R T P

ROCKEMAN TOWN PLANNING

Statement of Environmental Effects
Development Application

No.104 Homer Street, Earlwood

Alterations and Additions to the existing dwelling

Updated March, 2025

Prepared by:

ROCKEMAN TOWN PLANNING

ABN 25163862020

Contents

Introduction

This Statement of Environmental Effects has been prepared on behalf of the client. This Statement has been prepared pursuant to Section 4.12 of the Environmental Planning and Assessment Act (EPA Act), 1979 and Clause 50 of the Environmental Planning and Assessment Regulation, 2000.

This Statement accompanies a Development Application for alterations and additions to the existing dwelling at No.104 Homer Street, Earlwood.

The purpose of this document is to provide a context of the subject site and its surrounding local environment, provide a detailed description of the proposed development, assess the compliance of the proposal in relation to subject planning policies and controls and examine the environmental, social and economic effects of the proposal against the Evaluation Criteria prescribed under Section 4.15 of the EPA Act, 1979.

The proposed development is permissible with Council's consent in the R2 Low Density Residential zone under Canterbury-Bankstown Local Environmental Plan 2023 and Canterbury-Bankstown Development Control Plan 2023. The proposal is consistent with the aims and objectives of the relevant environmental planning instruments and an assessment of the proposal has not identified any adverse impacts that are likely to result from the proposed development.

Site Location and Description

Site Description and Locality

The site is legally described as Lot D DP 335509 and is known as No.104 Homer Street, Earlwood. The site is located near the intersection of Homer Street and Bayview Avenue and is located in the suburb of Earlwood which resides to the inner west of Sydney. The subject site is within the Canterbury-Bankstown Council local government area. An aerial map of the site is shown in Figure 1 below.

Figure 1: Aerial Map
Source: Six Maps, 2024

The site is an irregular, triangular shaped allotment with a site area of 347.8 square metres and a frontage of 29.805 metres along Homer Street with three boundaries meeting at the south-western point. The site is currently occupied by a single storey brick dwelling with an existing driveway and attached garage which is accessed from Homer Street. The dwelling is setback from the south-western triangular portion of the site which is used for private open space concealed by a 1.8m high front fence. The site has a relatively flat gradient. The existing building is not identified as a heritage item or within a conservation item under the Canterbury- Bankstown Local Environmental Plan 2023.

Homer Street and the surrounding area is characterised by predominately single and two storey dwellings, street landscaping and on-street parking in select portions of the road. The predominant streetscape character along Homer Street depends on the topograghy and of the street. The subject site and the eastern side of Homer Street have predominately Federation style Californian Bungalows within a flat site gradient but has a steep slope towards the north of the road in which elevated dwellings become the primary streetscape and the western side of Homer Street has a steep downward slope in which garaging is the primary façade along the streetscape and a transitioning character of new dwellings, on-site carparking and reduced landscaping within street. Images of the site and the surrounding locality are shown below in Figures No. 2-7.

Figure 2: Subject site
Source: RTP, 2024

Figure 3: Subject site
Source: RTP, 2024

Figure 4: Adjoining dwelling to the north
Source: RTP, 2024

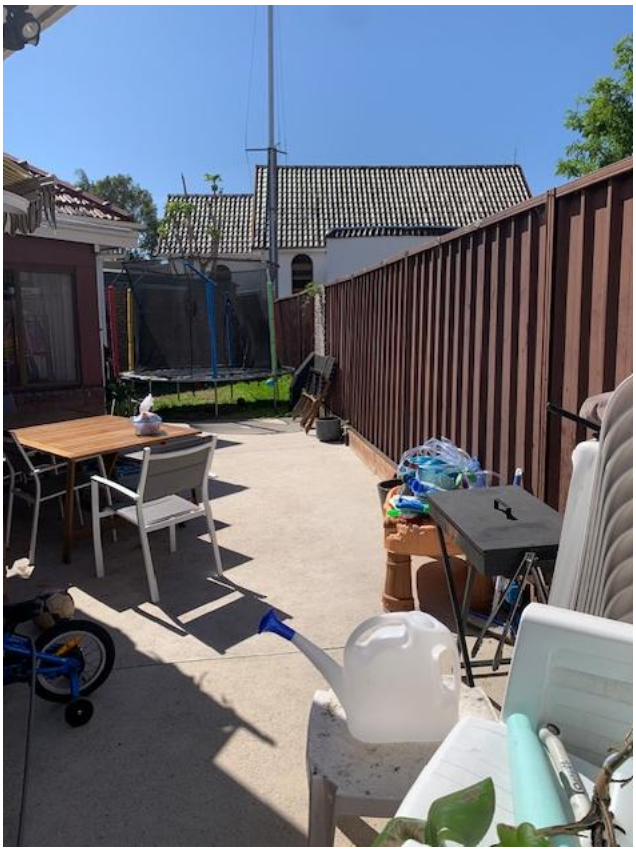

Figure 5: Existing rear yard
Source: RTP, 2024

Figure 6: Existing south-western corner
Source: RTP, 2024

Figure 7: Image of rear of the property from adjoining church carpark
Source: RTP, 2024

Figure 8: Image of rear of the property from adjoining church carpark within local context
Source: RTP, 2024

Development Proposal

The subject development application seeks consent for alterations and additions to the existing dwelling at No.104 Homer Street, Earlwood. The proposal specifically seeks consent for the following:

Ground Floor

- Demolition of select internal and external walls;
- Retention of the existing garage fronting Homer Street and an extension of 865mm towards the south-western corner with a new garage door;
- New windows, doors and blade wall;
- New internal staircase to access first floor addition;
- Retention of existing storage room at rear;
- Retention of the existing driveway opening from Homer Street;

First floor

- First floor addition to include four (4) bedrooms and three (3) bathrooms;
- New first floor balcony fronting Homer Street;

Roof form

- Flat roof form;

Front façade

- New materials and finishes including render, timber garage door and sandstone cladding.

Table 1: Building Configuration and Mix

Element	Proposed
Site Area	347.8m^2
Gross Floor Area (Lot 1)	191.9m^2
Floor Space Ratio	0.55:1
Height	7.185m maximum
Storeys	Two (2)
Front Setback to primary facade	3.65m (existing primary façade on ground floor 4.56m (first floor façade addition)
Side Setback	North Ground floor – existing external wall First floor – 1.245m South Ground floor – existing external wall First floor – 2.5m minimum West Ground floor – 8.585m from garage extension First floor – 8.95m

Rear Setback	Not applicable – triangular lot
Private Open Space	37.13m^2
Car parking spaces	One (1) car space in existing single car garage

Detailed Description

The proposal is for alterations and additions to the existing dwelling fronting Homer Street. The proposal includes a ground floor alterations to include open living areas and a first floor addition to make provision for four (4) new bedrooms, three (3) bathrooms and WIR. The proposal includes a partially covered alfresco/ private open space in the rear yard.

The proposal consists of a flat roof form for the proposed wester addition, horizontal glass feature and vertical timber slates and the entrance area remains slightly recessed behind the garage. The proposed addition has incorporated a contemporary design with the use of various materials and finishes that contrast the traditional features of the federation dwelling to create a distinguished but complimentary addition to the existing dwelling to create a proportioned and compatible design that appears as a modest two storey dwelling from the street. The addition creates a stepped and articulated facade to create a suitable and sympathetic design along the ground and first floors to alleviate privacy and overlooking impacts on to ethe adjoining neighbours. The proposal creates a suitable and functional response to the sites context and positioning.

