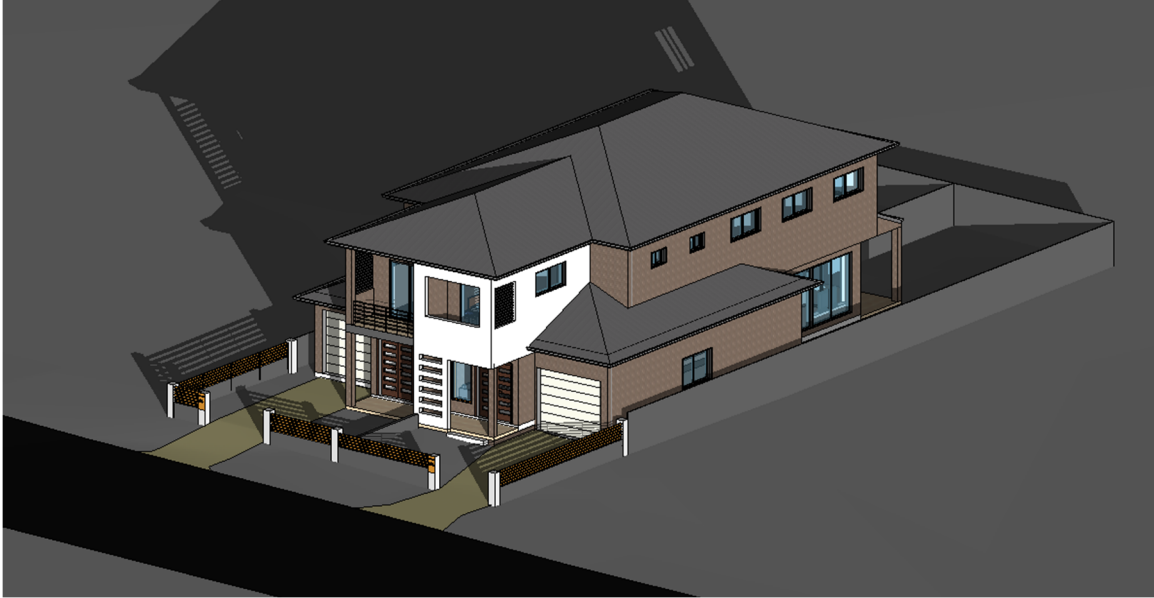


Statement of Environmental Effects



Demolition of existing dwelling and site improvements and construction of a new dual occupancy @ 93 Horsley Road Panania NSW 2133

01 March 2025

Revision History

Version	Author	Reviewed	Date
Initial SEE	AM		01 March 2025
Lodgement	AM		01 March 2025
Updated			

Authorship

This statement is prepared by Alan Mhanna, registered Architect NSW 7755.

1.0 SUMMARY

This Statement of Environmental Effects is prepared for the consideration of Canterbury/Bankstown Council in support of a proposal for the demolition of existing structures and construction of a new attached dual occupancy at 93 Horsley Road Panania. This Statement responds to the planning considerations required to be assessed by Canterbury/Bankstown Council Policies.

The proposal will provide flexibility in the residential accommodation available in the area and will not have any detrimental impact to surrounding land uses and buildings. The proposal has been designed to relate to its site, accord with surrounding uses, and minimise impacts to the residential premises in the locality. This SEE discusses the existing site and its environment and provides for an assessment of the proposal having regard to relevant legislation and the Parramatta Council Policies under the terms of 4.15 of the *Environmental Planning and Assessment Act 1979 (EP&A Act)*.

The preparation of this Statement is pursuant to Section 4.12 of the *Environmental Planning and Assessment Act 1979* (As amended) and Clause 50 of the *Environmental Planning and Assessment Regulation 2000*. This statement assesses the proposal to be acceptable on merit, demonstrating the development will not result in any unacceptable adverse impacts. The proposal is generally in compliance with all relevant DCP and LEP objectives.

2.0 THE SITE

The subject site is known as 93 Horsley Road Panania. The real property description is Lot 4 in DP31155. The subject site has an area of approximately 558.8 sqm. The site contains a Single storey detached dwelling with detached double garage parking in reasonable condition, however, development yield in accordance with the zone objectives can only be achieved with demolition of this dwelling and construction of new forms of residential accommodation on site. The site is surrounded by low-density residential dwellings. This is **not** a heritage listed property and is not located in a heritage conservation area.



Figure 1: Location Plan of the site

3.0 RELEVANT HISTORY

N/A.

