

# STATEMENT OF ENVIRONMENTAL EFFECTS 44 POWELL STREET YAGOONA

**Proposal:** Construction of a detached dwelling on each resultant allotment approved under DA-541/2024

February 2025

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**Project Number:** 162-2024

**Client:** Archicorp

**Revision:** B

**Note:**

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## 1. Introduction

This Statement of Environmental Effects has been prepared for submission to the City of Canterbury Bankstown Council (CBC) for a development that is proposing the “*construction of a dwelling on each resultant allotment approved under DA-541/2024*”. DA-541/2024, approved the demolition of existing structures and Torrens title Subdivision into two (2) lots. The development site is located at 44 Powell Street Yagoona, legally known as Lot 1 DP 736433.

The subject site is zoned R2 Low Density Residential pursuant to the Canterbury Bankstown Local Environmental Plan (CBLEP) 2023. The proposed development entails the construction of 2 x detached dwellings on approved allotments, yet to be registered. Dwellings are permissible form of development pursuant to the CBLEP 2023.

This Statement of Environmental Effects provides a detailed assessment against the relevant development standards and the relevant development guidelines that are applicable to the site in accordance with the provisions of the Environmental Planning and Assessment Act 1979 (EP&A Act).

## 3. Site and Locality

The subject site is identified as 44 Powell Street Yagoona, legally known as Lot 1 DP 736433. The subject site was zoned R2-Low Density Residential pursuant to the Canterbury Bankstown Local Environmental Plan (CBLEP) 2023.

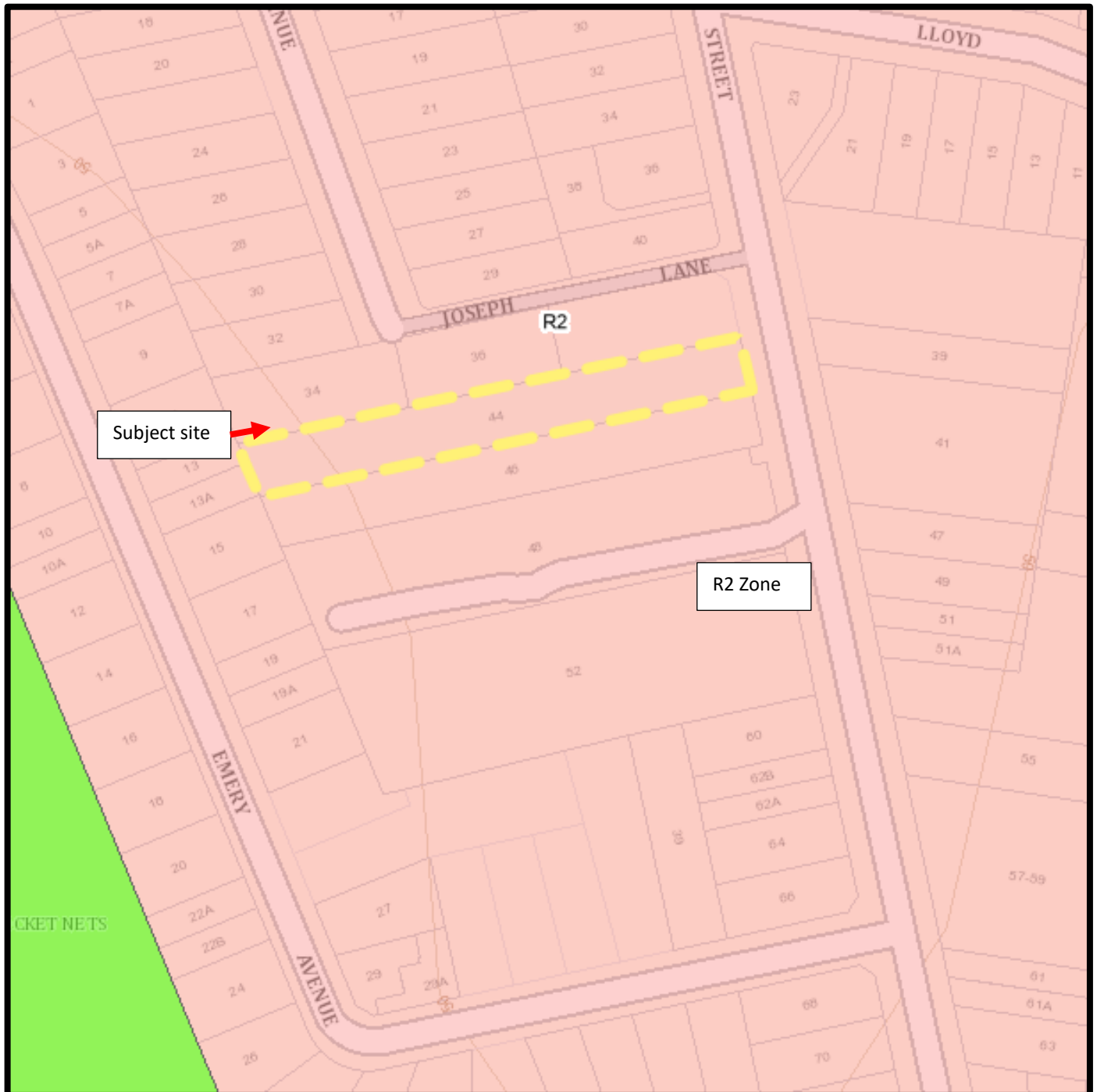
The development site is currently benefited by a single storey detached dwelling with associated outbuildings. These structures will be demolished to activate the subdivision approval. The site is a regular shaped allotment with a predominant east-west orientation and a site area of 2,202.3m<sup>2</sup>. The site has a frontage of 15.545m along Powell Street a northern side boundary of 143.1m a southern side boundary of 140.18m and a western rear boundary of 15.837m. The subject site has a slight slope across the site of approximately 2.38m from the rear boundary to the front boundary by approximately 5.07m.

