

STATEMENT OF ENVIRONMENTAL EFFECTS – S4.55
PROPOSED DWELLING
198 HENRY LAWSON DRIVE
GEORGES HALL 2198

Issued: 17/10/2024



ALVARO



Contents

1.0	INTRODUCTION	3
2.0	THE SITE	4
2.1	LEGAL DESCRIPTION	4
2.2	LOCATION	4
2.3	DIMENSIONS AND SITE AREA	4
2.4	TOPOGRAPHY	5
2.5	EXISTING VEGETATION	5
2.6	CONTEXT AND SURROUNDS	5
2.7	PAST USES	5
3.0	THE PROPOSAL	6
3.1	OVERVIEW	6
3.2	DETAILS OF MODIFICATION	6
4.0	PLANNING FRAMEWORK	25
5.0	SECTION 4.15 EVALUATION EP&A ACT 1979	26
5.1	SECTION 4.15(1)(a) OF THE EP&A ACT 1979	26
5.2	SECTION 4.15(1)(b) OF THE EP&A ACT 1979	48
5.3	SECTION 4.15(1)(c) OF THE EP&A ACT 1979	52
5.4	SECTION 4.15(1)(d) OF THE EP&A ACT 1979	52
5.5	SECTION 4.15(1)(e) OF THE EP&A ACT 1979	53
6.0	SECTION 4.46 EVALUATION EP&A ACT 1979	54
7.0	CONCLUSION	55



1.0 INTRODUCTION

This Statement of Environmental Effects has been prepared to accompany a S4.55(2) modification to the approved Development Application (DA) **DA-667/2017/A** to the City of Canterbury-Bankstown Council (Bankstown) seeking consent for the demolition of existing structures and the construction of a two-storey dwelling house at **198 Henry Lawson Drive, George Hall**.

The proposed modifications include a redesigning the roof from a flat roof to a hip and valley roof. The ground floor and first floors have had the location of the stair/lift well and courtyard swapped. Additionally, minor redesigns to the floor plans and windows have also been proposed.

The proposed built form improves its response to the existing character of the streetscape by providing a hip and valley roof, the same style as the neighbouring dwellings at 200 and 196 Henry Lawson Drive.

The proposed internal changes increase the amenity of the living spaces by repositioning the stairwell to the living room, kitchen and dining areas, creating not only an improved circulation within the dwelling, but an opportunity to increase natural light into these spaces.

The proposal retains a high level of compliance with the requirements prescribed in *Canterbury-Bankstown Local Environmental Plan 2023* (the LEP) and the *Canterbury-Bankstown Development Control Plan 2023* (the DCP).

This Statement of Environmental Effects has been prepared having regard to the plans, reports and documents that accompany the subject S4.55(2) submission and are listed as follows:

- **Architectural Plans & Revision Clouds** prepared by *Alvaro Architects Pty Ltd*
- **Notification Plan** prepared by *Alvaro Architects Pty Ltd*
- **BASIX Certificate** prepared by *Victor Lin & Associates Pty Ltd*
- **Stormwater Systems Report**
- **Owner's Consent**
- **ASIC Company Details**



2.0 THE SITE

2.1 LEGAL DESCRIPTION

The subject site comprises one land parcel legally described as **Lot 14 in DP12034** and is commonly known as **198 Henry Lawson Drive Georges Hall**.

2.2 LOCATION

The subject site is situated on the north-western side of Henry Lawson Drive, Georges Hall with Georges River adjoining to the west of the subject site as illustrated in Figure 1.



Figure 1. Location Map (source: SIX Maps)

2.3 DIMENSIONS AND SITE AREA

The subject site comprises an irregular allotment with boundaries as follows:

- An eastern primary frontage to Henry Lawson Drive measuring 13.71 metres;
- A southern side boundary measuring 66.75 metres;
- A western rear boundary measuring 13.5 metres; and
- A northern side boundary measuring 68.68 metres.

The subject site has an overall site area of 912.24m².



2.4 TOPOGRAPHY

The site contains a cross fall of approx. 4.84m in an east to west direction from the RL 8.51 metres on the eastern boundary to a RL of 6.67 metres from the western boundary.

2.5 EXISTING VEGETATION

The previous DA approval of **DA-667/2017** included the removal of (2) trees. This S4.55(2) does not seek an alteration to this proposal. The site does not contain any native vegetation and is not identified as environmentally significant land on Council's online mapping system.

2.6 CONTEXT AND SURROUNDS

The surrounding land uses of the neighbouring lots are as follows:

- No. 196 Henry Lawson Drive neighbouring the site to the north contains a two-storey dwelling house;
- No. 200 Henry Lawson Drive neighbouring the site to the north contains a single-storey dwelling house;
- No. 209 Henry Lawson Drive opposite the site to the east contains a single-storey dwelling house;
- No. 211 Henry Lawson Drive opposite the site to the east contains a single-storey dwelling house;
- Georges River adjoins the western boundary of the subject site.

The local surrounding area is characterised by residential development of all sides of the site.

2.7 PAST USES

The site is known to have always been used for residential purposes.



3.0 THE PROPOSAL

3.1 OVERVIEW

The previous DA application **DA-667/2017** and related S4.55 modification application **DA-667/2017/A** sought consent for demolition of existing structures and the construction of a two-storey dwelling house.

The previous scope of works included:

- Demolition of the existing structures;
- Relocation of Telstra pole;
- Construction of a two-storey dwelling house; and
- Minor earthworks to facilitate the construction of the slab, footings and stormwater works as ancillary works to the overall development.

This S4.55(2) application does not seek an amendment to this proposed definition and scope of works.

3.2 DETAILS OF MODIFICATION

3.2.1 GROSS FLOOR AREA AND FLOOR SPACE RATIO

The previous proposed dwelling house, as proposed in **DA-667/2017/A**, had a total GFA of 335m² which equates to a FSR of 0.37:1 on the 912.4m² site.

The current proposed dwelling house, as proposed in this S4.55(2) submission, has a total GFA of 421.4m² which equates to a FSR of 0.46:1 on the 912.4m² site, remaining compliant with the *Canterbury-Bankstown Local Environmental Plan 2023* requirement of a maximum GFA of 0.5:1.

3.2.2 BUILDING HEIGHT

The previous proposed dwelling house, as proposed in **DA-667/2017/A**, had a maximum building height of **8.4m**.

The current proposed dwelling house, as proposed in this S4.55(2) submission, has a maximum building height of **8.85m**, remaining compliant with the *Canterbury-Bankstown Local Environmental Plan 2023* requirement of a maximum height of 9m.



3.2.3 BUILDING SETBACKS

The previous proposed dwelling house, as proposed in **DA-667/2017/A**, had the proposed minimum boundary setbacks defined in Table 1, below:

Level	Front Setback	Side Setback (NE)	Side Setback (SW)	Rear Setback
Ground Floor	5.5m	1.12m	1.10m	>30m
First Floor	5.5m	1.12m	1.10m	>30m

Table 1. Previous setbacks.

The current proposed dwelling house, as proposed in this S4.55(2) submission, has the proposed minimum boundary setbacks as defined in Table 2, below, remaining compliant with the *Canterbury-Bankstown Development Control Plan 2023*.

Level	Front Setback	Side Setback (NE)	Side Setback (SW)	Rear Setback
Ground Floor	5.5m	1.11m	1.27m	>30m
First Floor	5.5m	1.11m	1.27m	>30m

Table 2. Proposed setbacks.

3.2.3 GROUND FLOOR PLAN MODIFICATIONS

The following modifications to the Ground Floor plan design are proposed:

1. Stair/lift well moved to previous courtyard location. Associated glazing removed from proposal. Glazed block wall proposed.
2. Courtyard moved to previous stair/lift well location. Associated window and storage proposed.
3. Side boundary fences amended. Entry fence, gates and planters amended.



4. Northwestern glazed sliding/stacking doors amended.
5. Relocation of kitchen island to provide dining space in previous kitchen island location.
6. Minor redesign of ground floor bathroom.
7. Entry door increased in width. Sidelights reduced in width.

Refer to Figures 2. and 3. for a comparison of the Ground Floor Plan submitted for **DA-667/2017/A** and the Ground Floor Plan for this S4.55(2) submission, with the above modifications highlighted in yellow and numbered.

3.2.4 FIRST FLOOR PLAN MODIFICATIONS

The following modifications to the First Floor plan design are proposed:

8. Pergola proposed over principle private open space.
9. Bed 03 sliding door relocated due to redesign of interior space.
10. Bed 03 redesigned with walk in robe and redesigned ensuite.
11. Master walk in robe increased in size.
12. Master ensuite moved as a result on walk in robe increase with minor redesign.
13. Gym proposed in previous Bed 04 location.
14. Previous Bed 04 ensuite relocated and changed to communal bathroom.
15. Bed 04 repositioned in place of previous Family Room.
16. Study no longer proposed. Bed 02 relocated to study location. Walk in robes provided for Bed 01 & 02. Respective ensuites redesigned.

Refer to Figures 4. and 5. for a comparison of the First Floor Plan submitted for **DA-667/2017/A** and the First Floor Plan for this S4.55(2) submission, with the above modifications highlighted in yellow and numbered.

3.2.5 ROOF PLAN MODIFICATIONS

The following modifications to the Roof Plan design are proposed:

17. Roof amended from flat roof with parapets to standard hip and valley roof. Previous parapets no longer proposed.



Refer to Figures 6. and 7. for a comparison of the Roof Plan submitted for **DA-667/2017/A** and the Ground Floor Plan for this S4.55(2) submission, with the above modifications highlighted in yellow and numbered.

3.2.6 SOUTH EAST ELEVATION MODIFICATIONS

The following modifications to the South East Elevation design are proposed:

- 18. Timber-look aluminium blades proposed to street elevation to further define entry.