4.0 DESCRIPTION OF PROPOSAL

Consent is sought from City of Canterbury/Bankstown Council to demolish the existing dwelling and outbuilding and construction of a new two-storey dual occupancy and associated Torrens title subdivision of the new dwellings. The works in detail include:

Demolition

All existing buildings and structures will be demolished as part of the proposed development. Demolition work will be undertaken in accordance with Clause 92 of the Regulation requiring the consent authority to consider *AS 2601 - 1991: The Demolition of Structures*.

Excavation and Filling

Minor Excavation is proposed as the subject site for site preparatory and new vehicle crossover works for Unit 93.

Ground Level (Dwelling 1 and Dwelling 2)

- Double garage for each unit.
- New kitchen, living room, Dining, study, laundry, toilet.
- New alfresco outdoor space with associated outdoor kitchen facilities.
- 80+ sqm of private open/green space.
- Internal staircase to first floor level.

First Floor Level (Dwelling 1 and Dwelling 2)

- Three (4) bedrooms.
- One (1) bathroom.
- One (1) ensuite.
- One (1) balcony for each unit.

Materials

- Storm grey roof tiles.
- External stone cladding.
- Light grey dulux paint.
- Colourbond fence sheeting.
- Boulder brick from Boral.

Works on Council Property

The proposal will require construction of a new vehicular crossovers into the at grade parking and servicing level and pedestrian connections. Any works to meet Council's minimum engineering standard.

Utilities

The utility services available to the site include electricity telecommunications, sewer and stormwater with some augmentation required as appropriate. It is not anticipated that the proposal will have an adverse impact on the provision or availability of these services.

Waste

A Waste Management Plan has been prepared for the demolition, construction and operational phases of the development and is included in this application. The building can comply with any appropriate condition of consent imposed in relation to waste management.

Stormwater

A stormwater management system has been developed to accommodate the development works, as well as comply with Council's requirements. A Stormwater Management Report and Plans have been prepared and included with the application.

Torrens Title Subdivision

- Torrens Title subdivision proposed of the lot into two 279.69 & 279.15 m2 allotments
- Only one dwelling will exist on each allotment after subdivision

Landscaping

Landscaping plan as per plan attached to application

5.1 ENVIRONMENTAL ASSESSMENT UNDER SECTION 4.15 OF THE EP&A ACT (1979)

The following matters are to be considered in the assessment of this development application under Section 4.15 of the Environmental Planning & Assessment Act, 1979 (As amended).

5.2 SECTION 4.15(1)(a) ENVIRONMENTAL PLANNING INSTRUMENTS

5.3 Integrated Development

The proposal does not constitute Integrated Development and does not require concurrent approval from any other State Government Bodies.

5.4 3 Relevant State Instruments and Legislation

State Environmental Planning Policy BASIX

As the proposal involves new residential dwellings which exceed \$50,000.00 in value, State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 ("BASIX") requires that a valid BASIX certificate is prepared detailing any required commitments for energy efficiency measures. A valid BASIX certificate has been included for Councils consideration as per of the development application package with commitments as required noted on the plans.

State Environmental Planning Policy No. 55 - Remediation of Land

This SEPP provides a state-wide practice for the remediation of contaminated land. Under clause 7 (1) (a) of State Environmental Planning Policy No. 55 – Remediation of Land, requires the contamination and remediation of land to be considered in determining development applications.

The land has in the past been used exclusively for residential purposes. There is no property history to suggest that any contaminating use occurred on the site. The council can therefore be satisfied that the land is not contaminated, and remediation of the land is not required.

The land is therefore suitable for its continued use for residential purposes. No further consideration is therefore required under clauses 7 (1) (b) and (c) of SEPP 55.

5.5 Canterbury-Bankstown LEP 2023

5.6 Aims and objectives of zone

The site is zoned "R2 Low Density Residential" Zone under the provisions of the Canterbury-Bankstown LEP 2023. The objectives and permissibility characteristics of the 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.*
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- *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.*

The proposed development, being construction of a new “dual occupancy” is permissible with consent. The proposal is generally consistent with the objectives of the zone. The proposed buildings will improve the residential conditions on site without compromising the amenity of the adjoining dwellings. The new building will be consistent with new, recent buildings in the local area and will sit comfortably with surrounding development, built and natural environment.

The Torrens Title Subdivision associated with the proposal is permissible subject to the provisions of Clause 2.6 of the Plan with consent being sought under this application. It is noted the provisions of Clause 4.1A Minimum Subdivision lot size and special provisions for dual occupancies will also prevail over the provisions of the Minimum Lot Size map.