The surrounding locality is characterised by predominant medium and low-density housing, consisting of single detached dwellings and multi-dwelling developments. The development site is located in an R2 zoned land that is surrounded by R2 zoned land to the east, west and north across Powell Street. The properties within the immediate vicinity of the subject site consist of predominately single detached dwelling developments to the north at the intersection of Joseph Lane and Powell Street, and multi-dwelling developments to the south fronting Powell Street.



**Figure 1:** Aerial view of the site identified as 44 Powell Street (*source Nearmap Imagery 2025*)





**Figure 2:** Zoning Map of the area - (source NSW Planning Portal – e-planning spatial viewer)

### 3. Amended Proposed Development

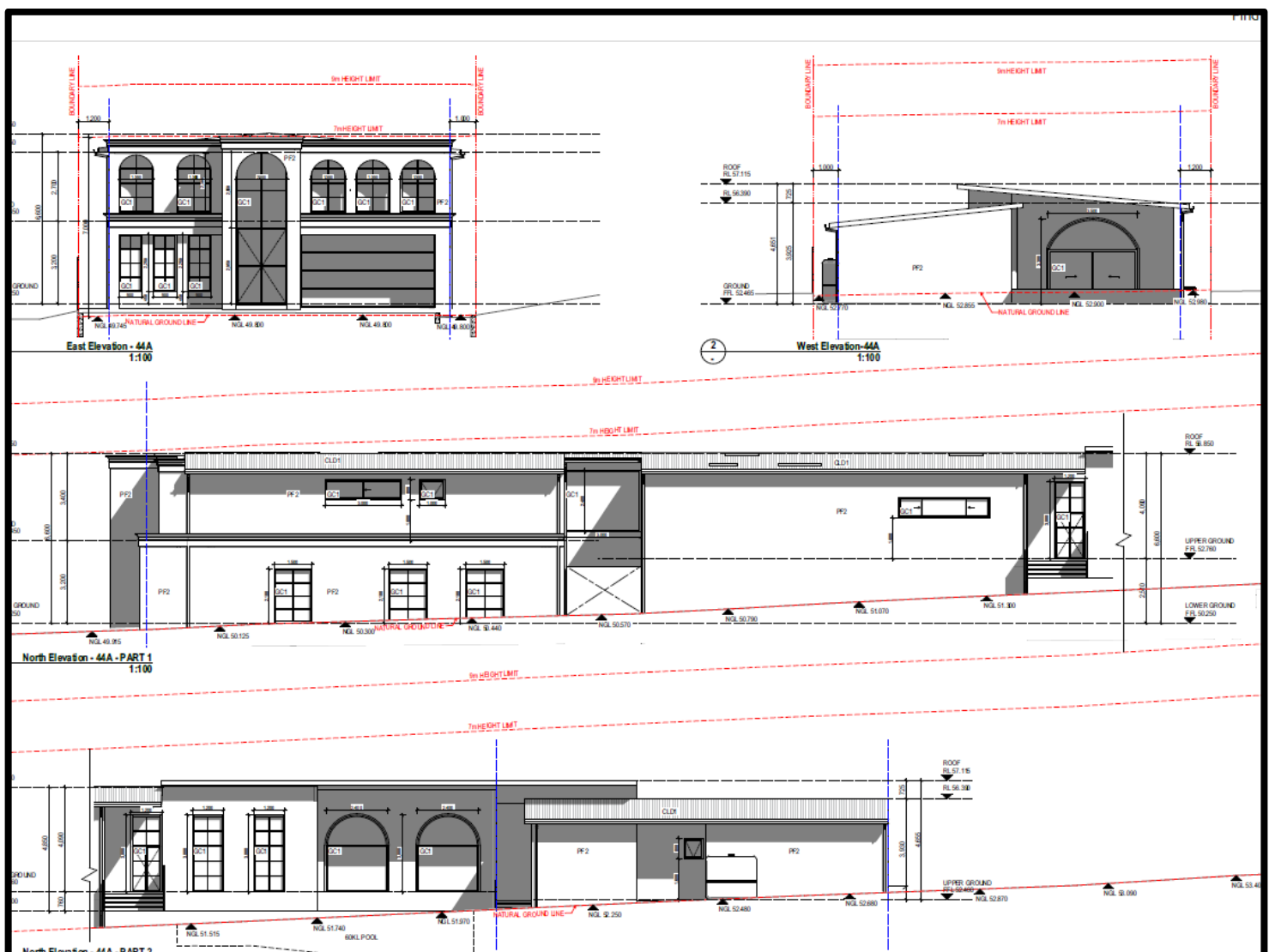
The amended development consists of:

*“Construction of a dwelling on each resultant allotment approved under DA-541/2024”.* The development consists of the following

- The site was approved for a 2-lot battle-axe subdivision under DA-541/2024. The DA approved a front allotment with a site area of 570.1m<sup>2</sup>, an access handle that is 3.5m wide with an area of 168.2m<sup>2</sup>, and a rear battle-axe allotment of 1,460m<sup>2</sup>.
- Dwelling on proposed Lot 1 fronting Powell Street, is single storey in height. The ground floor comprises of a ground floor living area, a dining room and kitchen and 3 x ground floor bedrooms. The dwelling is

access via a driveway from Powell Street into a single at-grade covered garage. The rear family room leads out to an alfresco area, which leads out to a rear POS area.

- The dwelling located at the rear of the allotment, will be part 1 and part 2 storeys in height. The rear dwelling is accessed via the approved access handle into a 4-car garage at the ground floor. The ground floor consists of a front lounge room, with a theatre room. The front of the dwelling provides a stairwell to the second storey, which contains a home office, guest bedroom, another bedroom and a study towards the front portion of the dwelling. The front of the dwelling is then connected to the rear portion of the dwelling with a hall way, that leads to the second form of the rear dwelling that consists of another 3 bedrooms, inclusive of a master bedroom, with ensuite, a kitchen/dining room, family room. The family room leads out to an alfresco area, which includes a pool and a BBQ area. Towards the end of the alfresco area is a gymnasium. The alfresco area leads out to a rear yard that is landscaped and utilised for POS. The rear dwelling provides a two-storey element towards the front eastern end of the dwelling and tapers to a single storey-built form towards the western portion/rear part of the dwelling.



**Figure 3: Elevation of rear dwelling (east, west and north)**

#### 4. Site Constraints

Site Constraint	Yes/No
Bushfire	No

Flooding	Yes – SSR Provided with application and dwellings comply with required FFL's
Heritage Items	No
Aboriginal heritage	No
Environmentally Significant Land	No
Threatened Species/ Flora/ Habitat/ Critical Communities	No
Acid Sulphate Soils	No
Flight Paths	No
Railway Noise	No
Road Noise/ Classified Road	No

## 5. Section 4.15 Planning Assessment

The following planning instruments have been considered in the planning assessment of the subject Development Proposal

- (a) State Environmental Planning Policy (Biodiversity and Conservation) 2021 –Chapter 6, Waterway Catchment
- (b) State Environmental Planning Policy (Resilience and Hazards) 2021 – Chapter 4, Remediation of Land
- (c) State Environmental Planning Policy (Sustainable Buildings) 2022
- (d) Canterbury Bankstown Local Environmental Plan (CBLEP) 2023
- (e) Canterbury Bankstown Development Control Plan (CBDCP) 2023

- Chapter 5, Part 5.1, Section 2 – Dwelling Houses

### **(a) State Environmental Planning Policy (Biodiversity and Conservation) 2021**

#### **Chapter 6 – Waterway Catchment**

The subject land is located within the Georges River Catchments and as such State Environmental Planning Policy (Biodiversity and Conservation) 2021 – Chapter 6, Catchment applies to the application. The SEPP generally aims to maintain and improve the water quality and river flows of the Georges River and its tributaries.