Refer to Figures 8. and 9. for a comparison of the South East Elevation submitted for **DA-667/2017/A** and the South East Elevation for this S4.55(2) submission, with the above modifications highlighted in yellow and numbered.

3.2.7 NORTH EAST ELEVATION MODIFICATIONS

The following modifications to the North East Elevation design are proposed:

- 19. Window W10 proposed for Bed 02.
- 20. Glass block wall, GW01 & GW02, proposed to stair/lift well.

Refer to Figures 10. and 11. for a comparison of the North East Elevation submitted for **DA-667/2017/A** and the North East Elevation for this S4.55(2) submission, with the above modifications highlighted in yellow and numbered.

3.2.8 SOUTH WEST ELEVATION MODIFICATIONS

The following modifications to the South West Elevation design are proposed:

- 21. Window W14 reduced in width for Master Bed Walk in Robe.
- 22. Window W18 proposed for first floor Bathroom.
- 23. Window W19 proposed for Bed 04.

Refer to Figures 12. and 13. for a comparison of the South West Elevation submitted for **DA-667/2017/A** and the South West Elevation for this S4.55(2) submission, with the above modifications highlighted in yellow and numbered.



3.2.9 NORTH WEST ELEVATION MODIFICATIONS

No additional modifications to the North West Elevation design are proposed.

Refer to Figures 14. and 15. for a comparison of the North East Elevation submitted for **DA-667/2017/A** and the North East Elevation for this S4.55(2) submission, with the above modifications highlighted in yellow and numbered.

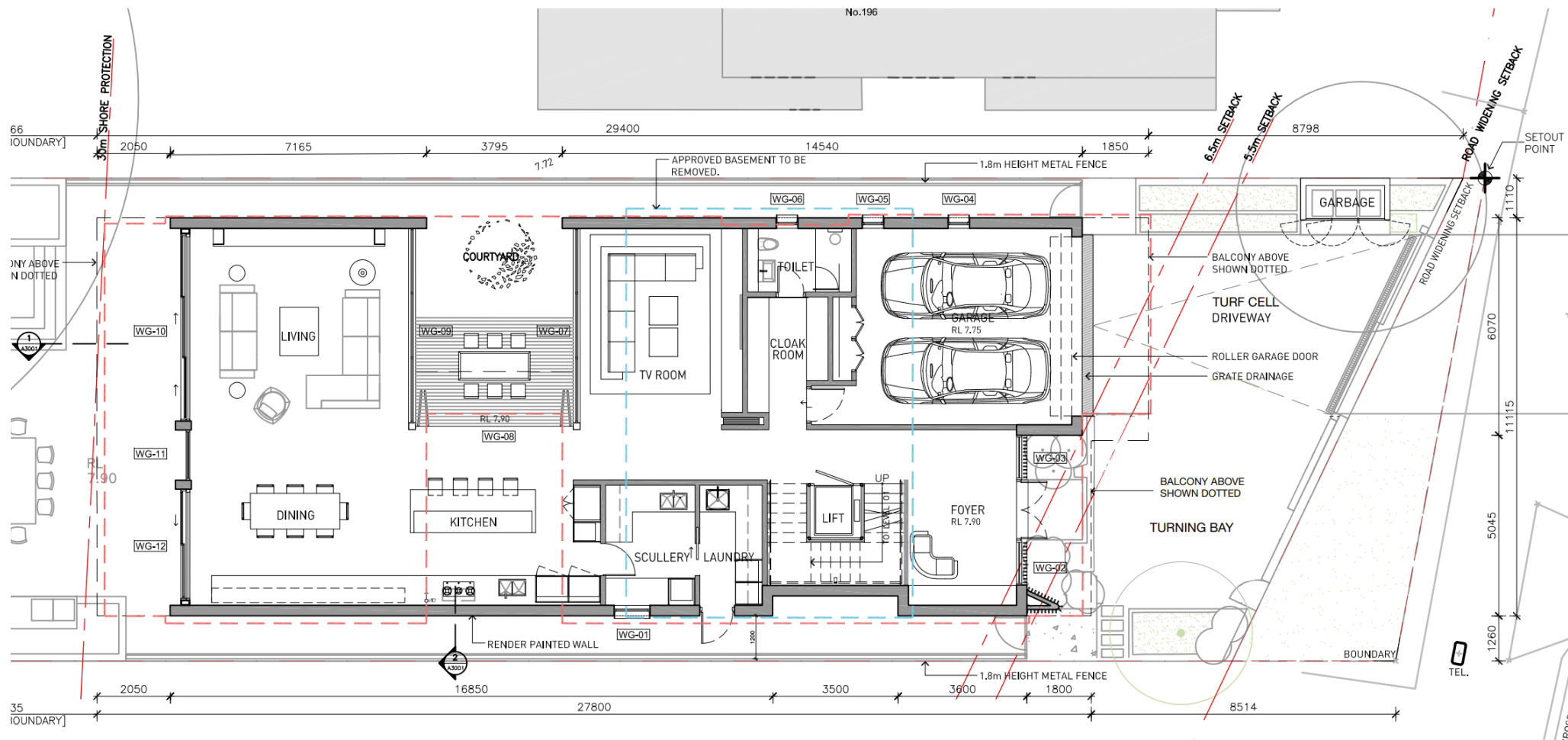


Figure 2. Ground Floor Plan for DA-667/2017/A prepared by PTW Architects.

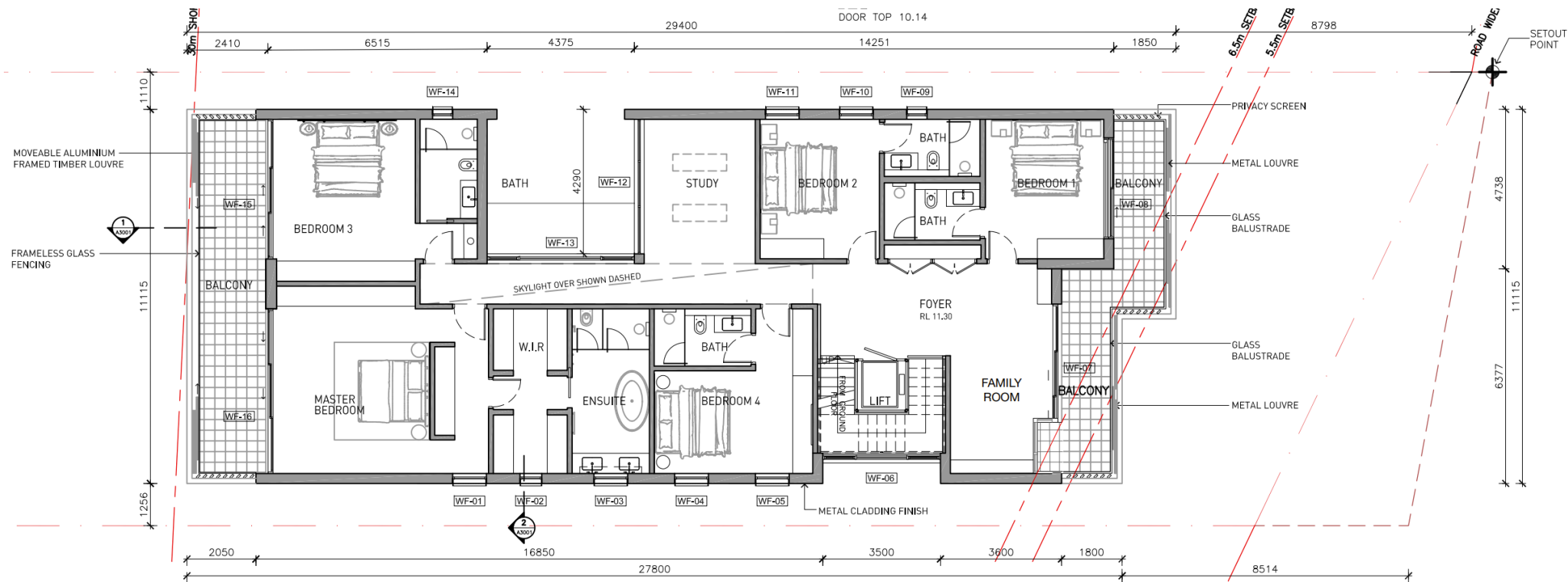


Figure 4. First Floor Plan for DA-667/2017/A prepared by PTW Architects.

