

STATEMENT OF ENVIRONMENTAL EFFECTS

**MODIFIED DEVELOPMENT APPLICATION FOR A NEW 2 STOREY DWELLING & ATTACHED SECONDARY DWELLING
To Canterbury-Bankstown City Council**

For: MR.YASSIN EL-HALABI & MRS. CARMEN ZEBIB.

At: 4 PELMAN AVENUE GREENACRE.



Prepared by:

Ergo Designs P/L

BUILDING DESIGNERS & CONSULTANTS Office 334A Homer Street Earlwood 2206 Tel: 9558 1233

DECEMBER 2024.

1.00: INTRODUCTION:

This modified Development Application report has been prepared in support of the S4.55 Modified Development Application submitted to Canterbury Bankstown City Council on behalf of **MR.YASSIN EL-HALABI & MRS. CARMEN ZEBIB.** the new owners for the property listed as **Lot 2 D.P 843020** and known as **4 PELMAN AVENUE GREENACRE.**
Original DA approval No. DA-898/2021 and date of determination 6th April 2022.

The application originally applied and obtained approval for the following items:

- Demolish existing single storey fibro & tile pitched roof -single storey dwelling.
- Existing tree in front of the existing & proposed new dwelling to be removed.
- Construct a new 2 storey double brick & tile dwelling with an attached secondary dwelling.
- Construct a new front fence.

This new modified application seeks the following alterations to the original DA approval:

- 1. Re design the front porch by introducing concrete classical columns and re design the roof shape just above the porch.*
- 2. Extend the rear balcony (patio) to the main dwelling slightly.*
- 3. Eliminate high windows No's 01 & 02 to secondary dwelling.*
- 4. Relocate BBQ area to the rear of the main dwelling.*
- 5. En-s between bedrooms 2& 3 to be redesigned and eliminate internal doors with 1 external door from the hallway.*
- 6.Master Bedroom to be enlarged at the expense of the living room with a larger En-s and WIR.*

This statement is to be read in conjunction with the attached architectural plans numbered **621-77 /1 to 4** dated **11th December, 2024** and prepared by **Ergo Designs P/L.**

The proposal is designed to be of a high architectural quality, which is sensitive and protective of its local context. In this, the design aims to satisfy the objectives of Council's

COMPLIANCE WITH RELEVANT PLANS, CODES AND PLANNING POLICIES:

- CANTERBURY BANKSTOWN LOCAL ENVIRONMENTAL PLAN 2023.
- CANTERBURY BANKSTOWN DEVELOPMENT CONTROL PLAN 2023
 - Chapter 3- General Requirements.
 - Chapter 3.1-Development Engineering Standards- Section 3-Stormwater drainage systems.
 - Chapter 3.2- Parking.
 - Chapter 3.3- Waste Management.
 - Chapter 3.4- Sustainable Development.
 - Chapter 3.7- Landscape.
 - Chapter 5 Residential Accommodation-5.1 Former Bankstown LGA
 - Section 2 Dwelling Houses.
 - Section 3-Secondary Dwellings.
 - **BUILDING CODE OF AUSTRALIA.**

The proposed works are considered appropriate for the site and its locality and should be recommended for Council's favourable consideration.

This report further describes the design of the proposed development to this effect and provides a detailed assessment of its likely impacts.

2.00: SITE ANALYSIS.

2.10: Location & features of the site:

The land is located on the southern side of **Pelman Avenue** and on the corner of **Koala Road**.

It is known as **Lot 2 D.P 843020**

The zoning of the land is low density residential **R2 Low Density Residential**

Land dimensions are **29.11/14.135 x 25.57.28.50** and the area of the land is **579.6m²**.

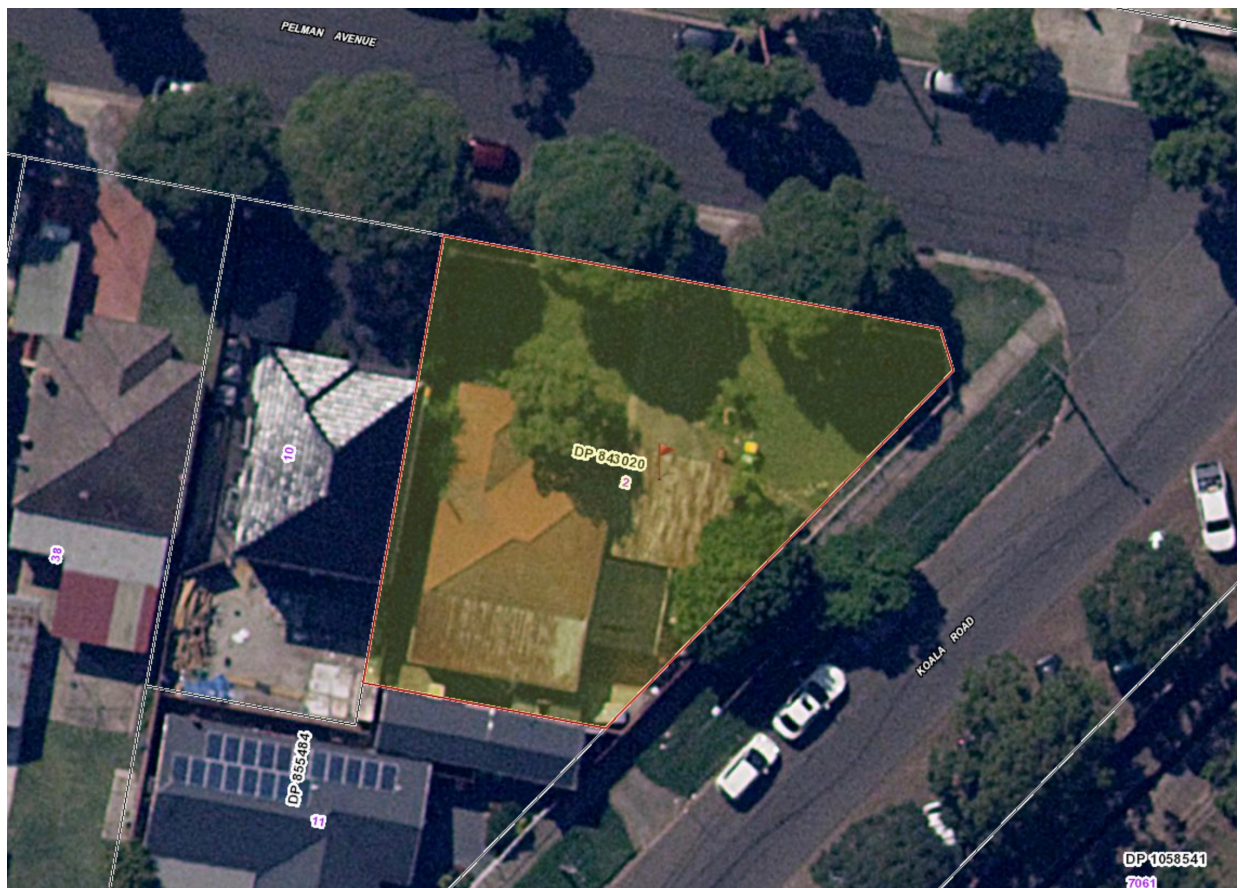
The site contains an existing single storey fibro house with a tiled pitched roof.