The proposed development involves a subdivision and construction of a dwelling and is unlikely to have a detrimental impact on the environmental quality of the Georges River Catchment and thus is consistent with the relevant objectives of the SEPP.

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

In accordance with Clause 4.6(1) Council must not consent to the carrying out of any development on land unless it has considered whether the land is contaminated, and if the land is contaminated, it is

satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out.

Due to the existing and surrounding residential uses there is nothing to indicate that the site would be affected by soil contamination. The site has been used for residential purposes for a prolonged and extended period of time, therefore would unlikely contain contaminated land.

With consideration to the above mentioned points there is no sufficient evidence to suggest that the land is contaminated and therefore a land contamination assessment is not considered to be necessary at this stage. Based on the conclusions above it is considered that the site is suitable for the proposed development and land use and has adequately addressed Clause 4.6(1) of the SEPP.

**(c) State Environmental Planning Policy (Sustainable Buildings) 2022**

Chapter 2 – Standards for Residential Development - BASIX

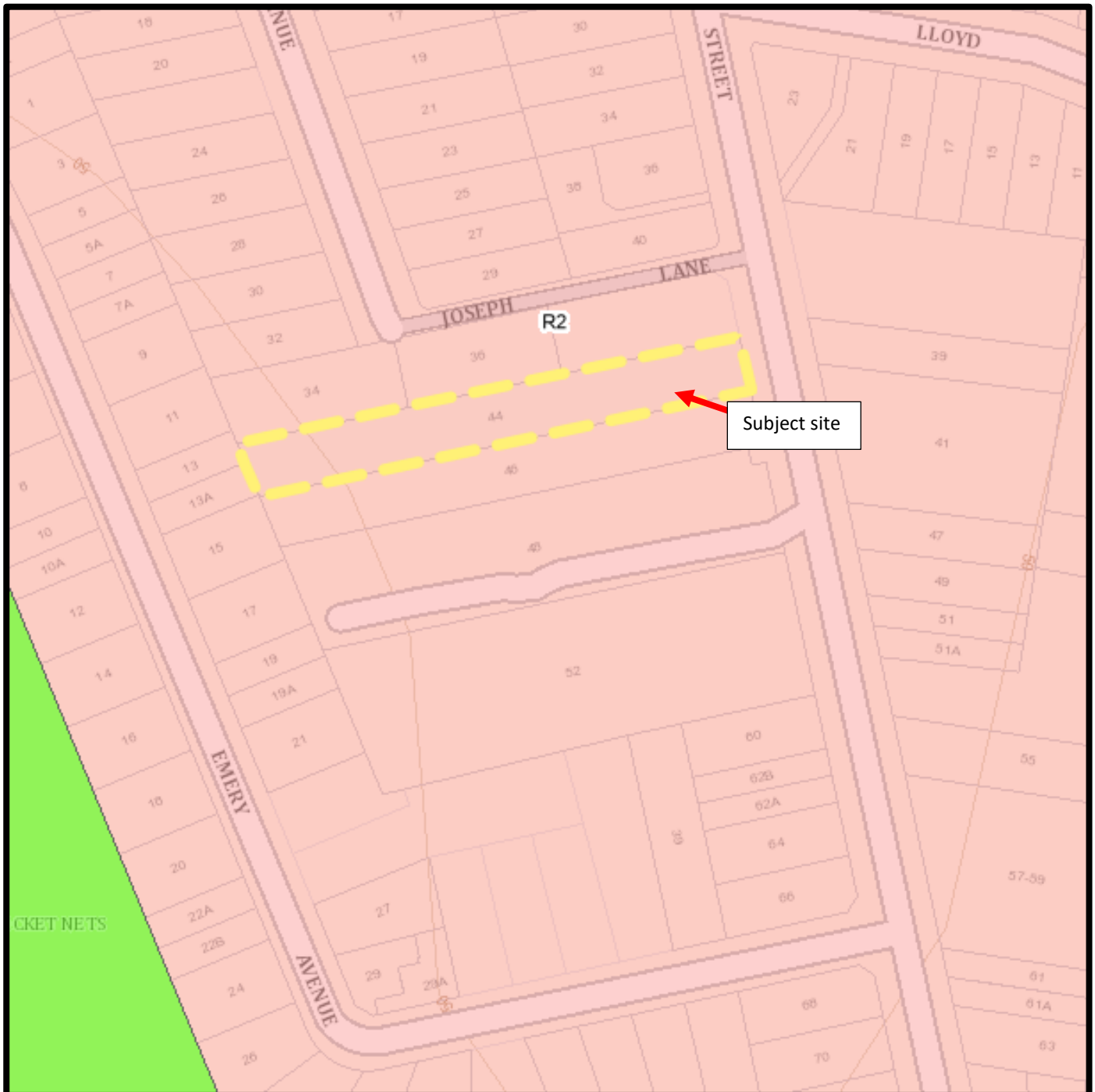
BASIX Certificates have been provided for the proposal. The BASIX certificates demonstrate that the development has incorporated sufficient energy and water saving protocols to demonstrate satisfactory compliance with the BASIX SEPP.