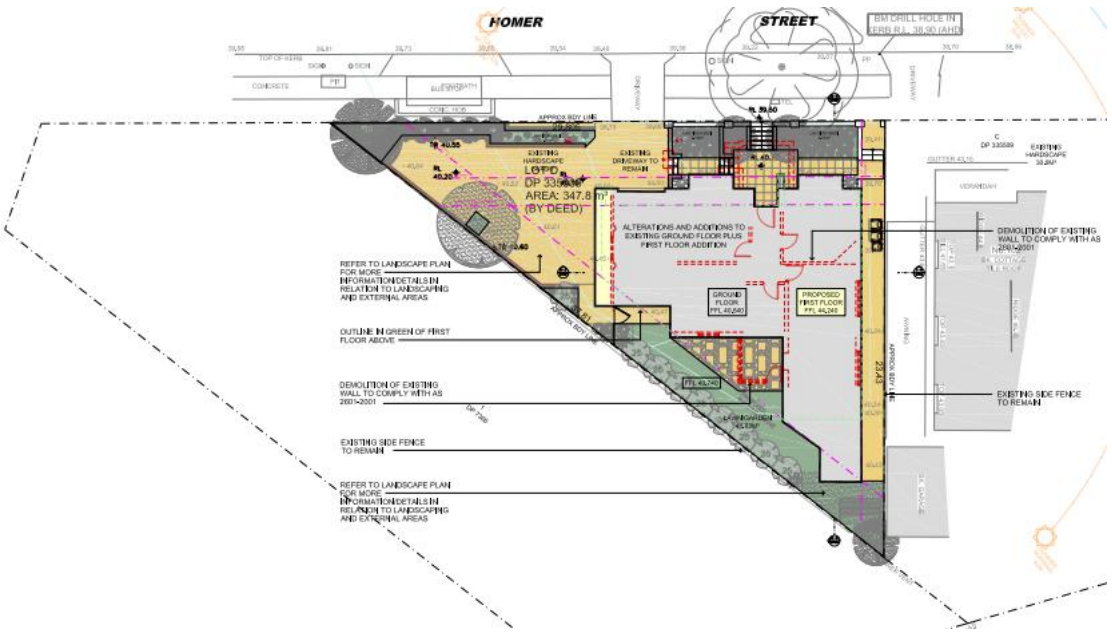

Figure 9: Proposed site plan

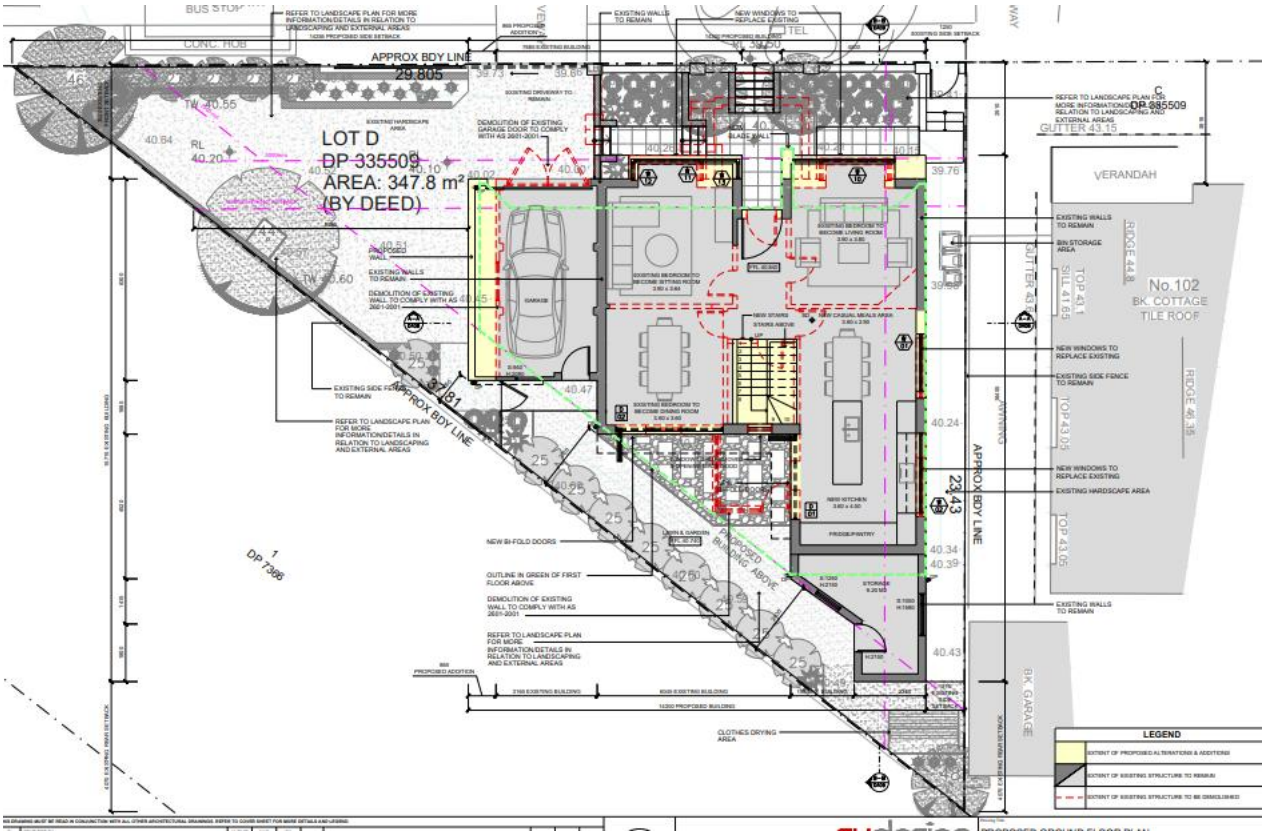

Figure 10: Proposed Ground floor plan

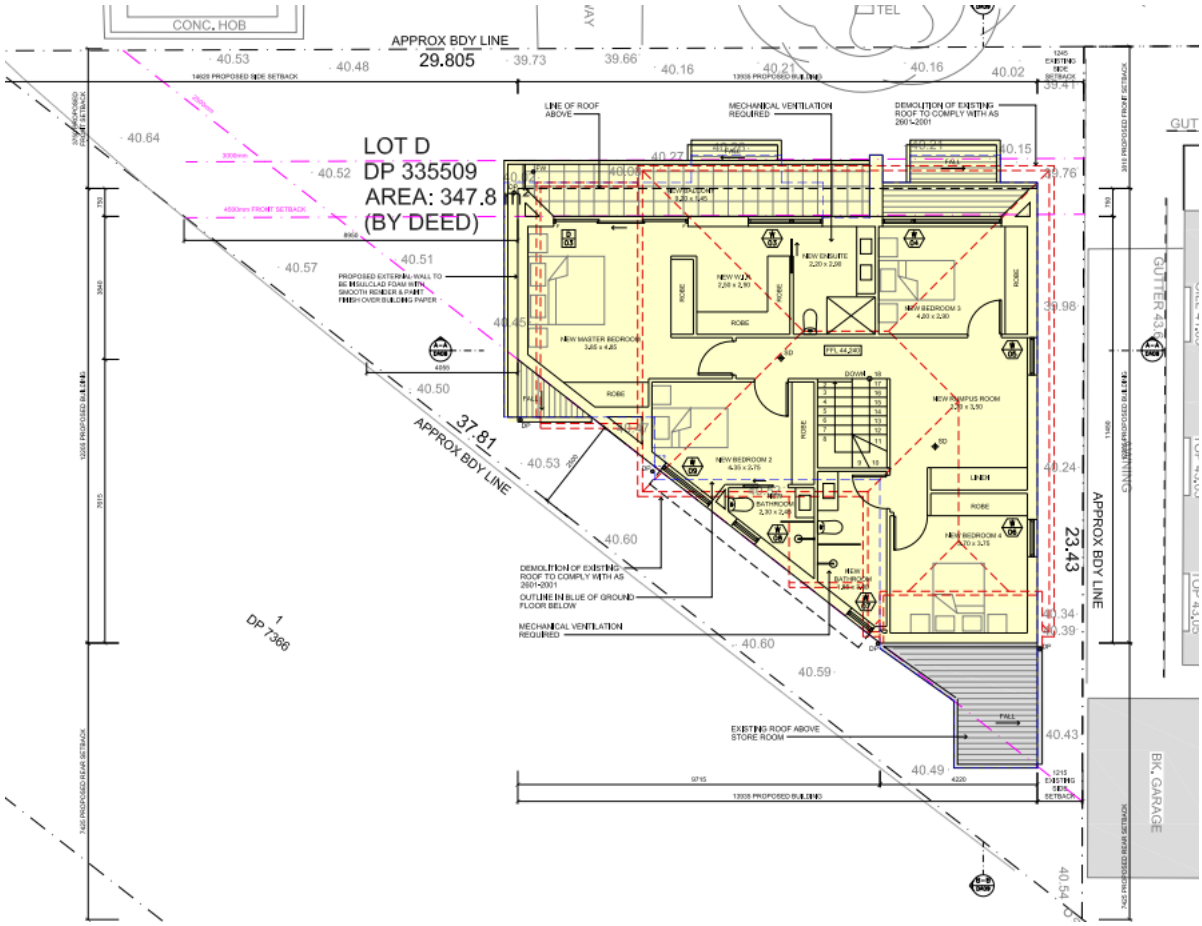

Figure 11: First floor plan

Materials and Finishes

The proposal includes render, glass, sandstone cladding and timber materials to create a modern style dwelling. The palette of colours and finishes are considered to add character to the streetscape.