The land has a very slight gradual fall towards the rear of the site.

There is an existing tree in the vicinity of the proposed works-which need to be removed, whilst 2 other trees along the side street-Koala Road are to be retained and protected during construction.

The only side adjoining property to the west is a part two storey and rear part single storey dwelling, whilst the property at the rear is a single storey dwelling.

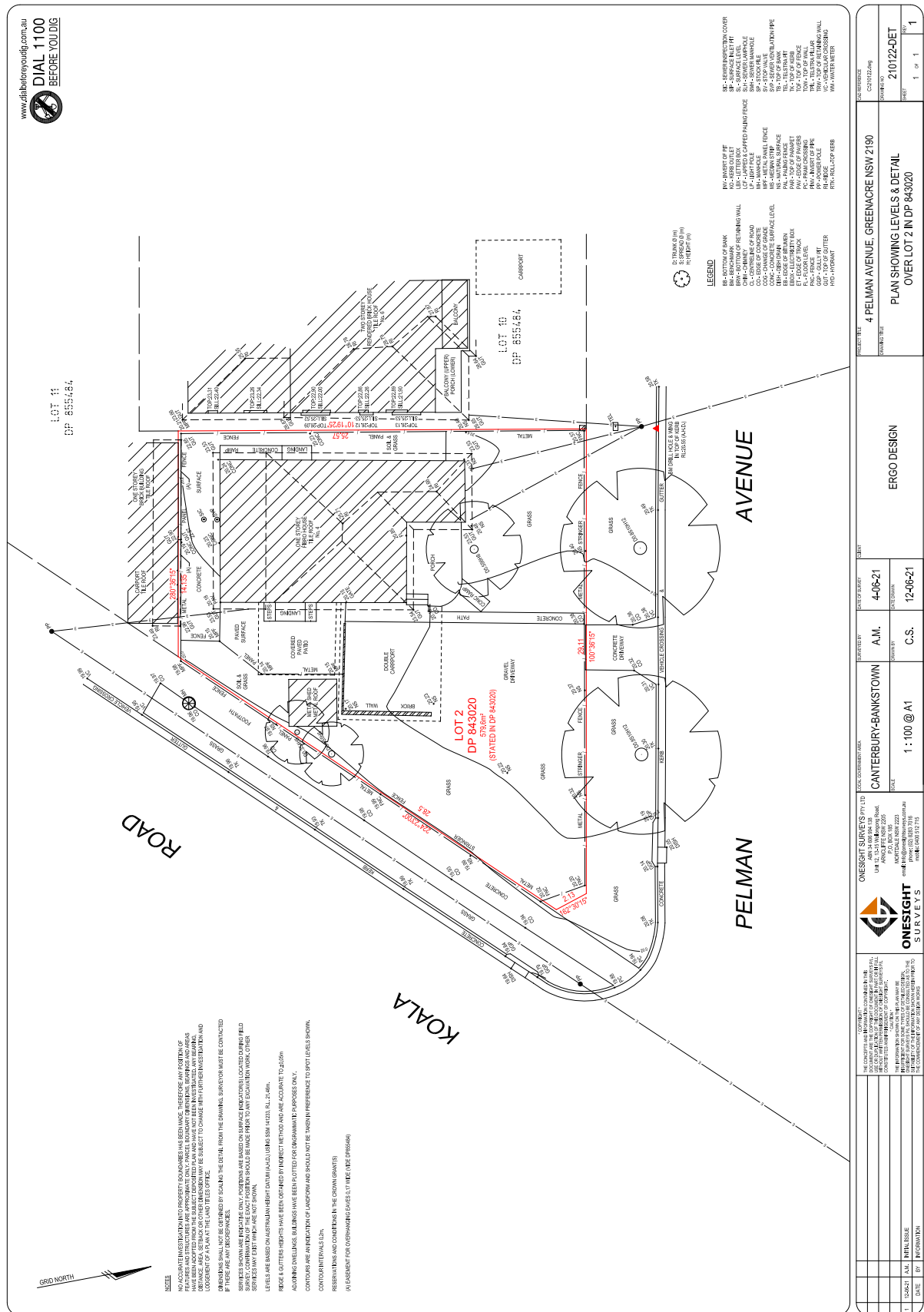
The site is not affected with Sulphate Soils.