**(d) Canterbury Bankstown Local Environmental Plan (CBLEP) 2023**

**(i) Zoning**

The subject site is zoned R2-Low Density Residential, pursuant to the CBLEP 2023.





**Figure 4:** Zoning Map – (Source NSW DPIE e-planning spatial viewer)

## (ii) Permissibility

The development proposes the “construction of a dwelling on each resultant allotment approved under DA-541/2024”.

The proposal involves the construction of a dwelling houses. This is best defined as a “dwelling house”. Dwelling Houses are permissible with consent in the R2 Zone, as indicated in the extract from the CBLEP 2023 below.

### 3 Permitted with consent

*Bed and breakfast accommodation; Building identification signs; Business identification signs; Car parks; Centre-based child care facilities; Community facilities; Dual occupancies; **Dwelling houses**; Early education and care facilities; Environmental facilities; Environmental protection works; Exhibition homes; Flood mitigation works; Group homes; Health consulting rooms; Home businesses; Oyster aquaculture;*

*Places of public worship; Pond-based aquaculture; Recreation areas; Respite day care centres; Roads; Secondary dwellings; Semi-detached dwellings; Tank-based aquaculture*

### (iii) Objectives of the Zone

The objectives of the zone are as follows:

- *To provide for the housing needs of the community within a low-density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To allow for certain non-residential uses that are compatible with residential uses and do not adversely affect the living environment or amenity of the area.*
- *To ensure suitable landscaping in the low-density residential environment.*
- *To minimise and manage traffic and parking impacts.*
- *To minimise conflict between land uses within this zone and land uses within adjoining zones.*
- *To promote a high standard of urban design and local amenity.*

**Comment:** The development is consistent with the applicable objectives of the R2 zone in that it is providing for a development that will facilitate for the housing needs of the community in a low-density residential environment. The proposal contributes to the variety of housing types within the surrounding low-density environment.

The proposal has been designed to ensure a high level of residential amenity is maintained for surrounding residents and potential future residents of the proposed development. The development has given careful consideration of the design and ensured that solar access and privacy impacts to adjoining sites is not diminished by the proposal.

The development has been designed to comply with all development standards and is of a bulk and scale that is consistent with the existing and future character of the area, particular when having regard to the streetscape and design character created by the two adjoining dual occupancy developments.

### (iv) Summary of the Development Standards Applicable under the CBLEP 2023

Development Provision	Requirement	Proposed
4.3 Height of Buildings	Max Height 9m Max Wall Height 7m	Complies <u>Dwelling Lot 1 (Battle-axe)</u> Height of building is 6.6m Wall Height is 7m <u>Dwelling Lot 2 (Powell Street)</u> Height of building is 5.47m Wall Height is 5.47m

4.4 Floor Space Ratio	Max FSR 0.5:1	<u>Dwelling Lot 1 (Battle-Axe)</u> 0.4:1  <u>Dwelling Lot 2 (Powell Street)</u> 0.385:1
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(i) **Canterbury Bankstown Development Control Plan (CBDCP) 2023**

