on-site infiltration of water, and</li><li>(b) includes, if practicable, on-site stormwater retention for use as an alternative supply to mains water, groundwater or river water, and</li><li>(c) avoids significant adverse impacts of stormwater runoff on the land on which the development is carried out, adjoining properties and infrastructure, native bushland and receiving waters, or if the impact cannot be reasonably avoided, minimises and mitigates the impact, and</li><li>(d) includes riparian, stormwater and flooding measures, and</li><li>(e) is designed to incorporate the following water sensitive urban design principles—<ul style="list-style-type: none"><li>(i) protection and enhancement of water quality, by improving the quality of stormwater runoff from urban catchments,</li><li>(ii) minimisation of harmful impacts of urban development on water balance and on surface and</li></ul></li></ul>		
--	---	--	--

	<p>groundwater flow regimes,</p> <p>(iii) integration of stormwater management systems into the landscape in a way that provides multiple benefits, including water quality protection, stormwater retention and detention, public open space and recreational and visual amenity.</p>		
<b>6.4 Biodiversity</b>	(2) This clause applies to land identified as “Biodiversity” on the Biodiversity Map.	N/A	N/A
<b>6.5 Riparian land and watercourses</b>	(2) This clause applies to all of the following: (a) land identified as “Riparian land” on the Riparian Lands and Watercourses Map, (b) land identified as “Watercourse” on that map.	N/A	N/A
<b>6.6 Limited development on foreshore area</b>	(4) In this clause: <b>foreshore area</b> means the land between the foreshore building line and the mean high water mark of the nearest natural waterbody shown on the Foreshore Building Line Map.	N/A	N/A
<b>6.7 Development in areas subject to aircraft noise</b>	(2) Development consent must not be granted to development involving the erection of a dwelling, other than a dwelling house, on land near Bankstown Airport in an ANEF contour between 20 and 25 unless the consent authority is satisfied the dwelling meets the	The site is located between the ANEF 20 and 25 contour. Refer to approved acoustic report.	Yes

	standards specified in AS 2021:2015.		
<b>6.6 Essential services</b>	Development consent must not be granted to development unless the consent authority is satisfied that any of the following services that are essential for the development are available or that adequate arrangements have been made to make them available when required— (a) the supply of water, (b) the supply of electricity, (c) the disposal and management of sewage, (d) stormwater drainage or on-site conservation, (e) suitable vehicular access.	No change to existing approval.	N/A

#### 4.1.4 Canterbury-Bankstown Development Control Plan 2023

The Canterbury-Bankstown Development Control Plan 2023 supports the Canterbury-Bankstown Local Environmental Plan 2023 by setting additional development controls for residential development located in the Canterbury-Bankstown LGA. Compliance with the relevant provisions for dwelling house development contained within the Canterbury-Bankstown Development Control Plan 2023 is outlined in Table 2 below:

**Table 2 – Compliance with Canterbury-Bankstown DCP 2021**

<b>Canterbury-Bankstown Development Control Plan 2023</b>			
<b>Clause</b>	<b>Required</b>	<b>Provided</b>	<b>Complies</b>
<b>Chapter 5 Residential Accommodation</b>			
<b>5.2 Former Canterbury LGA</b>			
<b>Section 2 – Dwelling houses and outbuildings</b>			
<b>Site Planning</b>			
<b>2.1 Minimum lot size and frontage</b>			
<b>C1</b>	The minimum primary street frontage width for dwelling houses is 15m.	No change to existing approval.	N/A
<b>C2</b>	Lots must be generally rectangular.		
<b>2.2 Site coverage</b>			
<b>C1</b>	Max. area of 380m <sup>2</sup> Building Footprint	- Dwelling = 249.5m <sup>2</sup>	Yes
	Max. floor area of 45m <sup>2</sup> of all Outbuilding	- Cabana = 17.5m <sup>2</sup>	Yes
	Max. site coverage of 50% of all structures on a site	- Total = 267m <sup>2</sup> - 267m <sup>2</sup> / 648.1m <sup>2</sup> = 41%	Yes
<b>2.3 Landscaping</b>			
<b>C1</b>	Min. 25% of site area is to be provided as deep soil area.	- 241.2m <sup>2</sup> (37%)	Yes
<b>C2</b>	Deep soil areas must have a minimum dimension of 2.5m.	Only areas with 2.5m width included in calculation.	Yes