Aerial Photograph (source-six maps)



Proposed front view perspective.



Survey Plan

3.00: COMPLIANCE WITH RELEVANT PLANS, CODES & PLANNING POLICIES.

3.10: CANTERBURY BANKSTOWN LOCAL ENVIRONMENTAL PLAN 2023.

The zoning of the site being **R2 Low Density Residential** under the provisions of this current LEP this zone does allow the construction of dwelling house and secondary dwelling and is only:

Permitted with consent

*Bed and breakfast accommodation; Boarding houses; Boat sheds; Building identification signs; Business identification signs; Car parks; Child care centres; Community facilities; Dual occupancies; **Dwelling houses**; Emergency services facilities; Environmental facilities; Environmental protection works; Exhibition homes; Flood mitigation works; Group homes; Health consulting rooms; Home-based child care; Hospitals; Information and education facilities; Jetties; Multi dwelling housing; Places of public worship; Public administration buildings; Recreation areas; Respite day care centres; Roads; **Secondary dwellings**; Semi-detached dwellings; Seniors housing; Water recreation structures; Water supply systems*

LEP MAP REQUIREMENT	CONTROLS	PROPOSAL
Land area		579.60m ²
Land Zoning		R2 Low Density Residential.
FSR ratio	.50:1	.49:1 = 286.50m ²
Height of Buildings	9.0m	8.960m Max.
Heritage	Not affected	N/A
Flood Planning	affected	A storm water system report has been obtained from Council- see documents included with the application – which indicate: 1. No flood/overland flow study is required. 2. For a detached dwelling and attached secondary dwelling the following minimum flood levels are required; The estimated 100 year ARI* flood level at the site is RL 20.4 m AHD <i>Habitable floor levels are to be 500mm above the 100 year ARI* flood level at the site adjacent to the proposed buildings. The extensions' floor levels are to be no lower than the existing floor levels. Total of 20.90m AHD.</i>
Acid Sulfate Soils	Not affected	N/A
Aircraft noise	Not affected	N/A
Land Reservation Acquisition	Not affected	N/A
Foreshore Area Foreshore Building line.	Not affected	N/A

PROPOSAL:

As mentioned above this modified application involves the following:

This new modified application seeks the following alterations to the original DA approval:

1. *Re design the front porch by introducing concrete classical columns and re design the roof shape just above the porch.*
2. *Extend the rear balcony (patio) to the main dwelling slightly.*
3. *Eliminate high windows No's 01 & 02 to secondary dwelling.*
4. *Relocate BBQ area to the rear of the main dwelling.*
5. *En-s between bedrooms 2& 3 to be redesigned and eliminate internal doors with 1 external door from the hallway.*
6. *Master Bedroom to be enlarged at the expense of the living room with a larger En-s and WIR.*

3.20: BANKSTOWN DEVELOPMENT CONTROL PLAN 2015.

3.20: CANTERBURY BANKSTOWN DEVELOPMENT CONTROL PLAN 2023.

3.21:Chapter 3.1-Development Engineering Standards:-Section 3-Stormwater drainage systems.

Objectives

O1 To ensure that development provides a satisfactory level of engineering infrastructure.

O2 To promote the consideration of possible engineering constraints to the development at the first stage of the design of the development.

O3 To minimise the impact of development on the surrounding environment, roads and stormwater systems.

O4 To ensure public infrastructure managed by Council is not compromised by development.

O5 To protect and construct the interface between development and Council's assets under Council supervision and to Council's satisfaction.

O6 To ensure drainage systems are designed to collect and convey stormwater runoff from the site and into receiving systems with minimal nuisance, danger or damage to the site, adjoining sites or Council sites.