Details of the proposed colours, materials and finishes are shown within the attached Schedule of Finishes.

Access and Parking

The proposal includes the retention of the existing driveway along Homer Street and alterations to the existing garage to make it wider for a car to park.

Landscaping

The proposal includes turf and impervious outdoor area within the front and rear yard. The proposal retains the existing 68.18m2 of landscaping.

Figure 12: Proposed landscape plan

Solar Access

The proposed dwellings within the development site and adjoining properties receive a minimum of 3 hours sunlight in habitable rooms and in at least 50% of the private open space between 9am and 3pm within the winter solstice. Shadow diagrams have been provided to demonstrate how the development will achieve this. The subject site has an east-west orientation, with its frontage facing west. The applicant has submitted shadow diagrams for 9am, 12 noon and 3pm on June 21 that show the solar access is achieved for the subject site within the south-western triangular portion of the lot behind the building line. The southern boundary adjoins a car park for a church directly behind the site and therefore does not impact any habitable spaces within a dwelling. The dwelling that adjoins the south-western portion of the site is setback from the boundary to maintain sufficient solar access. The building envelope is predominantly not being altered and the first-floor addition has been sympathetically designed to ensure the northern adjoining property maintains its solar access within the rear yard during the winter solstice. The orientation of the site and its irregularity have been considered when addressing dedicated private open space and solar access. Nevertheless consideration has been given to the land and environment court judgements for assessment of the private open space and rear facing orientation:

Consideration has been given to the Land and Environment Court planning principle on the impact solar access of neighbours (Parsonage v Kuringgai (2004) NSWLEC 347) and as amended by (The Benevolent Society v Waverly Council (2010) NSWLEC 1082) is addressed as follows:

- *The ease with which sunlight access can be protected is inversely proportional to the density of development. At low densities, there is a reasonable expectation that a dwelling and some of its open space will retain its existing sunlight. (However, even at low densities there are sites and buildings that are highly vulnerable to being overshadowed). At higher densities sunlight is harder to protect and the claim to retain it is not as strong.*

  Comment: The residential subdivision pattern in the street is such that each of the allotments exhibited predominantly east-west orientation with south to the rear and in this regard the provision of solar access to adjoining the existing private open space directly to the south and south-west is difficult to achieve. The proposed development is considered to be contemporary in design with height and setbacks as required by the Canterury- Bankstown Canter DCP. The locality is a low-density residential area. The subject single dwellings POS to the south-west is affected by the proposed development between the hours of 9am and 3pm. However, approximately 50% of the private open space area and living room at the rear of the site retains solar access from

between 12Pm-3pm during the winter solstice.

- *The amount of sunlight lost should be taken into account, as well as the amount of sunlight retained.*

  Comment: The amount of existing sunlight comparative to the amount of sunlight retained has been taken into account. Submitted shadow diagrams indicated that the development will overshadow the pos located to the south-west throughout the day, however due to the orientation of the site careful consideration has been taken to minimising the impacts of overshadowing and promoting sunlight to the neighbouring POS. The site coverage and bulk are consistent with that of a two-storey dwelling and reflective and compatible with bulk, scale and massing with dwellings within the transitioning locality.
  The setbacks on the first floor comply with the requirements of the CBDCP and the height of the buildings are less than the prescribed control for the site. Efforts have been made to articulate the building at the rear behind the front portion of the building to have a flat roof form to reduce the impacts of the additional level on to the shadow cast. The roof design aims to promote a higher-level solar access without having any privacy or overlooking impacts. A proposed building height which is considerably lower that the permissible 8.5m is proposed and further aims at promoting sunlight to the neighbouring POS.
  Further consideration is given to the planning principles on solar access established in *Davies v Penrith City Council [2013] NSWLEC 114.* The site has an east-west orientation with POS located south-west of the development site. Adjoining to the rear is a carpark and to the south is a commercial building. The proposal is compliant with the development standards and consistent with the built form controls contained within CBDCP 2023. Consequently, the shadow impact does not occur as a result of poor design, but rather of the orientation of the site and location of buildings between allotments. The subject site currently accommodates a single storey dwelling and the proposal being two (2) storeys and highly compliant with the prescribed objectives and controls of both the CBLEP 2023 and the CBDCP 2023 results in changes to solar amenity presently received. Therefore, the change in solar access is considered hereditary of site redevelopment and it is inevitable that any two (2) storey building will result in a shadow impact to the dedicated POS. In consideration of the above, the proposal has aimed to achieve as best as possible the solar access prescribed in the CBDCP whilst achieving a high level of amenity for the subject dwelling and surrounding allotments.

- *Overshadowing arising out of poor design is not acceptable, even if it satisfies numerical guidelines. The poor quality of a proposal's design may be demonstrated by a more sensitive design that achieves the same amenity without substantial additional cost, while reducing the impact on neighbours.*

  Comment: The proposed two storey dwellings complies with the maximum height limitation applicable to the site under the CBLEP 2023 and design efforts have been made to reduce the impact on to the private open space including having a lower and flat roof form to promote sunlight in to the windows as best as possible without impacting on the feasibility of the design.

- *For a window, door or glass wall to be assessed as being in sunlight, regard should be had not only to the proportion of the glazed area in sunlight but also to the size of the glazed area itself. Strict mathematical formulae are not always an appropriate measure of solar amenity. For larger glazed areas, adequate solar amenity in the built space*

behind may be achieved by the sun falling on comparatively modest proportions of the glazed area.

Comment: Submitted shadow diagrams indicate that the north facing windows of the adjoining building will have reduced access to direct sunlight between the hours of 9am to 3pm however as discussed above design efforts have been made to promote northerly sunlight as best as possible. The solar access impact is an inevitable impact due to the dwelling orientation to the south not the proposed dwelling.

- *Overshadowing by fences, roof overhangs and changes in level should be taken into consideration. Overshadowing by vegetation should be ignored, except that vegetation may be taken into account in a qualitative way, in particular dense hedges that appear like a solid fence.*

Comment: Overshadowing by fences, roof overhangs and changes in level have been taken into consideration. The adjoining site is not affected by any substantial trees, shrubs and or overgrown vegetation.

- *In areas undergoing change, the impact on what is likely to be built on adjoining sites should be considered as well as existing development*.

Comment: The area is a low-density transitioning residential area where larger modern dwellings are becoming prevalent. The development seeks to vary from the minimum standards of the CBDCP 2008 in relation to solar access. Given the inevitable solar access impact the redevelopment of the site would have on the south-western POS it needs to be considered that the development has been made every effort to maximise the northern sunlight to the affected property through design solutions as best as possible. Considering the circumstances and the above planning principles it would be considered acceptable to allow a development of this nature on the subject site.