Any demolition associated with the proposal is permissible subject to the provisions of Clause 2.7 of the Plan with consent being sought under this application.

Canterbury-Bankstown Development Control Plan 2023 - [Chapter 5.1 - Former Bankstown LGA](#)

Relevant LEP clauses/development standards Note:

Only relevant clauses are commented upon

CL. Standard/Control	Complies	Comment
PART 4 PRINCIPAL DEVELOPMENT STANDARDS		
Clause 4.1 Minimum Subdivision Lot size (450 m²)	Yes	Lot area is 558.8m ² Lot4A: 279.69 - Lot4B: 279.15m ² the Torrens title subdivision would be subject to the provisions of clause 4.1 and would result in there being one dwelling on each newly created lot and each proposed allotment exceeding 250 m ² as a result of the subdivision.
Clause 4.1A Minimum lot sizes and special provisions for dual occupancies	Yes	Pursuant to the requirements of (2) the allotment for each unit is approximately 280sqm in size and 7.78m frontage for unit 93 and 7.46m frontage for unit 93A.

		The resulting development will be a dual occupancy (attached) and each proposed allotment will exceed 250sqm.
Clause 4.3 Height of buildings (9 meters)	Yes	The work at their highest point under will be to the pitch roof ridge below 9 meters. Accordingly, the proposal complies with the height control of the site.
Clause 4.3(2C) for a dwelling house or a dual occupancy—the maximum wall height is 7 meters,	Yes	Wall height at the front building line and the building behind is 7.0 meters or less throughout the development. Refer to the compliance lines drawn on Plan A06.
Clause 4.4 Floor Space Ratio (0.5:1)	Yes	The proposal has been designed to adhere to the maximum allowable floor space ratio of 0.5: 1. Both units have an gross floor area of 279sqm = 50%.
Clause 4.6 Exceptions to Development Standards	N/A	No Variation is currently sought pursuant to clause 4.6 for Council to consider a variation to any statutory level control. Should any technical non-compliance be uncovered during Council's assessment of the proposal, the required Clause 4.6 can be prepared and lodged for Council's consideration.

PART 5 MISCELLANEOUS PROVISIONS

5.10 Heritage Conservation	N/A	The dwelling is not a listed Heritage item. The site is not in near vicinity of any identified Heritage items.
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PART 6 ADDITIONAL LOCAL PROVISIONS

6.1 Acid Sulphate Soils	Yes	The subject site is not affected by ASS however is in distant vicinity of Class 5 ASS affected land. The proposal should not raise any concern in this regard.
6.2 Earthworks	Yes	Excavation should not exceed 1 meter deep. Regarding the heads of consideration set out under Clause 6.2 of Bankstown LEP 2015 the following comments are made regarding the proposal: (a) The excavation is such that it is unlikely to impact upon local drainage patterns. The site is not located at a low point of the local landform.

(b) The development will not impair further development in accordance with the zone or desired future character of the locality.

(c) The site has been in long term residential usage. Contamination of significance is unlikely. Excavated material will comprise surface soil and local rocks.

(d) The proposal will assist in maintaining amenity to adjoining properties by keeping the overall height of the building down and reducing potential privacy impacts.

(e) Any excavated fill is to either be reused on site or be disposed of at an approved landfill receiving point.

(f) The site is not an identified aboriginal or heritage site. The site is unlikely to contain aboriginal or western cultural relics.

Having regard for the heads of consideration, it is the applicant's contention, that the proposal raises no concern in this regard and can be supported by Council.

6.3 Flood Planning	Yes	The site is impacted by flooding. A stormwater System report is requested from the Council.
6.4 Biodiversity	N/A	Not located in the identified bio diversity zone.
6.5 Limited Development on Foreshore Area	N/A	The site is not in near vicinity of any identified foreshore or riparian areas.

6. Section 4.15(1)(a)(ii) DRAFT AMENDMENTS TO STATUTORY CONTROLS

There are no draft instruments noted to raise any concern in this regard.

7. Section 4.15(1)(a)(iii) DEVELOPMENT CONTROL PLANS

Canterbury-Bankstown DCP 2023

Chapter 5.1 – Former Bankstown LGA

Note: Sections of the DCP clearly not applicable to the proposal have not been included. The site is not identified in Part A3 Key Infill Sites section of the DCP with any other controls which would override the main controls as set out under Chapter 5 Residential Accommodation.