No.	Controls	Compliance
Property Drainage:	All surface runoff must be appropriately collected into suitable drainage components and connected into a piped network. The design of the drainage systems shall be in accordance with AS/NZS 3500.3 and the requirements outlined in Appendix 1 – Engineering Specifications.	Original DA application and approval have detailed and approved all matters regarding the flooding and stormwater drainage. This modified application shall NOT alter or affect in any way the original design and approval on both flooding and stormwater drainage as the item seeking a new approval are merely minor alterations to the face of the building as well some internal issues. Therefore there is no issue.
Surface runoff	C2 Design development to utilise and integrate with the existing infrastructure, and minimise any potential adverse effects on public assets and neighbouring lands. C3 Take into account the following in the design of proposed development: (a) Finished road and footway levels; (b) Location of proposed vehicular access with respect to drainage structures/infrastructure, traffic facilities, street trees, signs, power poles, utilities and other infrastructure; (c) Existing drainage infrastructure; (d) Overland flow path of stormwater; and	
Piped drainage system	Incorporate a piped drainage system and an OSD storage system where applicable. Design the piped drainage system to cater for 1 in 20 year ARI storm rainfalls. In addition to the 20 year ARI event, design the piped drainage system to ensure that any potential overflows generated from system blockage, or overloads in storm events with an ARI of 100 years, do not present a hazard to people or cause significant damage to property (surface runoff or overland flow paths must be indicated on the design plans). Pipes that are laid within a public roadway, or which drain public areas such as a road or public park, are to be in accordance to AS/NZS 3725.2007 Design for installation of buried concrete pipes. Minimum pipe size is not to be less than 375mm in diameter. Piped systems shall meet the minimum pipe diameter, cover and gradient criteria specified in AS/NZS 3500.3:2015 Plumbing and Drainage - Stormwater Drainage. Such systems shall be arranged within the property so that any potential overflows will not pond against or enter into buildings.	
Charged line Controls	Charged lines will be only be permitted for proposed additions/alterations, outbuildings and single dwellings. For a new detached dwelling, where rainwater tanks are included, the pipes are completely sealed, from the tank overflow to the point of discharge. Note: Typically a charged system will only work for the roof of buildings. Use the following criteria for charged lines: (a) Will only be permitted if there are no drainage problems downstream in the catchment where the drainage is being directed. (b) A full hydraulic analysis of the system including a hydraulic grade line and calculations must be submitted with the Development Application. (c) Adequate height within the system must be provided (minimum of 0.9 m) between the roof gutter and the higher of the top of the kerb OR the overflow level from the rainwater tank. (d) All gutters and pipes in the system MUST be designed for a 1 in 50 year ARI storm event (1 in 100 years for box gutters) without overflowing. (e) All pipes and downpipes are to be sealed to a minimum of 0.5 m above the top water level within the system. The system shall be pressure tested prior to backfilling. (f) There must be a gravity flow across the footpath from an isolating pit within the property boundary into the kerb. If the footpath falls towards the property; then the pipeline must remain sealed to the kerb outlet, with a sealed cleaning eye installed within the property boundary. (g) All services within the footpath must be identified and located prior to submitting the plans and the details must be shown on the plans. (h) A flush point must be provided at the lowest point of the system within an inspection pit (350 x 350 min) with a sump for cleaning. There must be a minimum of 1 m long pipe from the last downpipe to the inspection pit. The connection to the pit is to have a sealed screw cap to allow for periodic cleaning, the cap shall have a 5 mm dribble hole to allow for a slow release of trapped water. The pit shall be appropriately located within the property so that runoff or surcharge during maintenance will not affect downstream or adjoining properties. (i) Gutter guards must be installed on all gutters to minimize debris from entering the system.	
Silt Arrestor Pits	Install an approved silt arrestor pit at the lowest part of any developed site to eliminate contamination (generally silt, oil, or both) from stormwater runoff prior to discharge into the stormwater drainage network - in the case of car wash bays, the silt arrestor shall be also designed to retain oil. Locate the arrestor within the subject property and install upstream of the discharge point (connection to kerb and gutter or Council pipeline). Wherever practicable, grade the area adjacent to a silt arrestor so as to drain to the silt arrestor. A silt arrestor may receive the discharge from an upstream pit or sump, which has been installed to receive surface water only, provided that the silt arrestor is of sufficient capacity to receive the additional discharge.	

3.22: -Chapter 3 General requirements. 3.2 Parking:

Objectives

- 01** To ensure development achieves the parking requirements.
- 02** To achieve a balance between parking requirements, visual aesthetics and pedestrian safety, which includes access for people with disabilities and convenience for drivers.
- 03** To reduce car dependency by encouraging alternative means of transport such as cycling, walking and public transport.
- 04** To ensure the layout and design of car parks function efficiently and safely.
- 05** To ensure the design of open-air car parks incorporate landscape to manage urban heat and water, and to minimise the visual impact.
- 06** To minimise overflow parking and other traffic impacts in residential streets and neighbourhoods.

No.	Controls	Compliance
C1	Off-Street Parking Schedule Dwelling houses 2 car spaces. Secondary dwelling= the number of parking spaces provided on the site is the same as the number of parking spaces provided on the site immediately before the development is carried out.	The original proposal for 1 internal and 1 external off street parking spaces shall NOT be altered and neither the modified design affects in any way the availability of off street parking as it has been approved and therefore there is no issue.

3.23: Chapter 3.3- Waste Management.

Guide A-Single Dwellings:

Objectives

- 01** To maximise resource recovery and encourage source separation of waste, reuse and recycling by ensuring development provides adequate and appropriate bin storage and collection areas.
- 02** To ensure development incorporates well-designed and adaptable bin storage areas and collection facilities that are convenient and accessible to occupants.
- 03** To maximise residential amenity and minimise adverse environmental and health related impacts associated with waste management such as odour and noise from bin storage and collection areas.
- 04** To ensure bin storage and collection areas are designed to integrate with and meet the requirements for Council's domestic waste services.
- 05** To ensure development facilitates all waste streams being handled, stored and collected in a manner to reduce risk to health and safety of all users including maintenance (such as caretakers), collection staff and contractors (and required vehicles and equipment).
- 06** To integrate bin storage and collection areas with the building form and landscape to avoid adverse visual impacts on the streetscape and neighbourhood.
- 07** To assist in achieving Federal and State Government waste minimisation and diversion targets as set by relevant legislation, regulations and strategies.

No.	Controls	Compliance
2.2	Attached dwellings, dwelling houses, dual occupancies, secondary dwellings, semi- detached dwellings. General Waste- 140L weekly rate. Recycling-240L fortnightly. Garden Organics- 240L fortnightly.	The new development when completed shall be serviced by the normal Council service for all waste, recycling and green waste as per adjoining column. There are no issues or proposals to alter the approved situation on waste management as per original submitted and approved WMP plan.