An assessment against the applicable guidelines of the CBDCP 2023, specifically Chapter 5, Section 5.1, section 2 is provided below;

**Dwelling Lot 1 – 44A (Battle-axe)**

CBDCP 2023 – Chapter 5 Residential Accommodation		
Section 5.1 – Former Bankstown LGA		
Section 2 – Dwellings		
Control	Required	Complies
Storey Limit		
2.1	The storey limit for dwellings is two storeys.	Yes – Proposed dwelling is two storey
2.2	The siting of dwelling houses, and landscaping works must be compatible with the existing slope and contours of the allotment and any adjoining property. Council does not allow any development that involves elevated platforms on columns; or excessive or unnecessary terracing, rock excavation, retaining walls or reclamation.	Yes – The proposed development has been designed to cater for the existing slope of the land. There are no elevated platforms or excessive excavation proposed
2.3	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.	The proposed development is not proposing excessive amounts of fill. The reconstituted ground level is well under 600mm
2.4	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.	
<b>Setback Restrictions</b>		
2.5	The erection of dwelling houses is prohibited within 9 metres of an existing animal boarding or training establishment.	N/A
<b>Street setbacks</b>		
2.6 – Primary Setback	a) 5.5m to first storey (i.e., ground floor) b) 6.5m to second storey	N/A – The rear dwelling has no primary setback as the allotment has no primary street frontage.
2.7 – Secondary frontage	a) 3m to building wall b) 5.5m to garage or carport	N/A
<b>Side setbacks</b>		
2.8 – For building wall <7m	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.	Yes –  The northern side setback is set at a minimum 1m  The southern side setback is a minimum of 1.145m
2.9 – For building wall >7m	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.	N/A
2.10 – Basement	The basement level must not project beyond the ground floor perimeter of the dwelling house.	N/A
<b>Private Open Space</b>		

2.11 – Private Open Space	Dwelling houses must provide a minimum 80m <sup>2</sup> of private open space per dwelling behind the front building line. This may be in the form of a single area or a sum of areas per dwelling provided the minimum width of each area is 5 metres throughout.	Yes –  POS located at the rear well over 100m <sup>2</sup>
<b>Access to sunlight</b>		
2.12 – Living Area	At least one living area of each dwelling must receive a minimum 3 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.	Yes – The lounge room towards the front of the dwelling facing east, achieves sunlight throughout the morning, with the family room, towards the rear of the dwelling achieving the sun throughout the afternoon.
2.13 – Living Area adjoining dwelling	At least one living area of a dwelling on an adjoining allotment must receive a minimum 3 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.	Yes – Adjoining dwelling to the east receives 3 hours of solar access.
2.14 – Solar access to POS	A minimum 50% of the private open space required for each dwelling and a minimum 50% of the private open space of a dwelling on an adjoining allotment must receive at least 3 hours of sunlight between 9.00am and 5.00pm at the equinox. Where this requirement cannot be met for a dwelling on an adjoining allotment, the development must not result with additional overshadowing on the affected private open space.	Yes –  The POS of the proposed dwelling receives 3 hours of solar access to the POS for the dwelling at the equinox. The rear POS areas retains solar access between 8am and 12 middays to the majority of the POS areas. Similarly, the adjoining dwellings retain solar access to the POS areas for the majority of the day at the equinox.
2.15 – Solar Hot Water	Development should avoid	Yes –



Systems	overshadowing any existing solar hot water system, photovoltaic panel or other solar collector on the allotment and neighbouring properties.	Proposal does not overshadow existing hot water systems or solar panels
<b>Visual Privacy</b>		
2.16 – Window Location	<p>Where development proposes a window that directly looks into the living area or bedroom window of an existing dwelling, the development must:</p> <p>(a) offset the windows between dwellings to minimise overlooking; or</p> <p>(b) provide the window with a minimum sill height of 1.5 metres above floor level; or</p> <p>(c) ensure the window cannot open and has obscure glazing to a minimum height of 1.5 metres above floor level; or</p> <p>(d) use another form of screening to the satisfaction of Council.</p>	<p>Yes –</p> <p>The location of the windows along the side and rear elevations have been designed with high sills to alleviate privacy impacts on adjoining properties.</p> <p>Rear steps?, do they cause privacy issues</p>
2.17 – Windows directly looking into POS	<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 1.5 metres above floor level; or</p> <p>(c) the window has translucent glazing to a minimum height of 1.5 metres 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</p>	<p>Yes – All first-floor rear windows have been designed with high sills to alleviate privacy impacts on adjoining dwellings</p>