<b>2.4 Layout and orientation</b>			
<b>C1</b>	Orientate development to maximise solar access and natural lighting.	No change to existing approval.	N/A
<b>C2</b>	Site the development to avoid casting shadows onto a neighbouring dwelling's primary living area, private open space and solar cells.	No change to existing approval. Building height and envelope remains the same.	N/A
<b>C3</b>	Coordinate design for natural ventilation with passive solar design techniques.	The amended design maintains passive solar and natural cross-ventilation.	Yes
<b>C4</b>	Site new development and private open space to avoid existing shadows cast from nearby buildings.	No change to existing approval.	N/A
<b>C5</b>	Site a building to benefit from cross-breezes and prevailing winds.	The amended design maintains natural cross ventilation.	Yes
<b>C6</b>	Do not compromise the creation of casual surveillance of the street, communal space and parking areas, through the required orientation.	The amended design maintains casual surveillance to the street.	Yes
<b>Building Envelope</b>			
<b>2.5 Height</b>			
<b>C1</b>	Development for the purposes of dwelling houses must not exceed the following numerical requirements:		
	(a) A maximum two storey built form.	No change proposed.	N/A
	(b) A maximum external wall height of 7m where the maximum height of buildings standard under the LEP is 8.5m.	N/A	N/A
	(c) A maximum external wall height of 8m where the maximum height of building standard under the LEP is 9.5m.	No change proposed.	N/A



	<p><u>Outbuildings</u></p> <p><b>Side Setbacks</b></p> <p>- External wall height over 2.7m a minimum setback of 450mm from the side boundary.</p> <p><u>Exceptions and other requirements</u></p>		
<b>C3</b>	External walls that enclose rooms, storage areas and/or garages are not to encroach beyond the specified setbacks.	No change proposed.	N/A
<b>C4</b>	For first floor additions, front and side setbacks may match the ground floor wall alignment of the existing dwelling for a depth of 10m or 50% of the length of the facade, whichever is the greater.	N/A	N/A
<b>C5</b>	Minimum setback of 1m from any side or rear boundary for swimming pools and associated terraces. Landscaping shall be provided in the setback area to screen the pool from neighbours.	No change proposed.	N/A
<b>C6</b>	Swimming pools must not be located within any front setback.	No change proposed.	N/A
<b>C7</b>	One garage or carport may be constructed with a nil rear setback for sites that adjoin a rear laneway. The garage or carport must not comprise more than 50% of the rear boundary frontage to a lane and not be wider than 6m.	N/A	N/A
<b>C8</b>	For a residential building that does not have basement parking lightweight carports may extend beyond the required side boundary setback.	N/A	N/A

<b>C9</b>	Car parking structures must satisfy the Building Code of Australia requirements.	No change to existing	N/A
<b>C13</b>	Elements that articulate a front elevation of a dwelling house, such as awnings, balconies, patios, pergolas, porches, porticoes and verandas, may project up to 1.5m into the required front setback articulation zone.	Proposed façade articulation does not extend into the minimum setback area.	Yes
<b>C14</b>	On steeply sloping land basements and basement parking are acceptable only if they: (a) Do not extend beyond the exterior walls or ground floor patios of the dwelling. (b) Accommodate only entrance lobby, stairway, car parking or storage, but do not accommodate any habitable room. (c) Are not capable of future alteration to accommodate any habitable room.	No change proposed	N/A
<b>Amenity</b>			
<b>2.10 Solar access and over-shadowing</b>	<b>Solar Access to Proposed Development</b>		
<b>C1</b>	Where site orientation permits at least primary living areas of dwellings must receive a minimum of 3 hours of sunlight between 8.00am and 4.00pm on 21 June. Where existing overshadowing by buildings and fences is already greater than this control, sunlight is not to be reduced by more than 20%.	No change proposed.	N/A
<b>C2</b>	Principle areas of private open space must receive a minimum of 3 hours of sunlight between 8.00am and 4.00pm on 21 June to at least 50% of the open space surface area. Where existing overshadowing by buildings and fences is	No change proposed.	N/A

	<p>already greater than this control, sunlight is not to be reduced by more than 20%.</p> <p><b>Solar Access to Neighbouring Development</b></p>		
<b>C3</b>	<p>Proposed development must retain a minimum of 3 hours of sunlight between 8.00am and 4.00pm on 21 June for existing primary living areas and to 50% of the principal private open space.</p>	<p>No change to existing approval. Building height and envelope remains the same, and in this regard, any overshadowing remains the same as originally approved.</p>	<p>Yes</p>
<b>C4</b>	<p>If a neighbouring dwelling currently receives less than 3 hours of sunlight, then the proposed development must not reduce the existing level of solar access to that property.</p>	<p>N/A</p>	<p>N/A</p>
<b>C5</b>	<p>Sunlight to solar hot water or photovoltaic systems on adjoining properties must comply with the following:</p> <p>(a) Systems must receive at least 3 hours of direct sunlight between 8.00am and 4.00pm on 21 June.</p> <p>(b) If a system currently receives less than 3 hours sunlight, then the proposed development must not reduce the existing level of sunlight.</p>	<p>No change to existing.</p>	<p>N/A</p>
<b>C6</b>	<p>Clothes drying areas on adjoining residential properties must receive a minimum of 3 hours of sunlight on 21 June.</p>	<p>No change to existing.</p>	<p>N/A</p>
<b>2.11 Visual Privacy</b>			
<b>C1</b>	<p>Locate and orient new development to maximise visual privacy between buildings, on and adjacent to the site.</p>	<p>No change to existing.</p>	<p>N/A</p>
<b>C2</b>	<p>Minimise direct overlooking of rooms and private open space through the following:</p>		