3.24: Chapter 3.4- Sustainable Development:

Objectives:

- O1 To incorporate water conservation measures in the design and operation of development.
- O2 To incorporate energy efficient practices in the design and operation of development.

No.	Controls	Compliance
Section 2	SECTION 2–WATER CONSERVATION: 2.1 Proposals for new development with a gross floor area less than 5,000m² and proposals for extensions to existing developments below 5,000m² seeking to expand by 50% or more of the existing floor area must comply with Requirement W1. 2.2 Proposals for new development or extensions with a floor area greater than or equal to 5,000m² of gross floor area must comply with Requirements W1 and W2. Requirement W1: Use of water efficient fixtures 2.3 The following requirement is mandatory and must be incorporated into the building design: All taps, shower heads, toilet suites (cisterns, urinals) used in the development must be rated to at least 4 stars under the National Water Efficient Labelling and Standards (WELS) Scheme (refer below).	The original lodged and approved BASIX certificates (a separate one for each development-main dwelling and secondary dwelling) shall be implemented with the development and the rainwater tanks as per original approved stormwater drainage plans shall be installed.
Section 3	SECTION 3–ENERGY MINIMISATION. 3.1 Proposals for new development where the total gross floor area is below 5,000m²; and extensions to existing uses below 5,000m² that involve an increase in 50% or more of the existing gross floor area must comply with Requirements E1 and E2. Requirement E1: Energy efficient building design 3.2 The design and orientation of buildings must maximise solar access and natural lighting by: •(a) Orientating the building so that its longest side is on the east west axis (where possible). •(b) Maximising the number of windows on the northern face of the building and minimising glazed areas on the eastern and western walls of the building (i.e. providing for most of the glazed areas on the northern face of the building). •(c) Fitting warehouses with skylights to 10% of the roof area. •(d) Considering and including where feasible the following features: skylights, clerestory windows, light wells, light tubes, atriums and similar features. •Requirement E2: Energy efficient hot water systems 3.3 Development must incorporate a hot water heating system that is energy rated to at least 4 stars. The preferred system is either a gas boosted solar system, or a 5 star gas system, with appropriate insulation to the tank and pipes (refer to box for a list of different types of water heaters that have a rating of 4 stars or higher).	As mentioned above BASIX Certificates are included with the original approved DA application which they rate every individual window in terms of heat gain and heat loss and specifies each window accordingly. Generally the original approved specifications on the proposed windows meet the control requirements in the adjoining column. The same BASIX certificates rate and recommend the required insulation to be installed to all parts of the new building to meet the relevant controls in the adjoining column. Every room in the original approved design whether a bedroom, living room or otherwise have an appropriate window which provides the necessary natural ventilation and natural lighting required as per BCA 2022(NCC 2022) requirements. The BASIX certificates included and approved with the original application as well as the ESD notes included in the plan provide detailed notes and specifications of best rating and performance efficiency of all water and energy devices. The proposed buildings shall be installed with an air condition system for both heating and cooling-as specified in the BASIX certificate included with the application.

3.25: Chapter 3.7- Landscape:

Objectives

- 01** To promote attractive settings for development and the public domain.
02 To ensure landscape design contributes to the streetscape and amenity.
03 To incorporate the principles of ecologically sustainable development into the landscape design

No.	Controls	Compliance
Section 2	Existing vegetation and natural features 2.1 New landscaping is to complement the existing street landscaping and improve the quality of the streetscape. 2.2 Development, including alterations and additions, is to minimise earthworks (cut and fill) in order to conserve site soil. Where excavation is necessary, the reuse of excavated soil on site is encouraged. Design and location of landscape 2.3 The landscape design is to contribute to and take advantage of the site characteristics. 2.4 The landscape design is to improve the quality of the streetscape and communal open spaces by: •(a) providing appropriate shade from trees or structures; •(b) defining accessible and attractive routes through the communal open space and between buildings; •(c) providing screens and buffers that contribute to privacy, casual surveillance, urban design and environmental protection, where relevant; •(d) improving the microclimate of communal open spaces and hard paved areas; •(e) locating plants appropriately in relation to their size including mature size; •(f) softening the visual and physical impact of hard paved areas and building mass with landscaping that is appropriate in scale; •(g) including suitably sized trees, shrubs and groundcovers to aid climate control by providing shade in summer and sunlight in winter. 2.5 The landscape of setbacks and deep soil zones must: •(a) provide sufficient depth of soil to enable the growth of mature trees; •(b) use a combination of groundcovers, shrubs and trees; •(c) use shrubs that do not obstruct sightlines between the site and the public domain; and •(d) where buffer or screen planting is required, use continuous evergreen planting consisting of shrubs and trees to screen the structure, maintain privacy and function as an environmental buffer. Trees 2.6 Development must consider the retention of existing trees in the building design. 2.7 Development must plant at least one canopy tree for every 12m of front and rear boundary width and: •(a) Canopy trees are to be of a minimum 75 litre pot size. •(b) Use deciduous trees in small open spaces, such as courtyards, to improve solar access and control of microclimate. •(c) Place evergreen trees well away from the building to allow the winter sun access. •(d) Select trees that do not inhibit airflow. •(e) Provide shade to large hard paved areas using tree species that are tolerant of compacted/deoxygenated soils. 2.8 Development must provide street trees that will contribute to the canopy where possible	The initial Development Application included and obtained approval for the development full and detailed landscaped plans which shall be diverted and construct the development accordingly. This modified application as stated above does not alter the initial landscape approval.