	lower-level or adjoining dwelling.	
2.18 – Balcony Location	<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 1.5 metres 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>	NA – Balconies proposed only facing the street.
2.19 – Roof top Balconies	Council does not allow dwelling houses to have roof-top balconies and the like.	N/A – No balconies proposed
<b>Building Design</b>		
2.19 – Roof Pitch	The maximum roof pitch for dwelling houses is 35 degrees.	Yes – Roof pitch is 1 degree
<b>Building Design (Car Parking)</b>		
2.25 – Location of car spaces	<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 per dwelling 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> <p>(b) the covered car parking space is setback a minimum 6 metres from the primary</p>	Yes – A four car garage is proposed for the rear allotment and is located behind the front building line of the front living area

	and secondary frontages.	
2.27 – Garages with up to two car parking spaces	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.	N/A
<b>Landscaping</b>		
2.29 – Retention of Vegetation	Development must retain and protect any significant trees on the allotment and adjoining allotments. To achieve this clause, the development may require a design alteration or a reduction in the size of the dwelling house	Dwellings remain consistent with the tree retention approved under subdivision DA.

#### **Dwelling Lot 2 44B (Front Allotment))**

<b>CBDCEP 2023 – Chapter 5 Residential Accommodation</b>		
<b>Section 5.1 – Former Bankstown LGA</b>		
<b>Section 2 – Dwellings</b>		
<b>Control</b>	<b>Required</b>	<b>Complies</b>
<b>Storey Limit</b>		
2.1	The storey limit for dwellings is two storeys.	Yes – Proposed dwelling is single storey
2.2	The siting of dwelling houses, and landscaping works must be compatible with the existing slope and contours of the allotment and any adjoining property. Council does not allow any development that involves elevated platforms on columns; or excessive or unnecessary terracing, rock excavation, retaining walls or reclamation.	Yes – The proposed development has been designed to cater for the existing slope of the land. There are no elevated platforms or excessive excavation proposed
2.3	Any reconstituted ground level on the site within the ground floor perimeter of dwelling houses must not exceed a height of 1m above	The proposed development is not proposing excessive amounts of fill. The reconstituted ground level is

	the ground level (existing). For the purposes of this clause, the ground floor perimeter includes the front porch.	well under 600mm
2.4	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.	
<b>Setback Restrictions</b>		
2.5	The erection of dwelling houses is prohibited within 9 metres of an existing animal boarding or training establishment.	N/A
<b>Street setbacks</b>		
2.6 – Primary Setback	a) 5.5m to first storey (i.e., ground floor) b) 6.5m to second storey	Yes  Dwelling setback 6.5m from Powell
2.7 – Secondary frontage	a) 3m to building wall b) 5.5m to garage or carport	N/A
<b>Side setbacks</b>		
2.8 – For building wall <7m	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.	Yes –  The northern side setback is set at a minimum 915mm  The southern side setback is a minimum of 920mm
2.9 – For building wall >7m	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	N/A

	demonstrates it must use the ground floor walls for structural support.	
2.10 – Basement	The basement level must not project beyond the ground floor perimeter of the dwelling house.	N/A
<b>Private Open Space</b>		
2.11 – Private Open Space	Dwelling houses must provide a minimum 80m <sup>2</sup> of private open space per dwelling behind the front building line. This may be in the form of a single area or a sum of areas per dwelling provided the minimum width of each area is 5 metres throughout.	Yes –  POS located at the rear well over 100m <sup>2</sup>
<b>Access to sunlight</b>		
2.12 – Living Area	At least one living area of each dwelling must receive a minimum 3 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.	Yes – The lounge room towards the front of the dwelling facing east and north, achieves sunlight throughout the morning, with the family room, towards the rear of the dwelling achieving the sun throughout the afternoon.
2.13 – Living Area adjoining dwelling	At least one living area of a dwelling on an adjoining allotment must receive a minimum 3 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.	Yes – Adjoining dwelling to the east receives 3 hours of solar access.
2.14 – Solar access to POS	A minimum 50% of the private open space required for each dwelling and a minimum 50% of the private open space of a dwelling on an adjoining allotment must receive at least 3 hours of sunlight between 9.00am	Yes –  The POS of the proposed dwelling receives 3 hours of solar access to the POS for the dwelling at the equinox. The rear POS areas retains