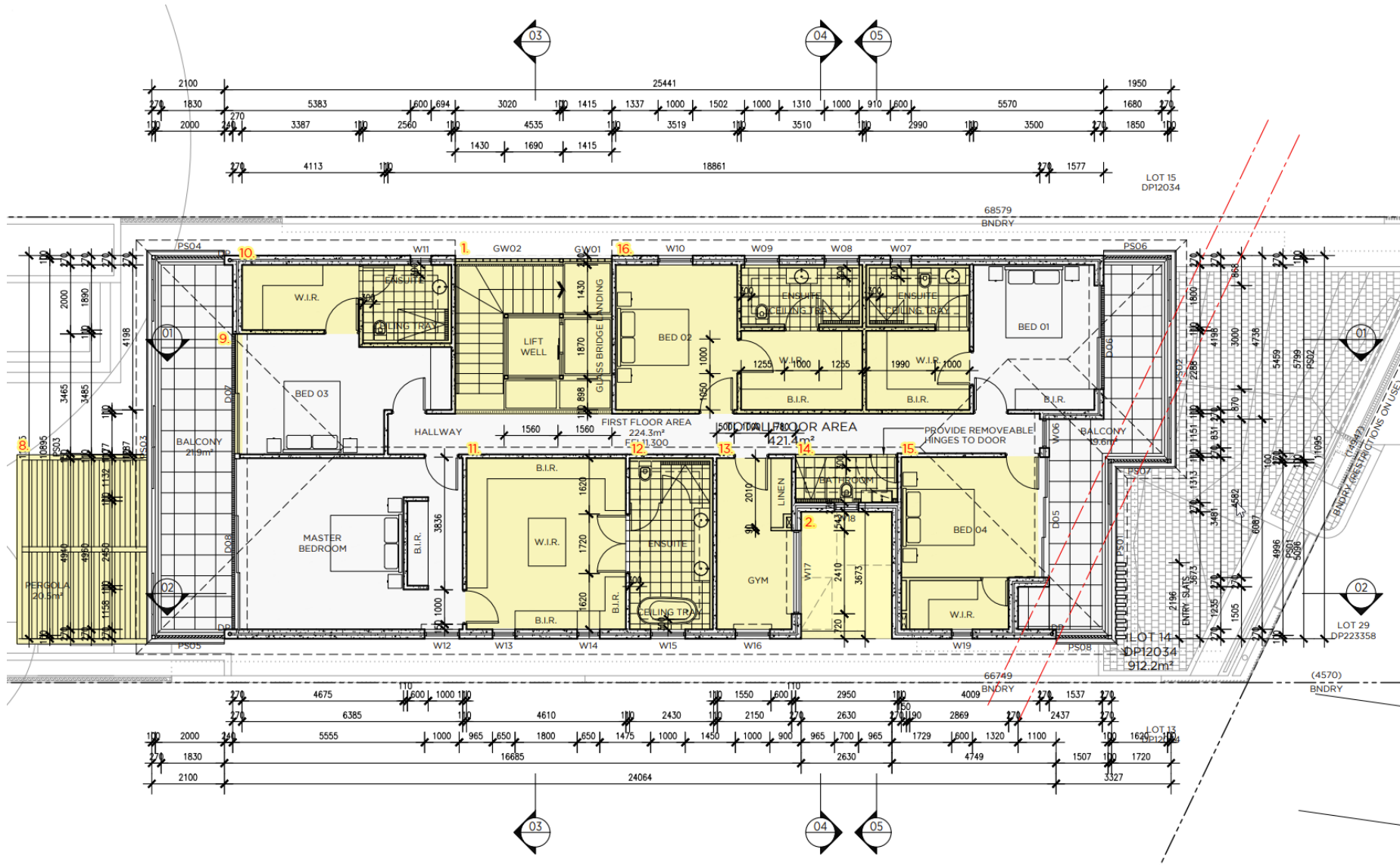


Figure 5. First Floor Plan for S4.55(2) submission prepared by Alvaro Architects.

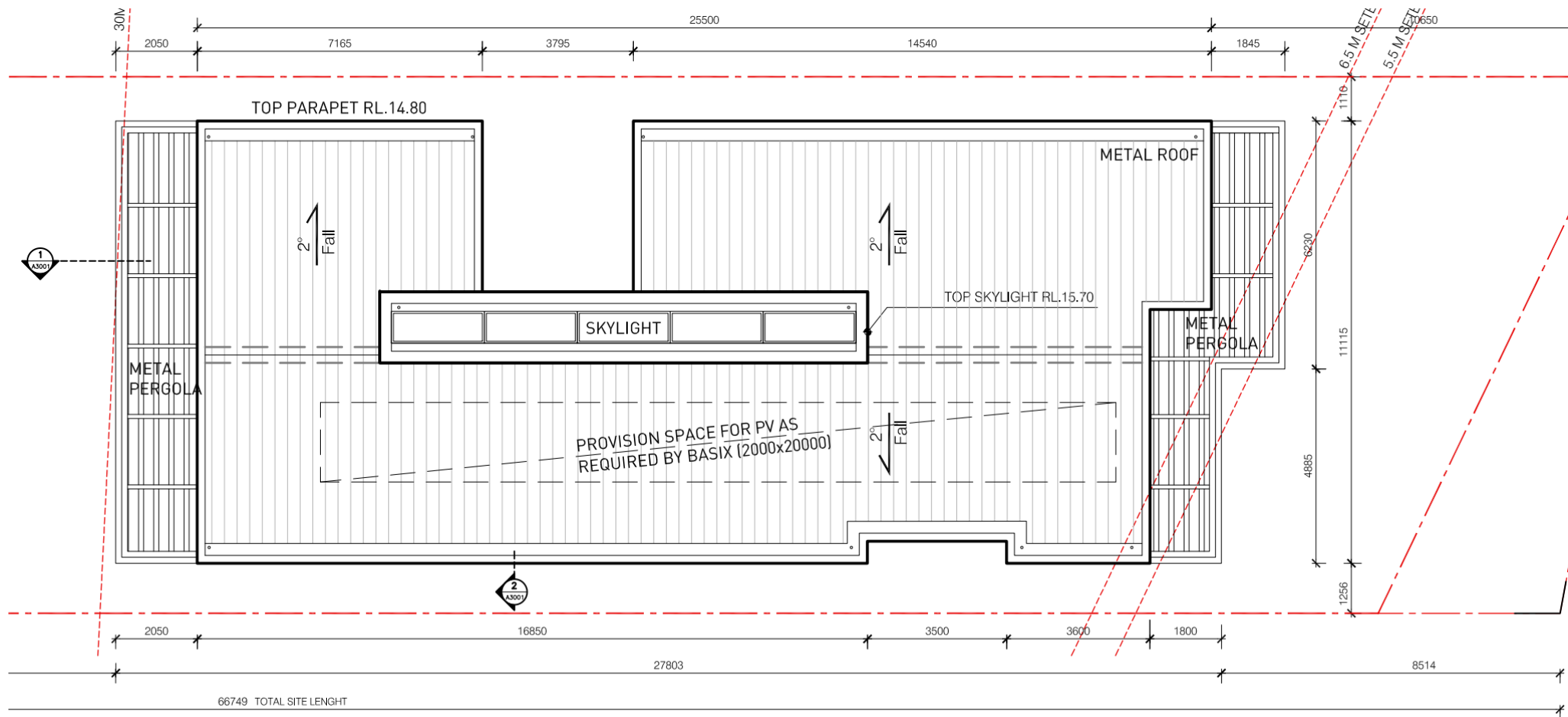


Figure 6. Roof Plan for DA-667/2017/A prepared by PTW Architects.