3.26: -Chapter 5 Residential Accommodation-

5 Residential Accommodation-5.1 Former Bankstown LGA.

-Section 2 Dwelling Houses.

GENERAL OBJECTIVES:

- O1 To ensure the building form, building design, setbacks and landscape of dwelling houses are compatible with the prevailing suburban character of the residential areas.
- O2 To ensure the building form, building design, room sizes and internal layout of dwelling houses provide appropriate amenity to residents in terms of private open space, access to sunlight, privacy and useability.
- O3 To ensure the building form and building design of dwelling houses do not adversely impact on the amenity of neighbouring sites in terms of visual bulk, access to sunlight and privacy.
- O4 To ensure the size, location and design of private open spaces provide appropriate amenity to residents in terms of useability, access to sunlight, privacy and landscape.
- O5 To ensure the landscape design contributes to a high quality streetscape and amenity.
- O6 To provide deep soil zones to allow for and support healthy plant and tree growth.
- O7 To ensure the building form of dwelling houses in the foreshore protection area preserves the existing topography, land and rock formations, and the unique ecology of natural bushland and mangrove areas.
- O8 To minimise the visual impact of off-street parking on the streetscape.
- O9 To ensure basements are well-designed and integrate into the overall design of the development

Standards	Controls	Proposal
Storey limit (not including basements)	2.1 The storey limit for dwelling houses is two storeys. 2.2 The siting of dwelling houses and landscape works must be compatible with the existing slope and contours of the site and any adjoining sites. Council does not allow any development that involves elevated platforms on columns; or excessive or unnecessary terracing, rock excavation, retaining walls or reclamation.	•The original DA approval applied and approved a 2 storey building and the front with a single storey attached secondary dwelling. •This design still stands and the buildings shall be constructed as such.
Setbacks	Front: 2.6 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 (b) 6.5m for the second storey. 2.7 The minimum setback to the secondary street frontage is: (a) 3m for a building wall; and (b) 5.5m for a garage or carport that is attached to the building wall. Side Setbacks: 2.8 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. 2.9 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	The approved front setback is 5.50m and shall be constructed as such. The minimum side setback approved on the western side is 1.50m and shall be retained as such during construction.
Private open space	2.11 Dwelling houses must provide a minimum 80m² of private open space behind the front building line. This may be in the form of a single area or a sum of areas provided the minimum width of each area is 5m throughout.	The approved DA application have achieved the controls in the adjoining columns and shall maintain the minimum controls when the building is completed.
Access to sunlight	2.12 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. 2.13 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. 2.14 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. 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. 2.15 Development should avoid overshadowing any existing solar hot water system, photovoltaic panel or other solar collector on the site and neighbouring sites	The original approved Development Application included and obtained approval very detailed and extensive shadow diagrams during mid winter and equinox time of the year at every hour from 8.0am to 4.0pm and have demonstrated that the buildings as they have been approved shall have no shadow impacts on the adjoining properties and that the minimum required sunlights hours are guaranteed. This modifications are merely cosmetic and shall not increase or introduce new shadow impacts.

Standards	Controls	Proposal
Storey limit (not including basements)	•2.1 The storey limit for dwelling houses is two storeys. 2.2 The siting of dwelling houses and landscape works must be compatible with the existing slope and contours of the site and any adjoining sites. Council does not allow any development that involves elevated platforms on columns; or excessive or unnecessary terracing, rock excavation, retaining walls or reclamation.	•The original DA approval applied and approved a 2 storey building and the front with a single storey attached secondary dwelling. •This design still stands and the buildings shall be constructed as such.
Setbacks	Front: •2.6 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 (b) 6.5m for the second storey. •2.7 The minimum setback to the secondary street frontage is: •(a) 3m for a building wall; and •(b) 5.5m for a garage or carport that is attached to the building wall. Side Setbacks: •2.8 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. •2.9 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	The approved front setback is 5.50m and shall be constructed as such. The minimum side setback approved on the western side is 1.50m and shall be retained as such during construction.
Private open space	2.11 Dwelling houses must provide a minimum 80m² of private open space behind the front building line. This may be in the form of a single area or a sum of areas provided the minimum width of each area is 5m throughout.	The approved DA application have achieved the controls in the adjoining columns and shall maintain the minimum controls when the building is completed.
Access to sunlight	2.12 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. 2.13 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. 2.14 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. 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. 2.15 Development should avoid overshadowing any existing solar hot water system, photovoltaic panel or other solar collector on the site and neighbouring sites	The original approved Development Application included and obtained approval very detailed and extensive shadow diagrams during mid winter and equinox time of the year at every hour from 8.0am to 4.0pm and have demonstrated that the buildings as they have been approved shall have no shadow impacts on the adjoining properties and that the minimum required sunlights hours are guaranteed. This modifications are merely cosmetic and shall not increase or introduce new shadow impacts.