	and 5.00pm at the equinox. Where this requirement cannot be met for a dwelling on an adjoining allotment, the development must not result with additional overshadowing on the affected private open space.	solar access between 8am and 12 middays to the majority of the POS areas. Similarly, the adjoining dwellings retain solar access to the POS areas for the majority of the day at the equinox.
2.15 – Solar Hot Water Systems	Development should avoid overshadowing any existing solar hot water system, photovoltaic panel or other solar collector on the allotment and neighbouring properties.	Yes – Proposal does not overshadow existing hot water systems or solar panels
<b>Visual Privacy</b>		
2.16 – Window Location	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 1.5 metres above floor level; or (c) ensure the window cannot open and has obscure glazing to a minimum height of 1.5 metres above floor level; or (d) use another form of screening to the satisfaction of Council.	Yes – The location of the windows along the side and rear elevations have been designed with high sills to alleviate privacy impacts on adjoining properties.
2.17 – Windows directly looking into POS	Where development proposes a window that directly looks into the private open space of an existing dwelling, the window does not require screening where: (e) the window is to a bedroom, bathroom, toilet, laundry, storage room, or other non-habitable room; or (f) the window has a minimum sill height of 1.5 metres above floor level; or	N/A

	<p>(g) the window has translucent glazing to a minimum height of 1.5 metres above floor level; or</p> <p>(h) the window is designed to prevent overlooking of more than 50% of the private open space of a lower-level or adjoining dwelling.</p>	
2.18 – Balcony Location	<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 1.5 metres 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>	NA
2.19 – Roof top Balconies	Council does not allow dwelling houses to have roof-top balconies and the like.	N/A – No balconies proposed
<b>Building Design</b>		
2.19 – Roof Pitch	The maximum roof pitch for dwelling houses is 35 degrees.	Yes – Roof pitch is 1 degree
<b>Building Design (Car Parking)</b>		
2.25 – Location of car spaces	<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 per dwelling to locate forward of the front building line provided:</p> <p>(a) the car parking space forward of the front building</p>	Yes – A single car garage is proposed for the front allotment and is located behind the front building line of the front living area

	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 frontages.	
2.27 – Garages with up to two car parking spaces	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.	N/A
<b>Landscaping</b>		
2.29 – Retention of Vegetation	Development must retain and protect any significant trees on the allotment and adjoining allotments. To achieve this clause, the development may require a design alteration or a reduction in the size of the dwelling house	Dwellings remain consistent with the tree retention approved under subdivision DA.

**(e)Section 4.15(1)(a)(iii) –Any Planning Agreement or Draft Planning Agreement**

There is no planning agreement or draft planning agreement applying to the site.

**(f) Section 4.15(1)(a)(iv) –The Regulations**

The applicable provisions of the *Environmental Planning and Assessment Regulation 2021* has been considered in the assessment of this application and it is considered the proposal is consistent with the EP&A Regulation 2021.

**(g)Section 4.15(1)(b) – The Likely Impacts of the Development**

It is considered that the proposal will have limited impacts on the existing and future character of the locality. The proposal provides for a development that will easily cater for a suitable residential development that will not compromise the amenity of the surrounding locality. The proposal provides for lot sizes well in excess of the minimum lot size and has demonstrated it can accommodate a built form and dwelling designs that is consistent with the objectives and intent of the current development standards under the CBLEP 2023 and relevant guidelines of the CBDCP 2023.

**(h) Section 4.15(1)(c) – The Suitability of the Site for the Development**

The subject development is permissible in the zone and the proposal satisfies the key planning controls for site as detailed above and is generally considered to be suitable for the site. The development has been designed to

limit the amenity impacts on adjoining developments and has demonstrated that the amenity impacts on adjoining sites are already pre-existing and are not exacerbated by the development.

## 7. Conclusion

The application has been assessed against the relevant provisions of the EP&A Act 1979, applicable development standards of the CBLEP 2023 and guidelines contained within the CBDCP 2023. It is considered the development proposing the “*construction of a dwelling on each resultant allotment approved under DA-541/2024*” at 44 Powell Street Yagoona, legally known as Lot 1 DP 736433 is a suitable form of development consistent with the development standards applicable to the site and is a development form that is consistent with the existing and future character of the area.

The proposal provides for a development that is consistent with the prevailing subdivision pattern and predominant building form in the immediate locality and is consistent with the objectives of the R2 – Low Density zone applicable to the site.