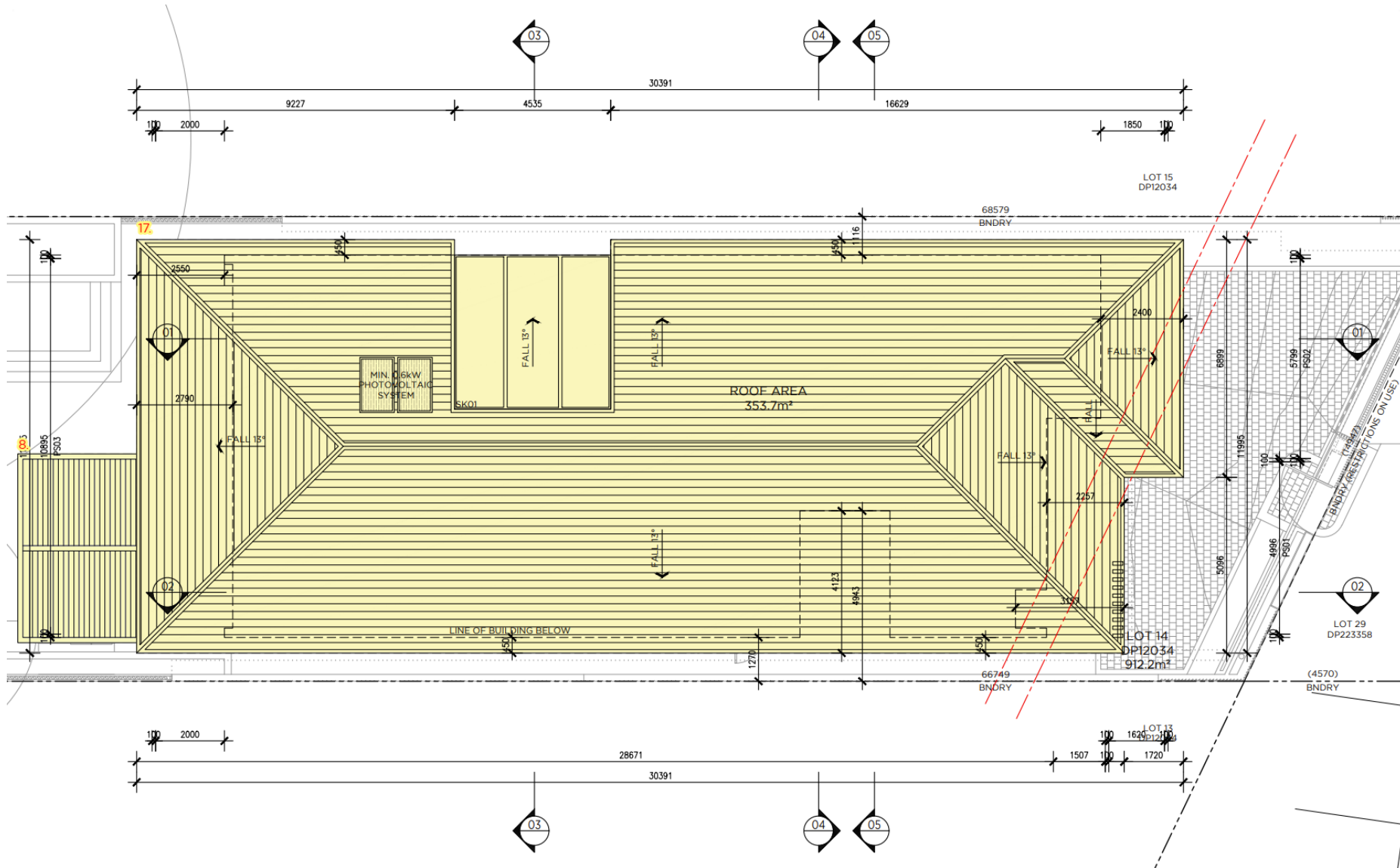
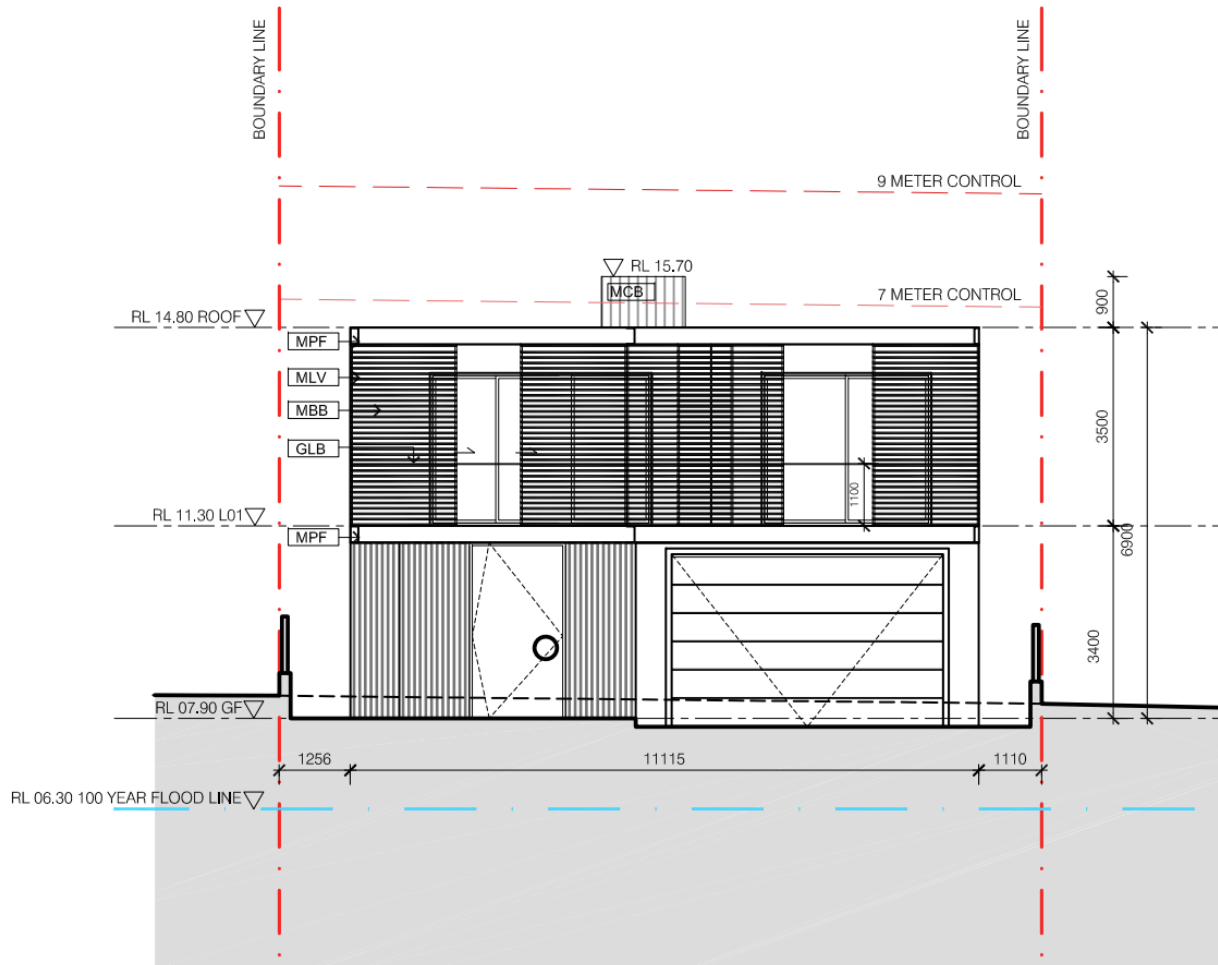


Figure 7. Roof Plan for S4.55(2) submission prepared by Alvaro Architects.



3 EAST ELEVATION
1:100

Figure 8. South East Elevation for DA-667/2017/A prepared by PTW Architects.

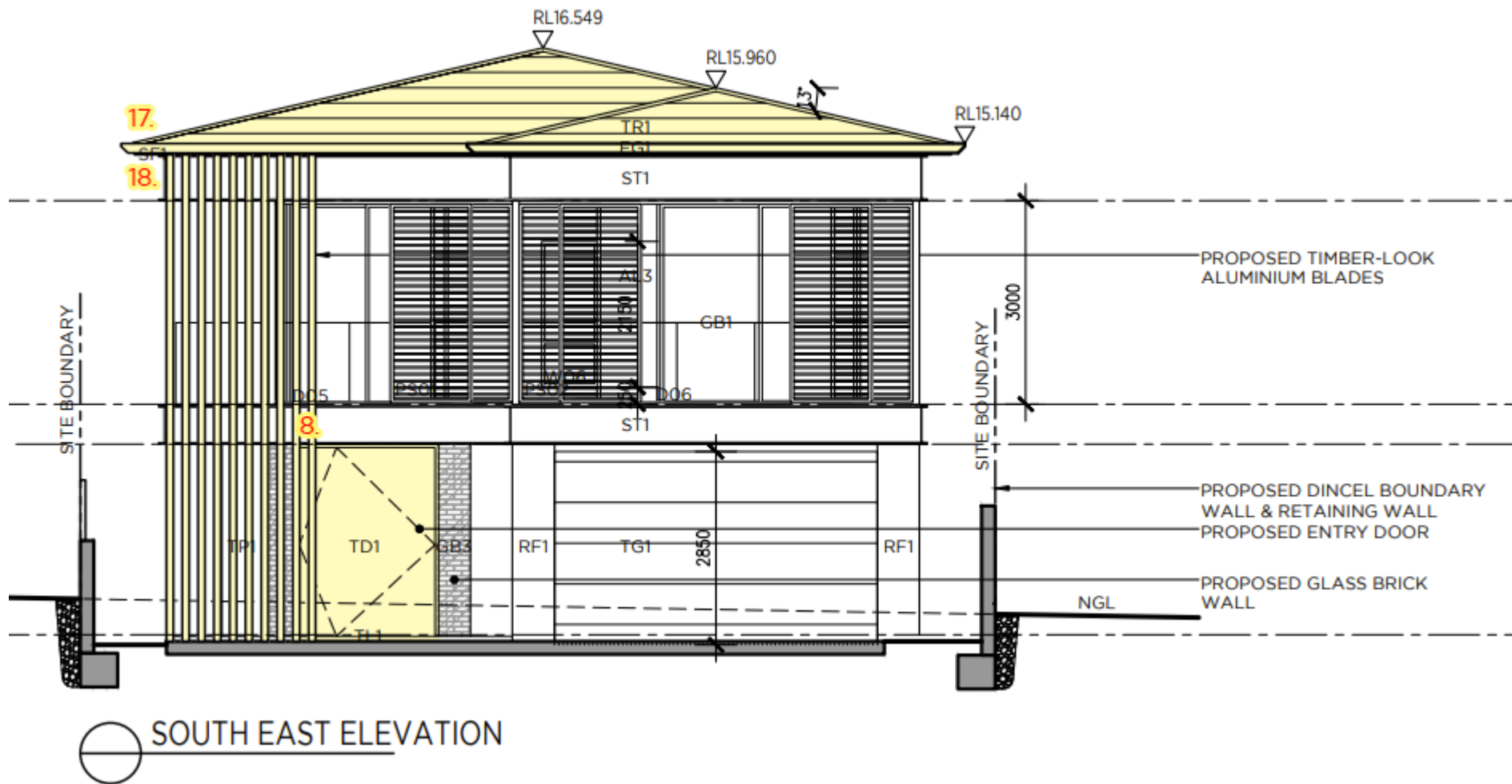
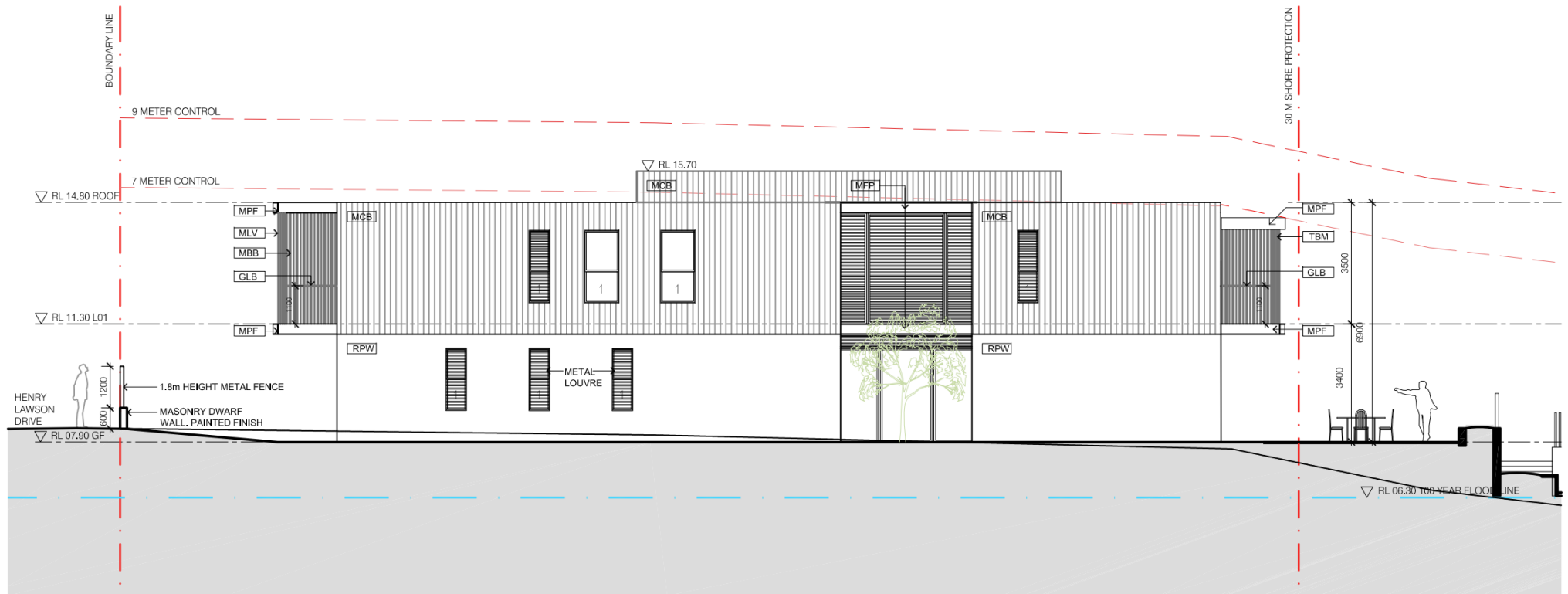
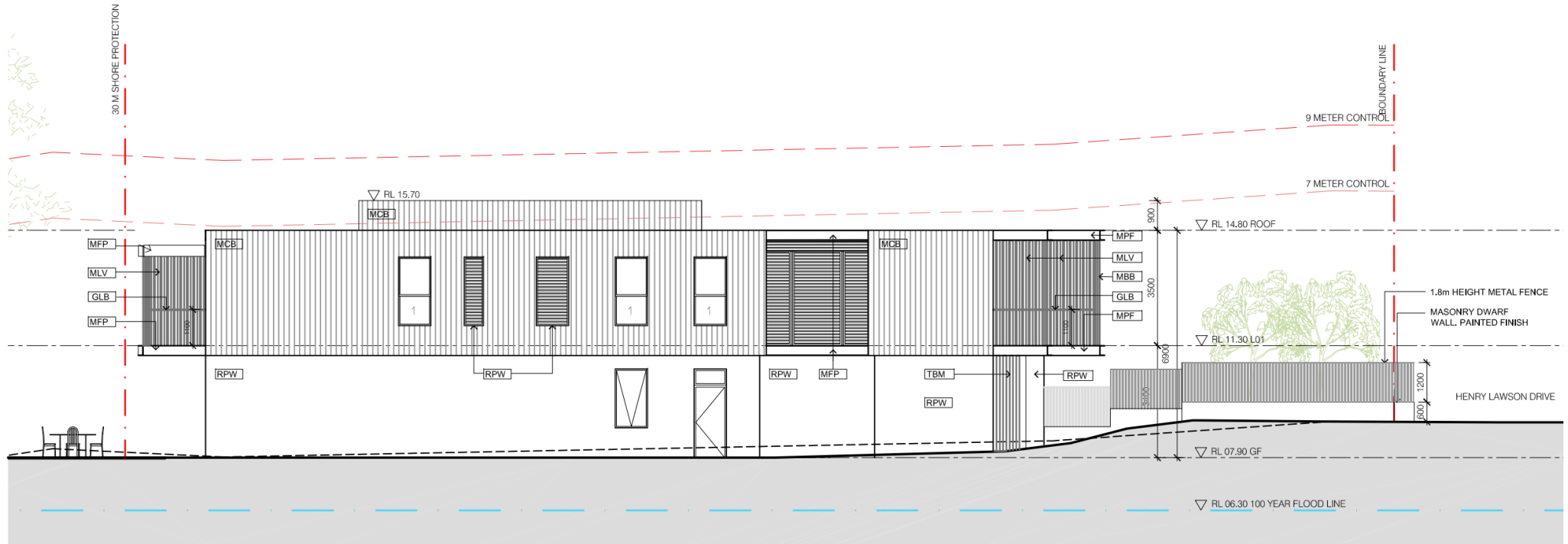