<b>C3</b>	(a) Provide adequate building separation, and rear and side setbacks; and	No change to existing.	N/A
	(b) Orient living room windows and private open space towards the street and/or rear of the lot to avoid direct overlooking between neighbouring residential properties.	Whilst the design of living area windows is proposed to change, privacy is still maintained at ground floor level through standard 1.8m high fencing.	Yes
	If living room windows or private open spaces would directly overlook a neighbouring dwelling:		
	(a) Provide effective screening; and/or	The proposed windows at first floor level are similar to the previous approval and in this regard, it is considered that privacy is maintained in this regard.	Yes
	(b) Use windows that are less than 600mm wide or have a minimum sill height of at least 1.5m above the associated floor level.		
<b>C4</b>	Screening of bedroom windows is optional and dimensions are not restricted.	Noted	Yes
<b>2.12 Acoustic Privacy</b>			
<b>C1</b>	Protect sensitive rooms, such as bedrooms, from likely sources of noise such as major roads and neighbouring living areas.	No change to existing.	N/A
<b>Fences and Ancillary Development</b>			
<b>2.13 Fences</b>			
<b>C1</b>	Provide boundary definition by construction of an open fence or hedge to the front street boundary.	No change proposed.	N/A
<b>C2</b>	Front fences within the front boundary setback are to be no higher than 1.2m.		
<b>C3</b>	Side fences may be 1.8m high to the predominant building line. Forward of the building line, side fences must taper down to the height of the front		

<p><b>C4</b></p> <p><b>C5</b></p> <p><b>C6</b></p> <p><b>C7</b></p>	<p>fence at a height no greater than 1.2m.</p> <p>On corner sites where the facade of a building presents to two street frontages, fences are to be no higher than 1.2m.</p> <p>Front fences shall not be taller than 1.2m.</p> <p>Screens with a minimum of 50% transparency may be up to 1.8m high along the front boundary.</p> <p>Landscaping should not include visually solid hedges that may conceal intruders.</p>		
<p><b>2.14 Outbuildings and swimming pools</b></p> <p><b>C1</b></p> <p><b>C2</b></p> <p><b>C3</b></p>	<p><u>Outbuildings</u></p> <p>Council allows a maximum of one outbuilding on a site.</p> <p>The outbuilding must be established in conjunction with the principal dwelling on the same site and must ensure that:</p> <p>(a) it is separate from the principal dwelling and any secondary dwelling on the same site, and</p> <p>(b) it is not used as a separate dwelling, and</p> <p>(c) it does not contain cooking facilities, toilet and shower, and</p> <p>(d) it does not function or can be adapted to function for industrial purposes.</p> <p>The maximum site cover of the outbuilding is:</p> <p>(a) 36m<sup>2</sup> where the site is less than 300m<sup>2</sup> in area</p> <p>(b) 45m<sup>2</sup> where the site is 300m<sup>2</sup> to 600m<sup>2</sup> in area</p>	<p>No substantive changes to the existing swimming pool or cabana, other than the following:</p> <ul style="list-style-type: none"> <li>- Proposed new spa next to swimming pool.</li> <li>- Increase in cabana area and relocate pump internally. Total area, height and setbacks of the rear outbuilding remain the same as approved.</li> </ul>	<p>Yes</p>

	<p>(c) 60m<sup>2</sup> where the site is greater than 600m<sup>2</sup> in area.</p> <p>For the purposes of this clause, site cover means the site area covered by the outbuilding and any attached roof, awning, balcony, deck, patio, pergola, terrace, verandah, carport, garage and the like.</p>	Noted	
<b>C4</b>	<p>The outbuilding must not result in the principal dwelling on the site having less than the required landscaped area and private open space.</p>	No change to existing.	N/A
<b>C5</b>	<p>The storey limit for the outbuilding is single storey. An attic or basement is not permitted in the outbuilding.</p>	No change to existing.	N/A
<b>C6</b>	<p>The maximum building height for the outbuilding is 4.5m above ground level (existing).</p>	No change to existing.	N/A
<b>C7</b>	<p>The outbuilding must locate behind the front building line.</p>	No change to existing.	N/A
<b>C8</b>	<p>The minimum setback to the side and rear boundaries of the site is:</p> <p>(a) zero setback for carports or masonry walls that do not contain windows, eaves and gutters provided the structures comply with the Building Code of Australia; or</p> <p>(b) 0.45m for non-masonry walls that do not contain a windows, eaves and gutters; or</p> <p>(c) 0.9m for walls with windows.</p>	No change to existing.	N/A
<b>C9</b>	<p>The minimum setback to a dwelling, building, roof, awning, balcony, deck, patio, pergola, terrace, verandah, carport, garage and the like on the same site is 1.8m.</p>	No change to existing.	N/A