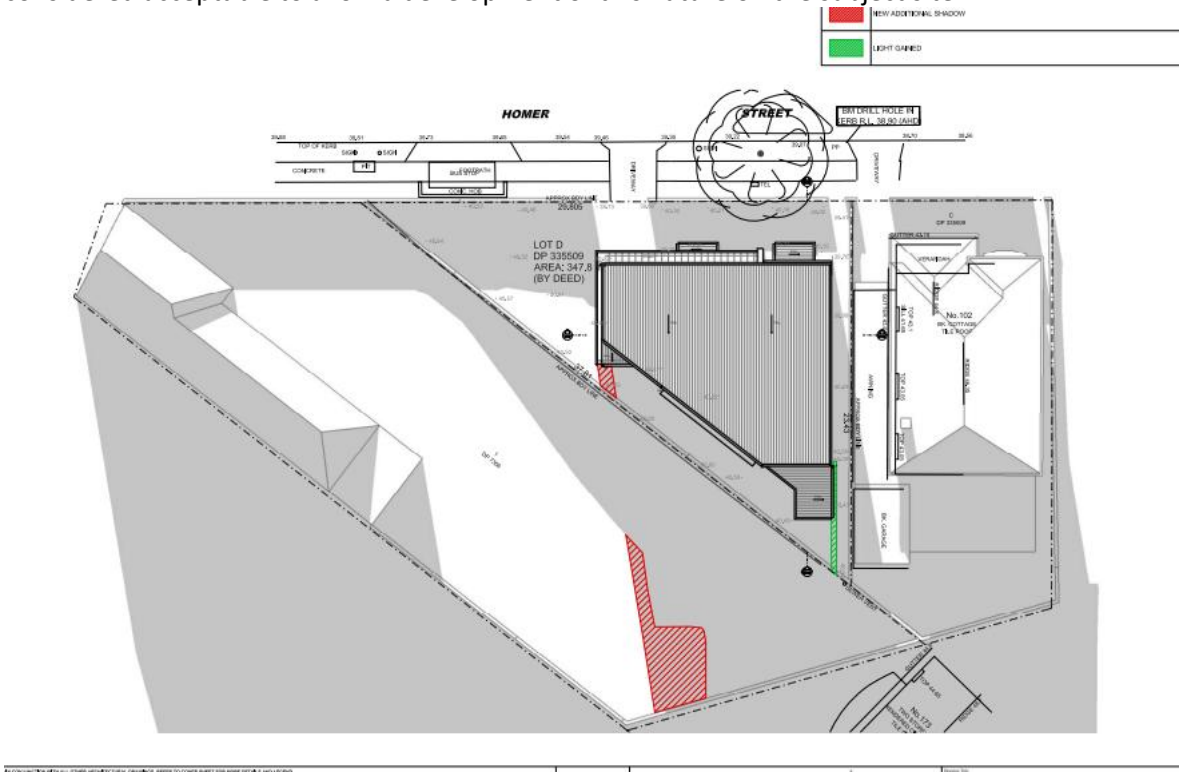

Figure 11: 4PM SHADOW DIGRAM

Privacy

The proposal has been designed to maximise visual and acoustic privacy by locating bedrooms and low trafficable spaces on the first floor, position first floor balcony to face the street and a bedroom window on north-east elevation. The property adjoins a commercial building and car park to the southern boundary. Overall, the proposal includes an attentive and compatible design along the sites boundaries that aims to reduce any adverse impacts on to the adjoining neighbour.

Waste Management

A Waste Management Plan has been provided to detail the volume and type of waste to be generated; building materials and design techniques; and the operation of ongoing waste management.

Streetscape

The proposed development is consistent with the existing and transitioning development in the locality. The proposal consists of a flat roof form, horizontal glass feature and vertical timber slates for the garage and the entrance area remains slightly recessed behind the garage. The proposed addition has incorporated a contemporary design with the use of various materials and finishes that contrast the traditional features of the federation dwelling to create a distinguished but complimentary addition to the existing dwelling to create a proportioned and compatible design that appears as a modest two storey dwelling from the street. A perspective of the development is shown below:

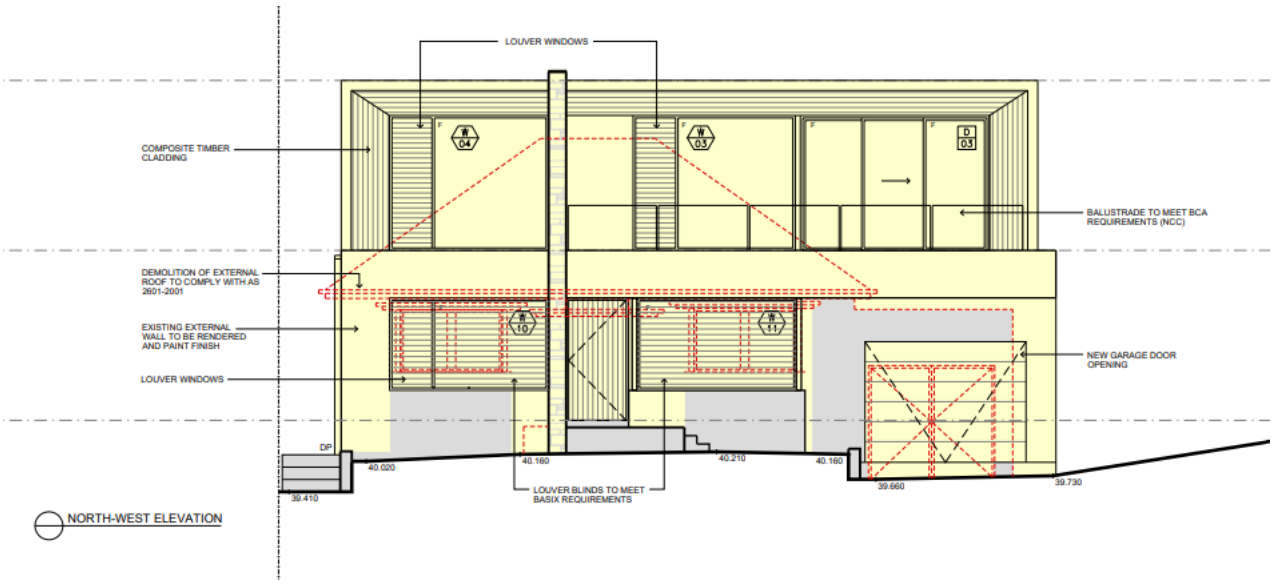

Figure 13: Front elevation

Statutory Planning Framework

State Environmental Planning Policy (Sustainable Buildings) 2022

State Environmental Planning Policy (Sustainable Buildings) 2022 was made effective from 1 October 2023. The Sustainable Buildings SEPP encourages the design and construction of more sustainable buildings across NSW to meet our climate change targets. State Environmental Planning Policy (Sustainable Buildings) 2022 applies to the development and aims to encourage sustainable residential development.

A BASIX certificate accompanies the development application and demonstrates that the proposal achieves compliance with the BASIX efficiency targets.

Canterbury Bankstown Local Environmental Plan 2023

Zoning

The site is zoned R2 – Low Density Residential, as described by the Canterbury-Bankstown LEP Zoning Map

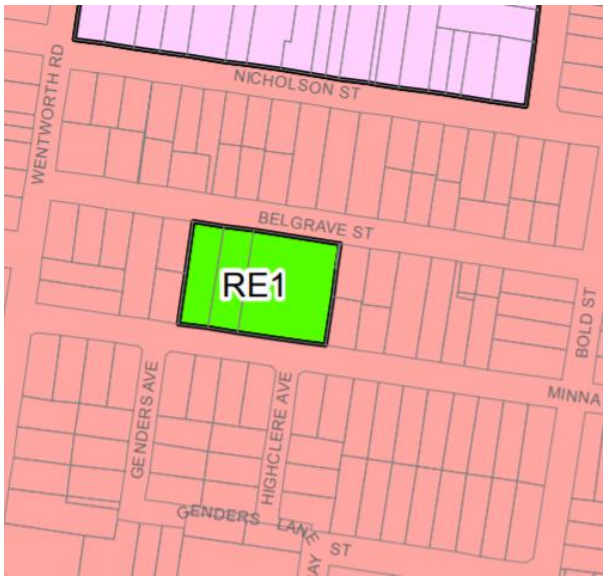

Figure 14: Zoning map extract

Source: Canterbury-Bankstown LEP 2023

The objectives of this zone are:

1 Objectives of zone

- *To provide for the housing needs of the community within a low density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To allow for certain non-residential 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.*

2 Permitted without consent

Home occupations

3 Permitted with consent

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

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

4 Prohibited

Any development not specified in item 2 or 3

The proposal achieves the objectives of this zone by providing for the housing needs of the community within the relevant density and a design that has a suitable transition form existing to a newly built form. The proposed development is permissible with consent.