Figure 9. South East Elevation for S4.55(2) submission prepared by Alvaro Architects.



1 NORTH ELEVATION
1:100

Figure 10. North East Elevation for DA-667/2017/A prepared by PTW Architects.



2 SOUTH ELEVATION
1:100

Figure 12. South West Elevation for DA-667/2017/A prepared by PTW Architects.

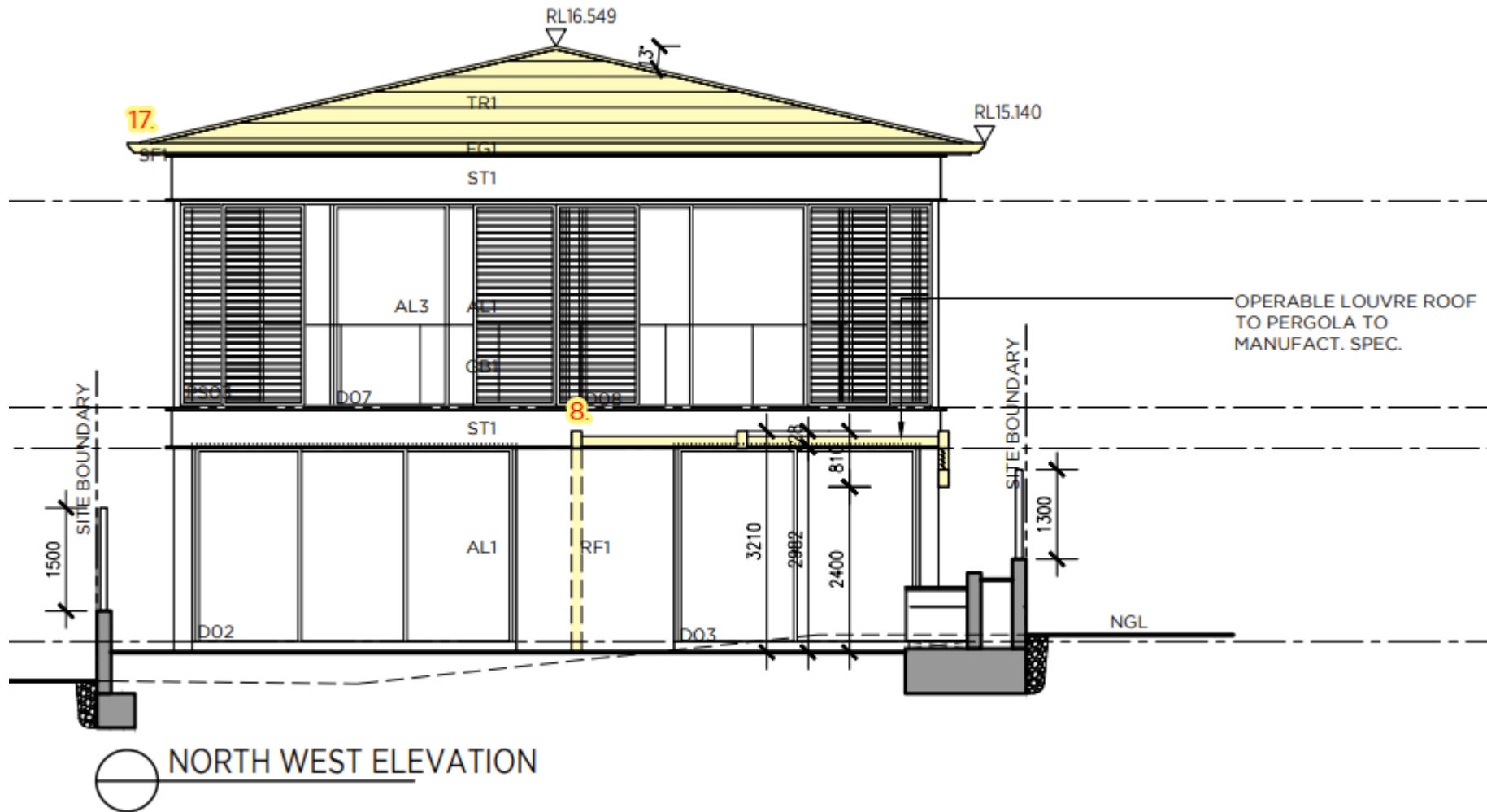


Figure 15. North West Elevation for S4.55(2) submission prepared by Alvaro Architects.



4.0 PLANNING FRAMEWORK

The *Environmental Planning and Assessment Act 1979* prescribes the following matters that have been taken into consideration in the assessment of the subject application, as detailed under the respective headings below:

- Section 4.15 Evaluation:
 - Section 4.15(1)(a)(i)
The provisions of any Environmental Planning Instrument;
 - Section 4.15(1)(a)(ii)
The provisions of any proposed instrument that is or had been the subject of public consultation under this Act and that has been notified to the consent authority;
 - Section 4.15(1)(a)(iii)
The provisions of any Development Control Plan;
 - Section 4.15(1)(a)(iiia)
The provisions of any planning or draft planning agreement that has been entered into under Section 7.4,
 - Section 4.15(1)(a)(iv)
The provisions of the Regulations;
 - Section 4.15(1)(b)
The likely environmental impacts on both the natural and built environments, and social and economic impacts of the development;
 - Section 4.15(1)(c)
The suitability of the site for the development;
 - Section 4.15(1)(d)
Any submissions made in accordance with the Act or the regulations; and
 - Section 4.15(1)(e)
The public interest
- Section 4.46 – Integrated Development



5.0 SECTION 4.15 EVALUATION EP&A ACT 1979

5.1 SECTION 4.15(a) OF THE EP&A ACT 1979

S4.15(1)(a)(i) *The provisions of any Environmental Planning Instrument*

The following environmental planning instruments are applicable to this development:

- **State Environmental Planning Policy (Biodiversity & Conservation) 2021**
- **State Environmental Planning Policy (Resilience and Hazards) 2021 – Chapter 4 Remediation of Land**
- **State Environmental Planning Policy (Sustainable Buildings) 2022**
- **State Environmental Planning Policy (Infrastructure) 2021; and**
- **Canterbury-Bankstown Local Environmental Plan 2023**

State Environmental Planning Policy (Biodiversity & Conservation) 2021

The State Environmental Planning Policy (Biodiversity & Conservation) 2021 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.