Standards	Controls	Proposal
Visual privacy	2.16 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. 2.17 Where development proposes a window that directly looks into the private open space of an existing dwelling, the window does not require screening where: •(a) the window is to a bedroom, bathroom, toilet, laundry, storage room, or other non-habitable room; or (b) the window has a minimum sill height of 1.5m above floor level; or (c) the window has translucent glazing to a minimum height of 1.5m above floor level; or (d) the window is designed to prevent overlooking of more than 50% of the private open space of a lower-level or adjoining dwelling. 2.18 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: •(a) does not have an external staircase; and (b) does not exceed a width of 1.5m throughout; and (c) incorporates a form of screening to the satisfaction of Council such as partially recessing the balcony into the building. 2.19 Council does not allow dwelling houses to have roof-top balconies and the like	The approved design have taken into consideration all adjoining controls and thus the approval was issued, therefore based on this approval there is no issue in terms of visual privacy. As for the new S4.55 application once again there are no issues as the application includes as mentioned above only minor cosmetic front porch changes.
Building design	2.20 The maximum roof pitch for dwelling houses is 35 degrees. 2.21 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 (b) ensures the attic does not give the external appearance of a storey. 2.22 The design of dormers must: (b) (a) be compatible with the form and pitch of the roof; and (b) must not project above the ridgeline of the main roof; and (c) must not exceed a width of 2m; and (d) the number of dormers must not dominate the roof plane. 2.23 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).	The proposed building have a roof well less than 35 degrees. There is no provision for an attic level. There are no dormer windows involved. Finally the property is not in a foreshore protected area.

Standards	Controls	Proposal
Building design (car parking).	•2.25 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: •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 (b) the covered car parking space is setback a minimum 6 metres from the primary and secondary street frontages. •2.26 Despite clause 2.25, Council may consider a single carport forward of the front building line of an existing dwelling house solely where: •there is no existing garage on the site; - there is no side or rear vehicle access to the site; - the site does not contain a heritage item or is not within a heritage conservation area or local character area; - the site is in the vicinity of existing, approved carports on adjacent sites that are forward of the front building line; - the maximum width of the single carport is 3m; - it is of a simple posted design, with no side panel infill; - there is no solid panel lift or roller shutter door proposed; - the carport is setback a minimum 1m from the primary and secondary street frontages; - the carport achieves a high quality design and has a roof design that is compatible with the dwelling house. •2.27 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. •2.28 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 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.	The approved plans have 1 lock up garage at the front of the avenue and another 1 open parking space at the front of the building. The new modified application shall not alter the approved parking arrangements.
Landscape	•2.29 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. •2.30 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 minimum 45% of the area between the dwelling house and the primary street frontage; and - a minimum 45% of the area between the dwelling house and the secondary street frontage; and •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 - 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.	With original DA submission there was a landscape plan submitted and approved and the project shall be finished along the line of the approved landscaped plan.

3.27: -Chapter 5 Residential Accommodation-

5 Residential Accommodation-5.1 Former Bankstown LGA.

-Section 3 Secondary Dwellings.

Objectives

- **01** To ensure secondary dwellings are established in conjunction with the principal dwelling on the same site.
- **02** To ensure the building form is subservient to the principal dwelling on the same site in terms of visual bulk and scale.
- **03** To ensure the building form, building design and setbacks of secondary dwellings are compatible with the prevailing suburban character of the residential areas.
- **04** To ensure the building form, building design, room sizes and internal layout of secondary dwellings provide appropriate amenity to residents in terms of private open space, access to sunlight, privacy and useability.
- **05** To ensure the building form and building design of secondary dwellings do not adversely impact on the amenity of neighbouring sites in terms of visual bulk, access to sunlight and privacy.
- **06** To ensure the size, location and design of private open spaces provide appropriate amenity to residents in terms of useability, access to sunlight, privacy and landscape.
- **07** To ensure the landscape design contributes to a high quality streetscape and amenity.
- **08** To provide deep soil zones to allow for and support healthy plant and tree growth.
- **09** To ensure the building form of secondary dwellings in the foreshore protection area preserves the existing topography, land and rock formations, and the unique ecology of natural bushland and mangrove areas

No.	Controls	Compliance
Lot size	3.1 A secondary dwelling is permissible on a site with a minimum lot size of 450m ² .	Actual land area is 579.60m ²
Site cover	3.2 Council must not consent to development for the purpose of secondary dwellings unless: • the total floor area of the principal dwelling and the secondary dwelling is no more than the maximum floor area allowed for a dwelling house on the land under an environmental planning instrument; and - the total floor area of the secondary dwelling is no more than 60m² or, if a greater floor area is permitted in respect of a secondary dwelling on the land under an environmental planning instrument, that greater floor area. • 3.3 The storey limit for attached secondary dwellings is two storeys. • 3.4 The storey limit for detached secondary dwellings is single storey and the maximum wall height is 3m. • 3.5 The siting of secondary dwellings and landscape works must be compatible with the existing slope and contours of the site and any adjoining sites. Council does not allow any development that involves elevated platforms on columns; or excessive or unnecessary terracing, rock excavation, retaining walls or reclamation.	The approved secondary dwelling have an area of 56.40m². It is limited to 1 storey. The max. wall height was approved at 3.30m. The new application does not alter the already approved design of the secondary dwelling apart from removing 2 high windows (01 & 02).
Setbacks	Side and rear setbacks 3.11 For the portion of the building wall that has a wall height less than or equal to 7m, the minimum setback to the side and rear boundaries of the site is 0.9m. 3.12 For the portion of the building wall that has a wall height greater than 7m, the minimum setback to the side and rear boundaries of the site is 1.5m	The approved secondary dwelling have a minimum side setback of 1.50m and a rear setback of 3.0m
Private Open Space	3.13 Secondary dwellings must not result in the principal dwelling on the site having less than the required landscaped area and private open space.	With the approved plan on the secondary dwelling the minimum dwelling private courtyard area is maintained.
Access to sunlight	•3.14 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. •3.15 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. •3.16 A minimum 50% of the private open space required for the principal dwelling on the site 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. 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.	As per main dwelling above the initial DA approved application included detailed shadow sketches which were approved and showed that both buildings shall have no shadow impacts either on the adjoining properties and their private courtyard areas or the development buildings and courtyard area.