Height

The permissible height for the site is 8.5 metres, as prescribed by the Canterbury Bankstown LEP Height Map.

4.3 Height of buildings

(1) The objectives of this clause are as follows—
(a) to establish the height of development consistent with the character, amenity and landform of the area in which the development will be located,
(b) to maintain the prevailing suburban character and amenity by limiting the height of development to a maximum of 2 storeys in Zone R2,
(c) to provide appropriate height transitions between development, particularly at zone boundaries,
(d) to minimise overshadowing to existing buildings and open space,
(e) to minimise the visual impact of development on heritage items and heritage conservation areas,
(f) to support building design that contributes positively to the streetscape and visual amenity of an area.
(2) The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map.
(2A) Despite subclause (2), the following maximum building heights apply—
(a) 6m for a secondary dwelling that is not attached to the principal dwelling in Zone R2 in Area 1,
(b) 8.5m for a dwelling house in Zone R4 in Area 2,
(c) 11m for a building on a lot that is less than 5,000m^2 on land identified as "Area 1" on the Height of Buildings Map that is in Zone B6,
(2B) The maximum wall height for a secondary dwelling that is not attached to the principal dwelling in Zone R2 in Area 1 is 3m.
(2C) The maximum wall height for a dwelling house or dual occupancy in Zone R2 in Area 1 is 7m.
(2D) In this clause—
***wall height** means the vertical distance between the ground level (existing) and the higher of—*
(a) the underside of the eaves at the wall line, or
(b) the top of the parapet or the flat roof.

Figure 15: Height map extract
Source: Canterbury-Bankstown LEP 2023

The development proposes a maximum ridge height of 7.185 metres (RL47.64) at the highest point measured from NGL at the front seciton of the building. The proposed ridge level complies with the prescribed height limit and achieves a complimentary roof design with other newly developed dwellings in the locality.

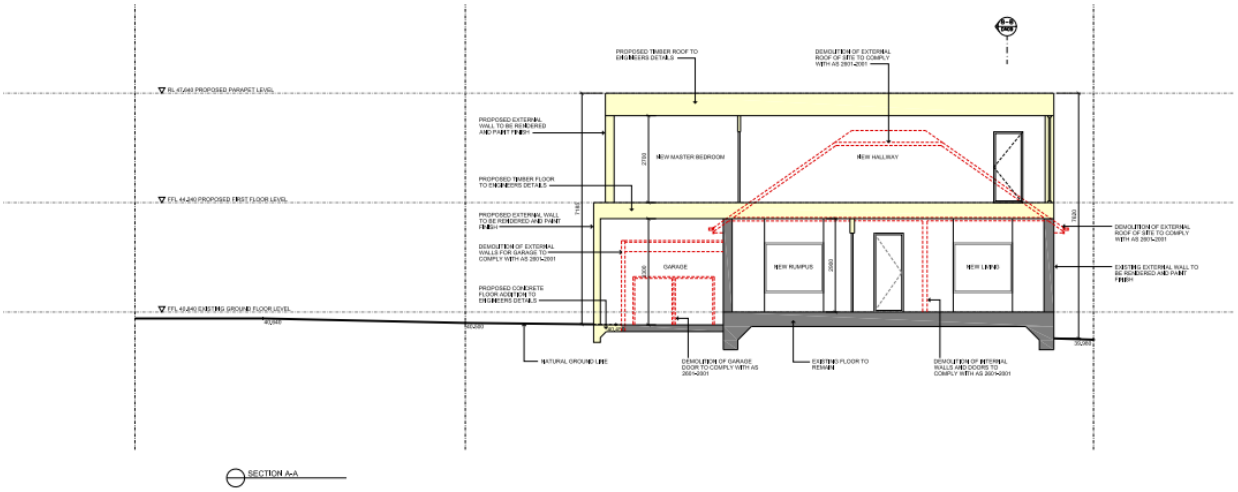

Figure 16: Section plan illustrating maximum height

Floor Space Ratio

The permissible floor space ratio for the site is 0.5:1. However Clause 4.4 stipulates a floor space ratio variation for dwelling houses in Area 2 to be 0.55:1

Figure 17: Floor Space Ratio map extract
Source: Canterbury-Bankstown LEP 2023

4.4 Floor space ratio

(1) The objectives of this clause are as follows—

(a) to establish the bulk and maximum density of development consistent with the character, amenity and capacity of the area in which the development will be located,

(b) to ensure the bulk of non-residential development in or adjoining a residential zone is compatible with the prevailing suburban character and amenity of the residential zone,

(c) to encourage lot consolidations in commercial centres to facilitate higher quality built form and urban design outcomes,

(d) to establish the maximum floor space available for development, taking into account the availability of infrastructure and the generation of vehicular and pedestrian traffic,

(e) to provide a suitable balance between landscaping and built form in residential areas.

(2) The maximum floor space ratio for a building on any land is not to exceed the floor space ratio shown for the land on the Floor Space Ratio Map.

(2A) Despite subclause (2), the maximum floor space ratio for a building on land specified in Column 1 of the table to this subclause with a lot width at the front building line less than the width specified in Column 2 is the floor space ratio specified in Column 3.

Column 1

"Area 1" on the Floor Space Ratio Map

"Area 2" on the Floor Space Ratio Map

"Area 3" on the Floor Space Ratio Map

"Area 4" on the Floor Space Ratio Map

(2B) Despite subclause (2), the following maximum floor space ratios apply—
(a) for a building used for non-residential purposes—
(i) on land in Zone R2 in Area 1—0.4:1, and
(ii) on land in Zone R2 or R3 in Area 2—0.5:1, and
(iii) on land in Zone R4 in Area 2—0.75:1,
(b) for a building used for the purposes of dwelling houses or semi-attached dwellings on land in Area 2—
(i) for a site area less than 200m²—0.65:1, and
(ii) for a site area greater than 200m² but less than 600m²—0.55:1, and
(iii) for a site area of 600m² or more—0.5:1,
(c) for a building used for the purposes of dual occupancies on land in Zone R2 in Area 2—0.5:1,

The proposed gross floor area for the development is 191.9m2 creating an FSR of 0.55:1. Furthermore, the proposed development remains compliant with prescribed height, site coverage and setback controls and maintains a design that achieves a modest bulk and scale for the irregular nature of the site and is proposed to be more reflective of the transitioning character in the street. The proposal has been designed to ensure the dwellings do not pose any adverse impacts on to adjoining northern neighbour through adequate acoustic and privacy controls. Overall the dwellings provide a functional, useable and sympathetic new development in the locality and achieves the objectives of the R2 Low Density Residential zone.

Heritage

The site is not heritage listed and is not located within a Heritage Conservation Area.

Acid Sulfate Soils

6.1 Acid sulfate soils

(1) The objective of this clause is to ensure that development does not disturb, expose or drain acid sulfate soils and cause environmental damage.
(2) Development consent is required for the carrying out of works described in the Table to this subclause on land shown on the Acid Sulfate Soils Map as being of the class specified for those works.

Class of land	***Works***
1	*Any works.*
2	*Works below the natural ground surface.* *Works by which the watertable is likely to be lowered.*
3	*Works more than 1 metre below the natural ground surface.* *Works by which the watertable is likely to be lowered more than 1 metre below the natural ground surface.*
4	*Works more than 2 metres below the natural ground surface.* *Works by which the watertable is likely to be lowered more than 2 metres below the natural ground surface.*
5	*Works within 500 metres of adjacent Class 1, 2, 3 or 4 land that is below 5 metres Australian Height Datum and by which the watertable is likely to be lowered below 1 metre Australian Height Datum on adjacent Class 1, 2, 3 or 4 land.*

(3) Development consent must not be granted under this clause for the carrying out of works unless an acid sulfate soils management plan has been prepared for the proposed works in accordance with the Acid Sulfate Soils Manual and has been provided to the consent authority.

The subject proposal does not include excavation and remains above NGL. No fill is proposed however the proposed ground floor addition of the building is raised to have a consistent floor level with the existing dwellings ground floor level.