Chapter 2 Vegetation in non-rural areas

Clause 2.3: Land to which Chapter applies

Pursuant to Clause 2.3, the subject site is located within the local government area of Canterbury-Bankstown to which the provisions of the SEPP apply.

The proposal is compliant with all clauses within Chapter 2 of the SEPP.

Chapter 13: Strategic conservation Planning

Clause 13.1: Land to which Chapter applies

Pursuant to Clause 13.1, the subject site appears to be located within the area highlighted as the Georges River Catchment in the Land Application Map.



The proposal is compliant with all clauses within Chapter 12 of the SEPP.

State Environmental Planning Policy (Resilience and Hazards) 2021 – Chapter 4 Remediation of Land

The *State Environmental Planning Policy (Resilience and Hazards) 2021 – Chapter 4 Remediation of Land* contains planning controls for the remediation of contaminated land. The policy states that land must not be developed if it is unsuitable for a proposed use because it is contaminated.

The history of land uses for the site has been considered as an indicator for potential contamination. The site is not identified as being contaminated and there is no evidence to suggest that the site has previously been used for any potential contaminating activity. Given the history of the past land use, no further contamination investigations are warranted, and the application can be processed in the usual manner.

State Environmental Planning Policy (Sustainable Buildings) 2022

All residential development is required to comply with the Building Sustainability Index (BASIX), a planning tool designed to assess the water, energy and thermal efficiency of new residential developments. The application proposed demolition of existing structures and the construction of a two-storey dwelling house and therefore the development is a BASIX affected building. Therefore, a BASIX Certificate is required for the development which accompanies the application indicating the proposal's full compliance with the BASIX requirement. Due to modifications to the proposed windows of the proposal, and updated BASIX certificate has been included with this S4.55(2) submission.

State Environmental Planning Policy (Transport and Infrastructure) 2021

Part 2.3 – Division 5 – Electricity Transmission of Distribution

Clause 2.48: Determination of Development Applications – Other Development

Clause 2.48 of the *State Environmental Planning Policy (Transport and Infrastructure) 2021* identifies triggers which require the local electricity



supply authority to be given written notice of an application for modification of a consent. In this regard:

- There are no known electricity distribution poles location within close proximity to the site;
- The development is not located immediately adjacent to any existing electricity substations;
- There are exposed overhead electricity power lines located along the street frontage of the site however no additional building works are proposed that would affect the existing exposed power lines;
- The proposed development does not include the construction of a swimming pool; and
- The proposed development does not necessitate or propose the placement of power lines underground.

Given the above, the application does not meet any of the triggers for the local electricity supply authority to be given written notice of the subject modification application.

Part 2.3 – Division 15 – Railways

Subdivision 2: Development in or adjacent to rail corridors and interim rail corridors – notification and other requirements.

The development is not on land that is in or immediately adjacent to a rail corridor and therefore Part 2.3 – Division 15 of the SEPP does not apply to the subject application.

Part 2.3 – Division 17 – Roads and traffic

Subdivision 2: Development in or adjacent to road corridors and road reservations.

Clause 2.119: Development with frontage to classified Road.

The subject site has a frontage to Henry Lawson Drive, Georges Hall which is identified in the Transport for NSW Schedule of Classified Roads and Unclassified Regional Roads publication (February 2023) as being a Main Road (508) (Classified Road).



The following provisions apply to the subject application:

- Existing vehicular access to the land is provided from Henry Lawson Drive which is a classified road. No changes are proposed to the vehicular access.
- The safety, efficiency and ongoing operation of the Classified Road will not be affected by the development as a result of vehicular access to the land, the emission of smoke or dust from the development or the nature, volume or frequency of vehicles using the Classified Road to gain access to the land; and
- The development is not of a type that is sensitive to traffic noise or vehicle emissions.

The development is considered acceptable having regard to the provisions of the SEPP.

Canterbury-Bankstown Local Environmental Plan 2023

Canterbury-Bankstown Local Environmental Plan 2023 (the LEP) is the principal environmental planning instrument that applies to the site and contains all the applicable development standards for the development of the subject site. An assessment pursuant to the applicable sections of the LEP is provided in Table 3.

Canterbury-Bankstown Local Environmental Plan 2023			
CONTROL	REQUIREMENT	CLAUSE	COMPLIANCE
Zone	R2 Low Density Residential	LEP Mapping Tool	Complies.
Minimum Lot Size (m2)	450	LEP Mapping Tool	Complies.
Maximum Building Height (m)	9	LEP Mapping Tool	Complies.



Permitted with consent	Dwelling houses	Land Use Table	Complies.
Floor Space Ratio	0.5:1	LEP Mapping Tool	Complies.
Calculation of floor space ratio and site area	Definition of “floor space ratio” The floor space ratio of buildings on a site is the ratio of the gross floor area of all buildings within the site to the site area.	4.5	N/A.

Table 3. Canterbury-Bankstown Local Environmental Plan 2023 Compliance Table.

S4.15(1)(a)(ii) *The provisions of any proposed instrument that is or had been the subject of public consultation under this Act and that has been notified to the consent authority*

At the time of writing this Statement, there were no known proposed instruments that were the subject of public consultation under the Act.

S4.15(1)(a)(iii) *The provisions of any development control plan*

Canterbury-Bankstown Development Control Plan 2023

Canterbury-Bankstown Development Control Plan 2023 (the DCP) contains objectives and development controls for development within the former Bankstown City Council Local Government Area. AN Assessment of the proposal against the application provisions of the DCP is provided in Table 4.

Canterbury-Bankstown Development Control Plan 2023			
5.1 Former Bankstown LGA			
CONTROL	REQUIREMENT	CLAUSE	COMPLIANCE
Storey limit (not including basements)	The storey limit for dwelling houses is two storeys.	5.1.2.1	Complies. The proposed development is two-storeys.



	<p>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.</p>	5.1.2.2	<p>Complies. The proposed dwelling house responds to the existing slope and contours of the allotment.</p>
Fill	<p>Any reconstituted ground level on the site within the ground floor perimeter of dwelling houses must not exceed a height of 1m above the ground level (existing). For the purposes of this clause, the ground floor perimeter includes the front porch.</p>	5.1.2.3	<p>Complies. The subject application proposes minor cutting on the land to a maximum of 330mm in conjunction with the proposed development.</p>





	Any reconstituted ground level on the site outside of the ground floor perimeter of dwelling houses must not exceed a height of 600mm above the ground level (existing) of an adjoining site. For the purposes of this clause, the ground floor perimeter includes the front porch.	5.1.2.4	Complies. The proposed development includes minor filling within the building envelope to a maximum height of 570mm and at the rear of the site measuring 1.6 metres to facilitate floor levels above the 100-year flood line within the private open space area.
Setback restrictions	The erection of dwelling houses is prohibited within 9m of an existing animal boarding or training establishment.	5.1.2.5	Complies. The subject site is not located within 9 metres of an existing animal boarding or training establishment.
Street setbacks	The minimum setback for a building wall to the primary street frontage is: (a) 5.5m for the first storey (i.e. the ground floor); and	5.1.2.6.a	Complies. The ground floor level of the dwelling house has a front setback of 5.5 metres.
	(b) 6.5m for the second storey.	5.1.2.6.b	Complies. The first floor level of the dwelling house has a front setback of 6.5 metres.
	The minimum setback to the secondary street frontage is: (a) 3m for a building wall; and	5.1.2.7.a	N/A.



	(b) 5.5m for a garage or carport that is attached to the building wall.	5.1.2.7.b	N/A.
Side setbacks	For the portion of the building wall that has a wall height less than or equal to 7m, the minimum setback to the side boundary of the site is 0.9m.	5.1.2.8	Complies. The building wall on the side boundary has a height of 6.89 metres. The north east boundary setback measures 1.11 metres and 1.27 metres along the south west boundary.
	For the portion of the building wall that has a wall height greater than 7m, the minimum setback to the side boundary of the site is 1.5m. Council may vary this requirement where a second storey addition to an existing dwelling house demonstrates it must use the ground floor walls for structural support.	5.1.2.9	N/A.
	The basement level must not project beyond the ground floor perimeter of the dwelling house. For the purposes of this clause, the ground floor perimeter includes the front porch.	5.1.2.10	N/A.



Private open space	Dwelling houses must provide a minimum 80m ² 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 5m throughout.	5.1.2.11	Complies. The subject site provides a minimum on 80m ² of private open space (POS) for the dwelling house and is located behind the front building line.
Access to sunlight	At least one living area must receive a minimum three hours of sunlight between 8.00am and 4.00pm at the mid-winter solstice. Council may allow light wells and skylights to supplement this access to sunlight provided these building elements are not the primary source of sunlight to the living areas.	5.1.2.12	Complies. The north and west facing openings within the dining and living rooms of the dwelling receives at least 3 hours of solar access between 12:00pm and 4:00pm in mid-winter.