<b>C10</b>	The maximum roof pitch for the outbuilding is 25 degrees.	No change to existing.	N/A
<b>C11</b>	Council does not allow the outbuilding to have roof-top balconies and the like.	Noted	
<b>C12</b>	Development must retain and protect any significant trees on the site and adjoining sites. To achieve this clause, the development may require a design alteration or a reduction in the size of the outbuilding.	No change to existing.	N/A
	<u>Swimming pools</u>		
<b>C13</b>	Swimming pools must not be located within any front setback.	No change to existing.	N/A
<b>C14</b>	Minimum setback of 1m from any side or rear boundary for swimming pools and associated terraces. Landscaping shall be provided in the setback area to screen the pool from neighbours.	No change to existing.	N/A

## 5.0 ENVIRONMENTAL PLANNING AND ASSESSMENT (EP&A) ACT 1979

### 5.1 Section 4.15 Evaluation

The following provides an assessment of the proposal against the relevant provisions of Section 4.15 Evaluation (previous section 79C) of the EP&A Act 1979.

#### **(1) Matters for consideration—general**

***In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application:***

#### **(a) the provisions of:**

##### **(i) any environmental planning instrument, and**

###### **State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004**

An amended BASIX Certificate has been submitted demonstrating that the modified development meets the required targets.

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

The development as proposed to be modified is permitted with consent in the R2 Low Density Residential zone. The proposal meets the objectives of the zone and complies with the relevant provisions of the LEP.

##### **(ii) any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Planning Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and**

There are no Draft EPIs affecting the subject site.

##### **(iii) any development control plan, and**

###### **Canterbury-Bankstown Development Control Plan 2023**

The proposal complies with the relevant controls for dwelling development as outlined within the Canterbury-Bankstown DCP 2023. The proposal is worthy of approval based on both performance and merit.

##### **(iiia) any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, and**

There is no planning agreement proposed by the Applicant.

***(iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph),***

There are no matters prescribed by Clause 92 of the Regulation which are applicable to this Development Application.

***(v) (Repealed)***

***that apply to the land to which the development application relates,***

***(b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,***

It is considered unlikely that any adverse environmental, social or economic impacts would occur as a result of the proposed development.

***(c) the suitability of the site for the development,***

The site is considered suitable for the proposed development. The proposal is permitted within the R2 zone, meets the objectives of the zone, and has demonstrated compliance with the relevant development controls contained within Council's DCP.

***(d) any submissions made in accordance with this Act or the regulations,***

Should the proposal require notification, any submissions will be considered by Council in the assessment and determination of the Development Application.

***(e) the public interest.***

The proposed development is considered to be in the public interest as it allows for the orderly and economic use of land and complies with Council's controls without unacceptable impact to adjoining or surrounding properties.

## **6.0 CONCLUSION**

### **6.1 Conclusion and Recommendations**

This Statement of Environmental Effects has been prepared to accompany an application to modify Development Consent No. DA-376/2022, which was issued by Council on 31 August 2022, granting consent to the *“Demolition of existing structures and construction of a two-storey dwelling with outbuilding and in-ground swimming pool.”*

The application proposes to modify the approved dwelling house development through minor internal and minor and external changes which are primarily cosmetic having regard to the preferences of the owner. The proposed changes do not result in any privacy issues or overshadowing.

The subject site is zoned R2 Low Density Residential pursuant to the Canterbury-Bankstown LEP 2023. The proposed modification is permitted within the zone and is considered to be consistent with the objectives of the R2 zone.

The amended development complies with the relevant provisions of the Canterbury-Bankstown Local Environmental Plan 2023 and complies with the relevant controls contained within the Canterbury-Bankstown Development Control Plan 2023.

Pursuant to Section 4.55 of the Act, it is considered that the development as proposed to be modified is substantially the same as the development originally approved.

The development as proposed to be modified is considered to be in the public interest and is worthy of approval based on merit. Accordingly, it is recommended that the application be approved as submitted.