Canterbury Bankstown Development Control Plan 2023

The following table outlines the proposed development's compliance with the relevant provisions of the Canterbury Bankstown DCP – Section 2 – Dwelling Houses and Outbuildings

<table>
<tr><th>6.1.2 – Single Dwellings</th><th></th><th></th></tr>
<tr><th>Control</th><th>Proposal</th><th>Complies</th></tr>
<tr><th colspan="3">Site Planning</th></tr>
<tr><td>2.1 <u>Minimum lot size and frontage;</u>
C1 The minimum primary street frontage width for dwelling houses is 15m
C2 Lots must be generally rectangular
C3 internal and battle-axe blocks and lots with irregular dimensions or shallow depths must satisfy the objectives of the DCP
C4 Nothing in this section prevents the council considering to the erection of a dwelling house on an allotment of land that existed as of 1 January 2013</td><td>The proposed development maintains consistency with the Canterbury-Bankstown DCP requirements. The development maintains the low-density character of the locality. The site is an existing lot.</td><td>Yes</td></tr>
<tr><td>2.2 <u>Site coverage;</u>

C1 all development must comply with the numerical requirements contained in the table below:

<table>
<tr><th>Site Area</th><th>Maximum area of building footprint</th><th>Maximum floor area of all outbuildings</th><th>Maximum site coverage of all structures on a site</th></tr>
<tr><td>Up to 449m^2</td><td>300m^2</td><td>30m^2</td><td>60%</td></tr>
<tr><td>450m^2 to 599m^2</td><td>330m^2</td><td>45m^2</td><td>50%</td></tr>
<tr><td>600m^2 to 899m^2</td><td>380m^2</td><td>60m^2</td><td>40%</td></tr>
<tr><td>900m^2 or above</td><td>430m^2</td><td>60m^2</td><td>40%</td></tr>
</table>
Table 1: Maximum building footprint, floor area of outbuildings and site coverage</td><td>Proposed development includes a modern classic dwelling with a flat roof form, large vertical windows and first floor verandah. The articulated façade includes a stepped secondary frontage to disperse the bulk of the dwelling across the width of the site. The proposed site coverage for the site is 137m2 (39%).</td><td>Yes</td></tr>
<tr><td>2.3 <u>Landscaping</u>
C2 Deep soil areas must have a minimum dimension of 2.5</td><td>The existing landscaping within the front and rear of the site achieves the required dimensions of 2.5m.</td><td>Yes</td></tr>
<tr><th colspan="3">Building Envelope</th></tr>
<tr><td>2.5 <u>Height</u>
C1 Development for the purposes of dwelling houses must not exceed the following numerical requirements:
a) A maximum two storey built form
b) A maximum external wall height of 7m where the maximum height of buildings standard under the LEP is 8.5m
c) A maximum external wall height of 8m where the maximum height of</td><td>The proposed dwelling is consistent with the existing and transitioning nature of dwellings with a two-storey form and flat roof form which are all consistent building elements in the transitioning locality. The building complies with the maximum 7m wall height control with a stepped first floor and articulated building facades. No cut or fill proposed.</td><td>Yes</td></tr>
</table>

building standard under the LEP is 9.5m **d)** Finished ground floor level is not to exceed 1m above the natural ground level. Note: Skillion and flat roof forms will be considered on merit *Basement and sub floor projection* **C2** Any part of a basement or sub-floor area that projects greater than 1m above ground level comprises a storey *Basement and sub floor* **C5** Dwelling houses may provide basement or subfloor parking where site constraints warrant and it can be demonstrated that there will be no adverse impacts on amenity streetscape or public domain **C6** Basement and subfloor parking is only suitable where compliance with Chapter 3.2 of this DCP can be demonstrated *Cut and fill- development without basement parking* **C9** Maximum 1m cut below ground level where it will extend beyond an exterior wall building **C10** No limit to cut below ground level where it will be contained entirely within the exterior walls of a building, however, excavated area is not to accommodate any habitable room that would be located substantially below ground level **C11** Maximum 600m fill above ground level where it would extend an exterior wall of a building **C12** If proposed cut and fill, or a retaining wall, would be deeper or higher than 1m, structural viability must be confirmed by suitably qualified engineers' reports.		
2.6 Setbacks *Front, side and rear setbacks* **C1** Development, including basement and sub floor areas, fronting a major roof must have a minimum front setback of 9m	N/A	N/A

C2 Development must comply with the minimum front, side and rear setbacks as detailed in the following tables: *Exceptions and other requirements* **C3** External walls that enclose rooms, storage area sand/or garages are not to encroach beyond the specified setbacks**.** **C4** For first floor additions, front and side setbacks may match the ground floor wall alignment of the existing dwelling for a depth of 10m or 50% of the length of the façade, whichever is the greater. **C5** Minimum setback of 1m from any side or rear boundary for swimming pools and associated terraces. Landscaping shall be provided in the setback area to screen the pool from the neighbour **C6** Swimming pools must not be located within any front setback **C7** One garage or carport may be constructed with a nil rear setback for site that adjoin a rear laneway. The garage or carport must not comprise more than 50% of the rear boundary frontage to a lane and not be wider than 6m **C8** For residential building that does not have basement parking lightweight carports may extend beyond the required side boundary setback **C9** Car parking structures must satisfy the Building Code of Australia requirements.	The frontage at the streetscape is 29.805m and the frontage at the building line is 12.19m. The existing front setback for the gorund floor is 3.650m to the primary façade with some articulated window elements forward of the primary facade The proposed front setback for the first floor addition is 4.56m. Although there is a numerical non-compliance with the required 5.5m front setback to the first floor the irregular allotment shape and boundaries requires the first floor to be closest to the street to avoid additional bulk and scale on to the side/rear adjoining neighbours considering the southern boundary is located along the adjoining property, which is the rear yard of the dwelling located behind the retail premises. It is imperative that the bulk and scale be shifted towards Homer Street alleviate overshadowing. The first floor retains the existing side setbacks of 1.245m on the ground floor to the north, proposes 2.5m to the southern side setback and 8.95m to the western triangular point.	Yes

Setback	Controls
Front Setback	• Minimum setback of 5.5m from the front boundary. • Maximum 2m recess for the main entrance from the front building line. • Where the existing front setback is less than 5.5m, further encroachments by alterations and additions are not acceptable.
Side Setbacks	• Minimum setback of 900mm from side boundaries. • Alterations and additions may be in line with the existing ground level walls.
Rear Setbacks	• Minimum setback of 6m from the rear boundary.

Table 3: Dwelling houses with frontage of 12.5m or less

Setback	Controls
Front Setback	• Minimum setback of 6m or the average of the existing setback of the nearest dwelling house to either side of the site. • Maximum 2m recess for the main entrance from the front building line.
Side Setbacks	• Minimum setback of minimum setback of 1m from side boundaries. • Corner lots: minimum setback of 2m from the secondary street frontage (the longer street boundary).
Rear Setbacks	• Minimum setback of 6m from the rear boundary.

Table 4: Dwelling houses with frontages widths of 12.5m or greater

Setback	Controls
Side Setbacks	• External wall height over 2.7m a minimum setback of 450mm from the side boundary. • External wall height not exceeding 2.7m may encroach into the minimum setback area.