	<p>At least one living area of a dwelling on an adjoining site must receive a minimum three hours of sunlight between 8.00am and 4.00pm at the mid-winter solstice. Where this requirement cannot be met, the development must not result with additional overshadowing on the affected living areas of the dwelling.</p>	5.1.2.13	<p>Complies. The living area for the northern adjoining property at No. 196 Henry Lawson Drive, will continue to receive the required solar access between 8:00am to 4:00pm in mid-winter.</p> <p>The living area for the southern adjoining property at No. 200 Henry Lawson Drive will receive at least 3 hours of solar access between 8:00am and 11:00am in mid-winter from the north and east facing windows.</p>
--	---	----------	--



	<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>Where this requirement cannot be met for a dwelling on an adjoining site, the development must not result with additional overshadowing on the affected private open space.</p>	5.1.2.14	<p>Complies. The required 50% of the private open space for the dwelling house equates to 68.5m² of which will receive a minimum of 3 hours of solar access between 12:00pm and 4:00pm in mid-winter due to the north facing aspect.</p> <p>The POS Of the northern adjoining property at No. 196 Henry Lawson Drive, will continue to receive the required solar access between 12:00pm to 4:00pm in mid-winter.</p> <p>The POS of the southern adjoining property at No. 200 Henry Lawson Drive will receive adequate solar access between 12:00pm and 4:00pm in mid-winter.</p>
	<p>Development should avoid overshadowing any existing solar hot water system, photovoltaic panel or other solar collector on the site and neighbouring sites.</p>	5.1.2.15	<p>Complies. The proposed application does not result in any overshadowing of any existing solar hot water systems, photovoltaic panels or other solar collectors.</p>



Visual Privacy	Where development proposes a window that directly looks into the living area or bedroom window of an existing dwelling, the development must: (a) offset the windows between dwellings to minimise overlooking; or (b) provide the window with a minimum sill height of 1.5m above floor level; or (c) ensure the window cannot open and has obscure glazing to a minimum height of 1.5m above floor level; or (d) use another form of screening to the satisfaction of Council.	5.1.2.16.	Complies. The north west dining room window on the ground floor level of the proposed dwelling is fitted with a privacy screen which will limit views of the POS of the northern adjoining property at No. 196 Henry Lawson Drive. The kitchen window and courtyard area will be obscured by the 1.8 metre northern boundary fencing ensuring the amenity of the occupants is maintained. The south western living room window on the ground floor level will be obscured by the 1.8 metre southern boundary fencing and is also fitted with a privacy screen. Therefore, minimising overlooking of the POS of the southern adjoining property at No. 200 Henry Lawson Drive.
----------------	--	-----------	---





	<p>Where development proposes a window that directly looks into the private open space of an existing dwelling, the window does not require screening where:</p> <p>(a) the window is to a bedroom, bathroom, toilet, laundry, storage room, or other non-habitable room; or</p> <p>(b) the window has a minimum sill height of 1.5m above floor level; or</p> <p>(c) the window has translucent glazing to a minimum height of 1.5m above floor level; or</p> <p>(d) the window is designed to prevent overlooking of more than 50% of the private open space of a lower-level or adjoining dwelling.</p>	5.1.2.17	<p>Complies. The dining room window on the ground floor level of the proposed dwelling is fitted with a privacy screen which will limit views of the POS of the northern adjoining property at No. 196 Henry Lawson Drive.</p> <p>The living room window on the ground floor level of the proposed dwelling will be obscured by 1.8 metre southern boundary fencing. Additionally, it will be fitted with a privacy screen which will limit views of the southern adjoining property at No. 200 Henry Lawson Drive.</p> <p>No other habitable room windows are proposed within the dwelling that have the potential for direct views into the private open spaces of the adjoining properties.</p>
--	--	----------	--





	<p>Council may allow dwelling houses to have an upper floor side or rear balcony solely where the balcony is not accessible from a living area or hallway, and the balcony design:</p> <p>(a) does not have an external staircase; and</p> <p>(b) does not exceed a width of 1.5m throughout; and</p> <p>(c) incorporates a form of screening to the satisfaction of Council such as partially recessing the balcony into the building.</p>	5.1.2.18	<p>Complies. The proposed dwelling includes (2) first floor level balconies to the rear which are accessed from Bedroom 1 and the Master Bedroom. Both balconies:</p> <ul style="list-style-type: none"> • do not have an external staircase; and • have a width of 1.2 metres throughout which does not exceed a width of 1.5 metres; and • incorporates privacy shutters to the satisfaction of Council.
	<p>Council does not allow dwelling houses to have roof-top balconies and the like.</p>	5.1.2.19	<p>Complies. The development does not include the construction of any roof-top balconies.</p>
Building design	<p>The maximum roof pitch for dwelling houses is 35 degrees.</p>	5.1.2.20	<p>Complies. The proposed dwelling has a hip & valley roof which has a maximum pitch of 13 degrees.</p>



	Council may allow dwelling houses to have an attic provided the attic design: (a) accommodates no more than two small rooms (for the purposes of a bedroom and/or study) and a bathroom plus an internal link to the storey below; and	5.1.2.21.a	N/A.
	(b) ensures the attic does not give the external appearance of a storey.	5.1.2.21.b	N/A.
	The design of dormers must: (a) be compatible with the form and pitch of the roof; and	5.1.2.22.a	N/A.
	(b) must not project above the ridgeline of the main roof; and	5.1.2.22.b	N/A.
	(c) must not exceed a width of 2m; and	5.1.2.22.c	N/A.
	(d) the number of dormers must not dominate the roof plane	5.1.2.22.d	N/A.



	Development in the foreshore protection area (refer to map in Appendix 1) must use non-reflective materials that are compatible with the natural characteristics and colours of the area (such as olive green, grey and dark brown).	5.1.2.23	Complies. The proposed dwelling does not include any reflective materials as the part of the colours and finishes.
Building design (car parking)	Development on land bounded by Birdwood Road, Bellevue Avenue and Rex Road in Georges Hall must: (a) comply with the road pattern shown in Appendix 2; and	5.1.2.24a	N/A.
	(b) ensure vehicle access from Balmoral Crescent to land at 107–113 Rex Road in Georges Hall is provided for no more than 10 dwellings as shown in Appendix 3.	5.1.2.24b	N/A.



	<p>Development must locate the car parking spaces behind the front building line with at least one covered car parking space for weather protection. Despite this clause, Council may allow one car parking space to locate forward of the front building line provided:</p> <p>(a) the car parking space forward of the front building line is uncovered and located in a stacked arrangement on the driveway in front of the covered car parking space; and</p>	5.1.2.25.a	<p>The proposed double car garage is located flush with the front building line, which in this instance is in line with the balcony fronting Henry Lawson Drive. Despite the non-compliance, the proposed front entrance provides an articulation element to the front facade of the dwelling. As a result, the appearance of the development from the Henry Lawson Drive frontage is considered satisfactory. This design remains unchanged from latest approved application, DA-667/2017/A.</p>
	<p>(b) the covered car parking space is setback a minimum 6 metres from the primary and secondary street frontages.</p>	5.1.2.25.b	<p>Complies.</p>



	Despite clause 2.25, Council may consider a single carport forward of the front building line of an existing dwelling house solely where: (a) there is no existing garage on the site;	5.1.2.26.a	N/A.
	(b) there is no side or rear vehicle access to the site;	5.1.2.26.b	N/A.
	(c) the site does not contain a heritage item or is not within a heritage conservation area or local character area;	5.1.2.26.c	N/A.
	(d) the site is in the vicinity of existing, approved carports on adjacent sites that are forward of the front building line;	5.1.2.26.d	N/A.
	(e) the maximum width of the single carport is 3m;	5.1.2.26.e	N/A.
	(f) it is of a simple posted design, with no side panel infill;	5.1.2.26.f	N/A.



	(g) there is no solid panel lift or roller shutter door proposed;	5.1.2.26.g	N/A.
	(h) the carport is setback a minimum 1m from the primary and secondary street frontages;	5.1.2.26.h	N/A.
	(i) the carport achieves a high quality design and has a roof design that is compatible with the dwelling house	5.1.2.26.i	N/A.
	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.	5.1.2.27	Complies. The proposed double car garage architecturally integrates with the proposed dwelling and does not dominate the street façade with a door width of 5.2 metres equating to 46% of the width of the front façade when viewed from Henry Lawson Drive. This design remains unchanged from latest approved application, DA-667/2017/A .



	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: (a) the building is at least two storeys in height, and	5.1.2.28.a	N/A.
	(b) the garage is architecturally integrated with the upper storey by: (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. This clause prevails where there is a numerical inconsistency with another clause in this chapter of the DCP.	5.1.2.28.b	N/A.



Landscape	Development must retain and protect any significant trees on the site and adjoining sites. To achieve this clause, the development may require a design alteration or a reduction in the size of the dwelling house.	5.1.2.29	Consent previously sought for the removal of (2) existing trees on the site, none of which have been identified as native vegetation or threatened species. This remains unchanged from latest approved application, DA-667/2017/A .
	Development must landscape the following areas on the site by way of trees and shrubs with preference given to native vegetation endemic to Canterbury-Bankstown (refer to the Landscape Guide for a list of suitable species): (a) a minimum 45% of the area between the dwelling house and the primary street frontage; and	5.1.2.30.a	Complies.
	(b) a minimum 45% of the area between the dwelling house and the secondary street frontage; and	5.1.2.30.b	N/A.



	(c) plant at least one 75 litre tree between the dwelling house and the primary street frontage (refer to the Landscape Guide for a list of suitable trees in Canterbury-Bankstown); and	5.1.2.30.c	Complies.
	(d) for development in the foreshore protection area (refer to map in Appendix 1), plant native trees with a mature height greater than 12m adjacent to the waterbody.	5.1.2.30.d	Complies.