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No.	Controls	Compliance
Visual Privacy	• 3.17 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. • 3.18 Where development proposes a window that directly looks into the private open space of an existing dwelling, the window does not require screening where: (a) the window is to a bedroom, bathroom, toilet, laundry, storage room, or other non-habitable room; or (b) the window has a minimum sill height of 1.5m above floor level; or (c) the window has translucent glazing to a minimum height of 1.5m above floor level; or (d) the window is designed to prevent overlooking of more than 50% of the private open space of a lower-level or adjoining dwelling. • 3.19 Council may allow attached secondary dwellings 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: - does not have an external staircase; and does not exceed a width of 1.5m throughout; and - incorporates a form of screening to the satisfaction of Council such as partially recessing the balcony into the building. • 3.20 Council does not allow secondary dwellings to have roof-top balconies and the like.	As per main dwelling above the approval on the originally submitted secondary dwelling was granted on the bases that the secondary dwelling shall have no visual impacts on any adjoining property and that it complies to all the controls in the adjoining column.
Building Design	3.21 The maximum roof pitch for attached secondary dwellings is 35 degrees. 3.22 Council may allow attached secondary dwellings 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 • (b) ensures the attic does not give the external appearance of a storey. • 3.23 The design of dormers must: • (a) be compatible with the form and pitch of the roof; and • (b) must not project above the ridgeline of the main roof; and • (c) must not exceed a width of 2m; and • (d) the number of dormers must not dominate the roof plane. • 3.24 The maximum roof pitch for detached secondary dwellings is 25 degrees. An attic or basement is not permitted as part of the dwelling. • 3.25 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). • 3.26 The change of use of outbuildings to secondary dwellings must comply with the National Construction Code.	The roof of the approved attached secondary dwelling is well below the 35deg.pitch. There is no attic level or dormer windows
Building Design Car park	3.27 Secondary dwellings must not result in the principal dwelling on the site having less than the required car parking spaces.	There no provisions for parking for the secondary dwelling as none are required.
Landscape	3.28 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 secondary dwelling.	A landscape plan part of the original DA application have been approved and there are detailed information as well for the secondary dwelling.

4.00: BUILDING CODE OF AUSTRALIA. (NCC 2022)

The property conforms to all Building Code requirements (NCC 2022).

The plans included with the application cover all relevant parts of the BCA-volume 2-class 1 buildings applicable for the proposal.

Smoke alarm are to be installed as per : BCA Class1 Building in accordance with 9.5.2 & 9.5.4 AS 1603; AS1670;AS3786 &AS1851.8.

All window openings to the sides are of a minimum setback of 1.50m.

The party wall between the proposed dwelling and secondary dwelling comply with BCA 2022 (NCC 2022) ABCB Housing Provisions Parts 9.20 and 9.30 of NCC 2022 Volume Two- Building Code of Australia (figure 9.3.1c of the ABCB-housing Provisions).

ALL WINDOWS WITH A FLOOR LEVEL HIGHER THAN 2m ABOVE NATURAL GROUND LEVEL TO CONFORM TO BCA 2022 (NCC 2022) VOL. 2 H5P2 PROTECTION OF OPENABLE WINDOWS-BEDROOMS.

5.00: ENVIRONMENTAL PLANNING AND ASSESSMENT ACT CONSIDERATIONS:

5.10: Air and Noise:

- There are no existing or proposed sources of odours and or fumes to be emanating from the premises.
- The proposed use of the building is to be residential only and shall have no impact on the air quality as a result there is no issue in terms of odours or fumes.
- Noise emanating from the building is not an existing issue nor a future problem.

5.20: Drainage, Soil and Water Management:

- All sewerage effluent disposal shall remain connected to existing Sydney Water sewer line.
- The property is subject to flooding and a SSR report which is included with the application which shows the required flood level to be provided for the newly constructed building – this has been provided on the plans included with the application.
- All proposed storm water shall be directed and discharged to the rear via a rainwater tank and a silt arrestor as per as per storm water drainage concept plan and details included with application.
- A separate rain water tank shall be installed for each dwelling and secondary dwelling as per BASIX Certificate included with the application.

5.30: Erosion and Sedimentation Control:

All proposed works shall be restricted to take place totally within the confines of the site and the property as whole and no materials or debris shall be stored or thrown into public areas.

All soil and water erosion and sediment control measures shall easily be taken care as per soil, water and site management plan included with the application and include items such as location of material and stockpile, etc.

5.40: Site Management:

Being ordinary single unit dwelling and a secondary dwelling structure in a typical neighbourhood with ample of on site working area, all works and machinery shall work and shall be accommodated on the site and the owner being a person with experience in building matters shall conduct all necessary site management in an appropriate and qualified manner.

5.50 : Acid Sulphate Soils and Soil Contamination:

As mentioned above the site has not been identified to have Acid Sulphate Soils- as a result there is no issue.

Conclusion:

The design is compatible and will have little to no impact on the neighbouring properties and will blend in the neighbourhood and match with other similar developments, in the area.

The proposed dwelling is appropriate for the site and the area, and should be viewed with favourable consideration by the Council.