Table 5: Outbuildings (including alterations and additions)

C12 The following minor building elements may project up to 1m into the minimum side setback area: a) Roof eaves, awnings, pergolas and patios; b) Stair on ramp access to the ground floor; c) Rainwater tanks; and d) Terraces above basement parking that are no higher than 1m above ground level (except dwelling houses, semi-detached dwellings and dual occupancy) **2.7 <u>Building separation</u>** **C1** The following controls apply to alterations and additions to dwelling houses: a) The top storey of any two storey buildings should be designed, as a series of connected pavilion elements b) Pavilion elements shall have a depth between 10m to 15m c) Articulate pavilion elements by an additional side boundary setback, and identified by separate roofs		
BUILDING DESIGN		
2.8 <u>General design</u> <u>*Contemporary built form*</u> **C1** contemporary architectural designs may be acceptable if: a) A heritage listing does not apply to the existing dwelling or to its immediate neighbours b) The proposed addition is not visually prominent front the street or form a public space c) Extensive remodelling of existing facades is proposed in accordance with controls of this DCP **C2** New building forms and design features shall not mimic traditional features, but should reflect these in a contemporary design	The proposal has a modern contemporary design with a flat roof form and projecting skylight.	Yes

C3 Access to upper storeys must not be via external stairs **C4** All dwellings must contain one kitchen and laundry facility **C5** Retain and extend prominent elements of the existing roof (such as gables, hips or longitudinal ridges that run parallel to a street boundary) **C6** Contemporary roof forms may be acceptable on additions at ground floor level if concealed substantially behind the existing dwelling, and not visible from the street or other public space. *Building entries* **C7** Entries to residential buildings must be clearly identifiable **C8** The front door to a dwelling house may face a sice boundary, or may be located beneath a carport, provided it is clearly identified by a porch or awning, and pathways. **C9** A minimum of one habitable room must be oriented towards the street to promote positive social interaction and community safety **C10** Sight lines to the street from habitable rooms or entrances must not be obscured by ancillary structures. *Internal dwelling layout* **C11** Design interiors to be capable of accommodating the range of furniture that is typical for the purpose of each room **C12** The primary living area and principal bedroom must have a minimum dimension of 3.5m **C13** Secondary bedrooms must have a minimum dimension of 3m **C14** Provide general storage in addition to bedroom wardrobes and kitchen	The proposal has a porch entry and formal lounge space to activate the street frontage. Complies Complies Complies	

cupboards *Façade treatment* **C15** Development on corner lots must address both street frontages through façade treatment and articulation of elevations **C16** Use of non-reflective materials, do not randomly mix light and dark coloured bricks, and treat publicly accessible wall surfaces with anti-graffiti coating. **C17** Façade design should reflect the orientation of the site using elements such as sun shading devices, light shelves and bay windows. **C18** Facades visible from the street should be designed as a series of articulation **C19** The width of articulating panels should be consistent with the scale and rhythm characteristic of bungalows. **C20** The width of articulating panels shall be in accordance with the numerical requirements below **Facade** / **Street elevation** / **Side elevation** Width of articulating panels / 4m to 6m / 10m to 15m Table 6: Width of articulating panels **C21** Avoid long flat walls along street frontages – stagger the wall alignment with a step (not a fin wall of other protruding feature) of at least 0.5m for residential buildings. **C22** Vary the height of modules so they are not read as a continuous line on any one street between 2-4 storeys, step back to the middle component and again at the top. **C23** Incorporate contrasting elements in the façade – use a harmonious range of high quality materials, finishes and detailing. **C24** Screen prominent corners with awnings, balconies, terraces or verandas	N/A Complies Complies The first floor balcony has been used an articulating panel to create a reduction of visual dominance. On the side elevations the design incorporates windows and features to create the illusion of articulation. Considering the small and irregular site area the proposal could not afford recesses within the side elevations. The proposal reads as modules so the bulk and scale of the building appears as an articulated form with high-quality materials and façade elements.	

that project at least 1m from the general wall alignment *Pavilions* **C25** The top storey of any two-storey dwelling should be designed as a series of connected pavilion elements to minimise scale and bulk **C26** Facades that exceed 25m in length shall be indented to create the appearance of multiple pavilion elements **C27** Pavilion elements shall have a depth between 10-15m **C28** Articulate upper storey pavilions with an additional side boundary setback and identify by separate roofs *Windows* **C29** Large windows should be located at the corners of a building and may be designed as projecting bay windows **C30** Large windows should be screened with blinds, louvres, awnings or pergolas and be draft insulated. **C31** Windows must be rectangular **C32** Square, circle and semi-circle windows are acceptable in moderation **C33** Vertical proportioned window openings can include multi-panel windows or multi-panel doors **C34** Windows and opening shall be appropriately located and shaded to reduce summer heat load and maximise sunlight in winter **C35** Dormer windows on buildings in the residential zone do not appear as additional storey must comply with the following design requirements: a) Individual dormers are no wider than 1.5m in width; b) Provide a minimum 2.5m separation	Large windows are positioned along the first floor front façade. Complies	

between dormers; and c) Dormers do not extend encroach above the ridgeline of the building <u>*Ventilation*</u> **C36** incorporate features to facilitate natural ventilation and connective currents- such as opening windows, high vents and grills, high level ventilation (ridge and roof vents) in conjunction with low level air intake (windows or vents) **C37** Where natural ventilation is not possible, energy efficient ventilation devices such as celling fans should be considered as an alternative to air conditioning. Explore innovative technologies to naturally ventilate internal building areas or rooms	Complies	
2.9 Roof design and features **C1** Use a simple pitched roof that accentuates the shape of exterior walls, and minimises bulk and scale. **C2** Avoid complex roof forms such as multiple gables, hips and valleys, or turrets. **C3** Roof pitches are to be compatible and sympathetic to nearby buildings. **C4** Parapet roofs that increase the height of exterior walls are to be minimised. **C5** Use minor gables only to emphasise rooms or balconies that project from the body of a building. **C6** Mansard roofs (or similar) are not permitted. **C7** Pitched roofs should not exceed a pitch of 30 degrees. **C8** Relate roof design to the desired built form and context.	Proposed flat roof form. Blade walls along exterior walls are proposed.	Yes

C9 Roofs with greater pitches will only be considered on merit taking into account matters such as streetscape, heritage value and design integrity.		
AMENITY **2.10 Solar access and over shadowing** *Solar access to proposed development* **C1** Where site orientation permits at least primary living areas of dwellings must receive a minimum of 3 hours of sunlight between 8.00am and 4.00pm on 21 June. **C2** Principle areas of private open space must receive a minimum of 3 hours of sunlight between 8.00am and 4.00pm on 21 June to at least 50% of the open space surface area. **C3** Dwellings must comply with the following: (a) At least one living room window and at least 50% or 35m^2 with minimum dimension of 2.5m (whichever is the lesser), of ground level private open space. (b) Receive a minimum of 3 hours sunlight between 8.00am and 4.00pm on 21 June. (c) Where existing overshadowing by buildings and fences is already greater than this control, sunlight is not to be reduced by more than 20%. Solar access to neighbouring development **C4** Proposed development must retain a minimum of 3 hours of sunlight between 8.00am and 4.00pm on 21 June for existing primary living areas and to 50% of the principal private open space. **C5** If a neighbouring dwelling currently receives less than 3 hours of sunlight, then the proposed development must not reduce	The proposed dwellings within the development site and adjoining properties receive a minimum of 3 hours sunlight in habitable rooms and in at least 50% of the private open space between 9am and 3pm within the winter solstice. Shadow diagrams have been provided to demonstrate how the development will achieve this. The subject site has an east-west orientation, with its frontage facing west. The applicant has submitted shadow diagrams for 9am, 12 noon and 3pm on June 21 that show the solar access is achieved for the subject site within the south-western triangular portion of the lot behind the building line. The southern boundary adjoins a car park for a church directly behind the site and therefore does not impact any habitable spaces within a dwelling. The dwelling that adjoins the south-western portion of the site is setback from the boundary an maintain sufficient solar access. The building envelope is not being altered and the first-floor addition has been sympathetically designed to ensure the northern adjoining property maintains its solar access within the rear yard during the winter solstice. The orientation of the site and its irregularity have been considered when addressing dedicated private open space and solar access.	Yes

the existing level of solar access to that property. **C6** Sunlight to solar hot water or photovoltaic systems on adjoining properties must comply with the following: (a) Systems must receive at least 3 hours of direct sunlight between 8.00am and 4.00pm on 21 June. (b) If a system currently receives less than 3 hours sunlight, then the proposed development must not reduce the existing level of sunlight. **C7** Clothes drying areas on adjoining residential properties must receive a minimum of 3 hours of sunlight on 21 June. *Shading devices* **C8** Windows and openings shall be appropriately located and shaded to reduce summer heat load and maximise sunlight in winter. **C9** Use shading devices to allow direct sunlight to enter and heat a building in winter and prevent direct sunlight entering and heating the building in summer. Devices include eaves, awnings, shutters, louvres, pergolas, balconies, colonnades or external planting. **C10** Provide horizontal shading to north-facing windows and vertical shading to east or west windows. **C11** Use moveable shading devices on large windows facing east and west that are capable of covering 100% of glazed areas. Eaves shall be a minimum of 350mm wide and allow for an overhang of approximately 65 degrees above the horizontal. **C12** Avoid reducing internal natural daylight or interrupting views with shading devices. **C13** Use double-glazing, solar coated windows, curtains, or internal shutters to		