Table 4. Canterbury-Bankstown Development Control Plan 2023 Compliance Table.

S4.15(1)(a)(iiia) *The provisions of any planning agreement that has been entered into under Section 7.4, or any draft planning agreement that a development has offered to enter into under section 7.4.*

There are no known planning agreements entered into under Section 7.4 and no draft planning agreements are proposed to be entered into under Section 7.4 for this proposal.

S4.15(1)(a)(iv) *The provisions of the regulations*

Environmental Planning and Assessment Regulation 2021

Clause 61(1) prescribes that the provisions of *Australian Standards AS2601:2001 – The Demolition of Structures* are to be taken into consideration.



The application seeks consent for the demolition of the existing structures. Council may impose suitable conditions on any consent granted for the proposal to ensure compliance with the provisions of *Australian Standards 2601:2001 – The Demolition of Structures*.

5.2 SECTION 4.15(b) OF THE EP&A ACT 1979

The likely Impacts of the Development.

The subject application seeks consent for the demolition of existing structures and the construction of a two-storey dwelling house at **198 Henry Lawson Drive, Georges Hall**.

An assessment of the proposal against the provisions prescribed in the relevant and applicable State Environmental Planning Policies, *Canterbury-Bankstown Local Environmental Plan 2023* and *Canterbury-Bankstown Development Control Plan 2023* has been provided throughout this Statement detailing the proposal's likely environmental impacts on both the natural and built environments, and social and economic impacts in the locality. A further and summarised assessment of these matters is provided as follows:

(i) Siting, Design and the Built Form

The subject DA seeks consent for the demolition of existing structures and the construction of a two-storey dwelling house. The assessment of the proposal against the provisions prescribed in the applicable State Environmental Planning Policies, *Canterbury-Bankstown Local Environmental Plan 2023* and *Canterbury-Bankstown Development Control Plan 2023* provided throughout this Statement details the proposal's compliance with the relevant applicable development standards and controls. The assessment contained within this Statement indicates that the siting, design and overall built form of the proposed development are an acceptable response to the development standards and controls for the proposed development and the subject site.



(ii) Privacy

The proposed development will not create any adverse privacy impacts for adjoining properties. The assessment provided in Section 5 of this Statement outlines why the proposal is acceptable and would have an acceptable level of impact on adjoining properties.

(iii) Solar Access and Overshadowing

As detailed in the assessment provided in Section 5 of this Statement, the proposed development has been designed to ensure suitable levels of solar access are achieved for the proposed development as well as suitable levels of solar access being maintained for adjoining properties.

(iv) Landscaping, Tree Removal, Flora & Fauna

Consent was sought in the original application (**DA-667/2017**) for the removal of (2) existing trees on the site, none of which have been identified as native vegetation or threatened species. The proposal includes landscaping that will replace the removed trees with suitable species in more appropriate locations. Views of the site from the foreshore area will be improved with the planting of native trees which will have mature heights of 12 metres consistent with the objectives of the Georges River foreshore area. Accordingly, no impact on flora and fauna is envisaged as a result of the development.

(v) Traffic & Parking

The proposed development will not have any adverse impacts on the existing traffic movements in the area. A double car garage is proposed as part of the application; therefore, the proposal complies with Council's requirements for car parking.

(vi) Utilities/Infrastructure

Any augmentation of existing utilities required and associated costs will be undertaken by the person acting on the consent.



- (vii) National Construction Code
A complete assessment of the proposed development against the provisions of the National Construction Code (NCC) has not been carried out. Compliance with the NCC will be addressed at the Construction Certificate stage if one is required. If necessary, conditions may be imposed by Council in relation to the building complying with the provisions of the NCC.
- (viii) Heritage Impacts
The subject site is not listed as a heritage item in the LEP, is not located within the vicinity of a heritage item and is not situated within a heritage conservation area.
- (ix) Social & Economic Impacts
The proposal is not anticipated to create any adverse social or economic impacts.
- (x) Stormwater Management
Concept stormwater plans accompany the original application (**DA-667/2017**) indicating the stormwater works required as part of the proposed development. All stormwater works have been designed in accordance with Councils requirements.
- (xi) Soil Management
The proposed development includes minor cutting and filling of the land as part of the application. A maximum of 330mm of cut is proposed within the allotment which- complies with the requirements of the *Canterbury-Bankstown Development Control Plan 2023*. The filling of the land within the building envelope measures a maximum of 570mm and filling of the land at the rear of the site and outdoor entertainment areas measures 1.6 metres to facilitate floor levels above the 100-year flood line. The filling of this area helps to maintain the useability of the private open Space area and create a seamless connection to the indoor and outdoor living spaces. Having regard to the controls and



the above, the proposed development is not anticipated to have any adverse impacts in regard to soil erosion or sedimentation.

(xii) Contamination

The history of the land use of the site has not been considered as containing potential contamination. The site is not identified as being contaminated and there is no evidence to suggest that the site has previously been used for any potentially contaminating activity.

(xiii) Waste Minimisation/Management

The Waste Management Plan accompanying the original application (DA-667/2017) details the waste minimisation and avoidance measures that will be implemented during the construction and on-going use of the dwelling.

(xiv) Crime Prevention Through Environmental Design – CPTED

The proposal will not contribute to the provision of any increased opportunity for criminal or anti-social behaviour to occur.

(xv) Construction Impacts

Whilst there are expected to be some temporary impacts during construction, the impacts are not anticipated to be excessive and can be suitably controlled by the imposition of conditions on any consent granted for the proposal.

(xvi) ESD & the Cumulative Impact

The proposal is not expected to have any cumulative impacts and is not considered to inhibit the ability of future generations to further use or develop the site.





5.3 SECTION 4.15(c) OF THE EP&A ACT 1979

The suitability of the site for the development.

The subject DA seeks consent for the demolition of existing structures and the construction of a two-storey dwelling house on the subject property.

The proposed development is permissible pursuant to the provisions applying to the land under *Canterbury-Bankstown Local Environmental Plan 2023* and the proposal is consistent with the objectives of the R2 Low Density Residential land use zone. The subject site is situated in a residential area surrounded by similar scale buildings making the location ideal for the proposed development.

The assessment of the proposal contained within this Statement outlines how the proposal complies with Council's requirements for the siting, location and design, of the proposed development. The proposed addition will have minimal impact on the locality and amenity of surrounding properties and will integrate with the character of existing developments in the streetscape.

In view of the above and having regard to the assessment of the development contained within this Statement, it is concluded that the site is suitable for the development.

5.4 SECTION 4.15(d) OF THE EP&A ACT 1979

Any submissions made in accordance with this Act or the regulations.

The consideration of submissions cannot be made at the time of preparing this Statement.



5.5 SECTION 4.15(e) OF THE EP&A ACT 1979

The public interest.

The subject S4.55(2) submission seeks consent for the demolition of existing structures and the construction of a two-storey dwelling house on the subject site.

The proposed development is permissible pursuant to the provisions applying to the land under *Canterbury-Bankstown Local Environmental Plan 2023* and the proposal is consistent with the objectives of the R2 Low Density Residential land use zone.

The proposed development satisfies the client's requirements, is acceptable having regard to the applicable State and Council Planning controls and will not result in any unacceptable impacts on the locality.

In view of the above and having regard to the assessment of the development contained within this Statement, the development is considered to be in the public interest.



ALVARO

ALVARO ARCHITECTS STATEMENT OF ENVIRONMENTAL EFFECTS

ABN 71 604 570 309 NSW Architects Registration No. 9221 | M 0402 529 840 A Unit 24, 2-8 Daniel Street, Wetherill Park NSW 2164 E info@alvaroarchitects.com.au



6.0 SECTION 4.46 EVALUATION EP&A ACT 1979

Section 4.46 of the *Environmental Planning and Assessment Act 1979* details requirements for the development that requires a separate approval under other environmental planning instrument of related known as “integrated development”. An assessment as to whether any of the triggers for integrated development are met is provided in Table 5 below:

EPI or Act	Referral?
Coal Mine Subsidence Compensation Act 2017	X
Fisheries Management Act 1994	X
Heritage Act 1977	X
Mining Act 1992	X
National Parks & Wildlife Act 1974	X
Petroleum (Onshore Act) 1991	X
Protection of the Environment Operations Act 1997	X
Roads Act 1993	X
Rural Fires Act 1997	X
Water Management Act 2000	X

Table 5. Integrated Development Triggers.



7.0 CONCLUSION

The subject S4.55(2) seeks consent for a modification the approved **DA-667/2017/A** for the demolition of existing structures and the construction of a two-storey dwelling house at 198 Henry Lawson Drive, Georges Hall. The proposed development is not Designated Development or Integrated Development.

This Statement provides an assessment of the proposed development against the relevant planning instruments including:

- State Environmental Planning Policy (Biodiversity & Conservation) 2021
- State Environmental Planning Policy (Resilience and Hazards) 2021 – Chapter 4 Remediation of Land
- State Environmental Planning Policy (Sustainable Buildings) 2022
- State Environmental Planning Policy (Infrastructure) 2021; and
- Canterbury-Bankstown Local Environmental Plan 2023
- Canterbury-Bankstown Development Control Plan 2023

With consideration to the assessment contained within this report and in accordance with the relevant heads of consideration listed under Section 4.15 of the *Environmental Planning and Assessment Act 1979*, the proposal is considered reasonable, appropriate and warrants favourable consideration.

Should you wish to discuss any of the details of the above, please feel free to contact Evan Freeman at e.freeman@alvaroarchitects.com.au.

Regards,

Evan Freeman, on behalf of

Rocco Alvaro
Architect
NSW Reg. 9221