prevent heat loss and provide extra summer protection. **C14** Use high performance glass with a reflectivity below 20%. **C15** Minimise external glare by avoiding reflective films and use of tint glass. **C16** Use of draft insulation around windows and doors.		
2.11 <u>Visual privacy</u> **C1** Locate and orient new development to maximise visual privacy between buildings, on and adjacent to the site. **C2** Minimise direct overlooking of rooms and private open space through the following: a) Provide adequate building separation, and rear and side setbacks; and b) Orient living room windows and private open space towards the street and/or rear of the lot to avoid direct overlooking between neighbouring residential properties. **C3** If living room windows or private open spaces would directly overlook a neighbouring dwelling: a) Provide effective screening with louvres, shutters, blinds or pergolas; and/or (b) Use windows that are less than 600mm wide or have a minimum sill height of at least 1.5m above the associated floor level. **C4** Screening of bedroom windows is optional and dimensions are not restricted.	The sites regular form creates consistent front and side setbacks, compliant landscaping and private open space, highlight windows on the side facades, balconies protruding off bedrooms, built up privacy screens to create privacy measures and adequate separation between buildings and adjoining neighbours.	Yes

2.12 Acoustic Privacy **C1** Protect sensitive rooms, such as bedrooms, from likely sources of noise such as major roads and neighbouring' living areas. **C2** Bedroom windows in new dwellings that would be located at or close to ground level are be raised above, or screened from, any shared pedestrian pathway. **C3** Screen balconies or windows in living rooms or bedrooms that would face a driveway or basement ramp. **C4** Address all requirements in 'Development Near Rail Corridors and Busy Roads – Interim Guideline (2008)' published by the NSW Department of Planning.	Complies - The proposal includes an internal floor layout and privacy screens that will screen acoustic privacy for occupants of the site and adjoining neighbours. N/A	Yes
FENCES AND ANCILLARY DEVELOPMENT		
2.13 Fences **C1** Provide boundary definition by construction of an open fence or hedge to the front street boundary. **C2** Front fences within the front boundary setback are to be no higher than 1.2m. **C3** Side fences may be 1.8m high to the predominant building line. Forward of the building line, side fences must taper down to the height of the front fence at a height no greater than 1.2m. **C4** On corner sites where the facade of a building presents to two street frontages, fences are to be no higher than 1.2m. **C5** Front fences shall not be taller than 1.2m.	The proposal includes the retention of the front fence that is a maximum of 1.2m high.	Yes

C6 Screens with a minimum of 50% transparency may be up to 1.8m high along the front boundary. **C7**Landscaping should not include visually solid hedges that may conceal intruders.		
2.14 <u>Outbuildings and swimming pools</u> *<u>Swimming pools</u>* **C13** Swimming pools must not be located within any front setback. **C14** Minimum setback of 1m from any side or rear boundary for swimming pools and associated terraces. Landscaping shall be provided in the setback area to screen the pool from neighbours.	N/A.	N/A
2.15 <u>Building services</u> **C1** All letterboxes be installed to meet Australia Post standards. **C2** Design and provide discretely located mailboxes at the front of the property. **C3** Integrate systems, services and utility areas with the design of the whole development – coordinate materials with those of the building and integrate with landscaping. **C4** Facilities should not be visually obtrusive and should not detract from soft-landscaped areas that are located within the required setbacks or building separations. **C5** Appliances that are fitted to the exterior of a building, and enclosures for service meters, do not detract from the desired architectural quality of new building, or the desired green character of streetscapes. **C6** Unscreened appliances and meters should not be attached to any facade that would be visible from a street or driveway within the site:	Provided and complies.	Yes

(a) Screen air conditioning units behind balcony balustrades; (b) Provide screened recesses for water heaters rather than surface - mounting them on exterior walls; and (c) Locate meters in service cabinets. **C7** Screen or treat air conditioning units, TV antennae, satellite dishes, ventilation ducts and other like structures so they are not visible on the street elevation. **C8** Coordinate and integrate building services, such as drainage pipes, with overall facade and balcony design. **C9** Location and design of service areas should include: (a) Screening of clothes drying areas from public places; and (b) Space for storage that is screened or integrated with the building design. **C10** Minimise visual impact of solar hot water systems by: (a) Placing the system as unobtrusively as possible, both to the street and neighbouring properties; (b) Using a colour that is consistent with the colour of roof materials; (c) Designing solar panels, where possible, as part of the roof; (d) Setting the solar panels back from the street frontage and position below the ridgeline; and (e) Separate the water storage tank from the solar collectors and place on a less visually obtrusive part of the roof, or within the building (for example, the roof space or laundry).		

Section 4.15 Evaluation

S4.15 (1)(a) The provisions of any planning instrument, draft environmental planning instrument, development control plan or regulations

The development proposal is pursuant to LEP and DCP. The assessment shows that the proposed development is generally consistent and compliant with the objectives, performance criteria and the controls of the Canterbury LEP 2012 and relevant sections of the Canterbury DCP 2012.

S.4.15(1)(b) Impacts on the environment Context and Setting

The proposed development is considered to be complimentary to the scale and character of the existing dwellings and newly development buildings within the streetscape. The proposed development is consistent with the existing and transitioning development in the locality. The proposal consists of a flat roof form, horizontal and vertical glass feature and vertical timber slates and the entrance area remains slightly recessed behind the garage. The proposed addition has incorporated a contemporary design with the use of various materials and finishes that contrast the traditional features of the federation dwelling to create a distinguished but complimentary addition to the existing dwelling to create a proportioned and compatible design that appears as a modest two storey dwelling from the street.

Access, transport and traffic

The proposal includes the retention of the existing driveway along Homer Street and alterations to the existing garage to make it wider for a car to park.

Utilities

Existing utility services will adequately service the development.

Flora and fauna

The proposal does not include the removal of all trees and landscaping on the site except the portion for proposed driveway. The proposal is compliant with the front setback landscpaing requirements. It is considered that the amount of landscaping on site equates to a balanced and compatible site context.

Waste collection

Normal domestic waste collection applies to this development.

Natural hazards

The site is not affected by any known hazards.

Economic impact in the locality

The proposed development will provide temporary employment through the construction of the development and therefore benefit the surrounding businesses.

Site Design and Internal Design

The scale of the development is appropriate having regard to the allotment shape, context of the site, and the objectives of the relevant planning provisions and is compatible with the scale of residential development in the local area. The bulk and massing of the development is more reflective of other recently developed dwellings in the locality and the addition would be considered complimentary to the existing dwelling. The proposal maintains the transitioning, desired and existing massing found within Homer Street. The design outcome will contribute positively to the surrounding built form and provides a building scale and mass that is appropriate to the site.

Construction
The development will be carried out in accordance with the provisions of the Protection of the Environment Operations Act 1997. Normal site safety measures and procedures will ensure that no site safety or environmental impacts will arise during construction.

S.4.15(1)(c)The suitability of the site for the development
The subject site does not have any constraints that would affect the proposals suitability to the site.

S.4.15(1)(d) Any submissions received in accordance with this Act or the regulations
Submissions that will be received by Council will be assessed in accordance with the EPA Act, 1979 and other relevant planning controls.

S.4.15(1)(e) The public interest
The proposed development is considered to be compatible with the surrounding development and is consistent with the objectives of the relevant planning controls. Therefore approval of the proposal is considered to be within the public interest.

Conclusion

The proposed development application seeks consent for alterations and additions to the existing dwelling at No.104 Homer Street, Earlwood.

The proposed development is permissible with consent and is considered to generally satisfy the controls and objectives of the relevant planning instruments. The proposed development implements a contemporary building design that provides a suitable character and scale within its surrounding context. The design, setbacks and materials of the building have been carefully considered along the irregular lot and lengthy front boundary and alleviates any adverse impacts on the adjoining properties.

In summary, in consideration of the merits of the proposal and the absence of any adverse environmental impacts, it is recommended to Council to grant consent to this development, subject to appropriate conditions.