The proposed as modified has been compared to the requirements of Chapter 5 Residential Accommodation, Section 4 Dual Occupancies of CBDCP 2023 as follows:

Chapter 5 Residential Accommodation

Section 4 – Dual Occupancies

4.1-4.3 Subdivision	Yes	Two Torrens Title lots over a dual occupancy (attached) development are proposed which will exceed 250 m ² .
4.2 Storey Limit	Yes (storey's)	There are two storeys proposed for the development. Overall building height and wall height are compliant with clause 4.3 of CBLEP 2023.
4.3 Siting	Yes (siting)	Siting including excavation generally conforms to the local slope and contours of the land.
	Yes (fill levels)	There is no noteworthy filling proposed. The proposal, via design does not result in any material impact with regard to appearance, privacy or overshadowing.
4.7 – 4.11 Setbacks	Yes	The proposal fully complies with this clause
4.8 The minimum setback for a building wall to the primary road frontage is: (a) 5.5 meters for the first storey (i.e. the ground floor); and (b) 6.5 meters for the second storey. 0.9m minimum Side Setbacks		
4.12 Private Open Space	Yes	Both lots have private open spaces which exceed 80m ² and is behind the building lines.
4.13 – 4.16 Access to Sunlight	Yes	Each unit has 2 living rooms with a South and North Orientation. Unit 93: Drawing A15 – Solar Access Study – Living 1 – Unit 93: Shows that Living room 1 on South orientation will be receiving minimum 3 hrs. solar access between 8am and 11am. Unit 93A: Drawing A16 – Solar Access Study – Living 1 – Unit 93A: Shows that Living room 1 on South orientation will be receiving minimum 3 hrs. solar access between 2pm and 5pm. Drawing A17 – Solar Access Study – Living 2 – Unit 93A: Shows that Living room 2 on North orientation will be receiving minimum 3 hrs. solar access between 12pm and 3pm. The adjoining dwellings to the East and West are not overshadowed by the proposed building will receive

over three hours of solar access to the principle rear private outdoor area from between 8:00 am to 4:00 pm June 21 enjoying either the morning photo period or afternoon photo period depending on its positioning to the subject building. The dwelling to the east may have a minor amount of solar overshadowing in the very late afternoon but would otherwise be unaffected by the development. The generous side setbacks of the first floor reduced the overshadowing impact on the adjoining properties.

There are a number of different orientations of elevations to the new dwelling additions and ample opportunity for cross ventilation throughout the dwelling.

4.17 – 4.19 Visual Privacy

Yes

The development incorporates a number of features to maintain privacy to adjoining dwellings. All side orientated windows have translucent glazing to a min height of 1.5m above floor level to prevent downward viewing. Blade separating walls are incorporated to provide privacy and separation between the adjoining dwellings

4.21 – 4.26 Building Design

Yes

There are no retained portions of the existing dwelling proposed. The development will demolish all existing site improvements.

The building will have a pitched roof consistent with adjoining and nearby dwellings.

The street presentation is designed to be asymmetric and utilizes differing visual appearance and materials to differentiate between the two proposed dwellings.

Overlooking to the street front (both ground floor and first floor) will be possible from the front balconies and Living 2 rooms but not into any adjoining outdoor private outdoor spaces

There is no attic proposed.

4.28 – 4.30 Building Design (car parking)

Yes

Each unit will have a double garage with a tandem arrangement. Garages are located behind the building line with a 7.3 to 8m setbacks from the front

4.31 – 4.32 Landscaping

Yes

A significant portion of the front yard of each dwelling will be retained for landscaping purposes (not related to the private outdoor areas). Front and rear yard areas will be capable of accommodating large trees and a variety of landscaping. Please refer to the accompanying landscaping plan.

Development must landscape the following areas on the allotment by way of trees and shrubs with preference given to native vegetation endemic to the City of Bankstown (refer to Appendix 4 and Appendix 5 for a list of suitable species):

(a) a minimum 45% of the area between the dual occupancy and the primary road frontage; and

(c) plant at least one 75 litre tree between the dual occupancy and the primary road frontage (refer to Appendix 5 for a list of suitable trees in the City of Bankstown).

8.0 Section 4.15(1)(a)(iv) APPLICABLE REGULATIONS

Clause 92 of the EPA Regulation 2000 requires consideration of Australian Standard AS 2601-1991: The demolition of structures. It also requires compliance with this, by standard by condition of consent.

It is intended that any construction noise generated from the site will comply with the relevant provisions of *the Protection of Environment Operations Act* and the *NSW EPA Environmental Noise Manual* for the control of construction noise. The proposal can meet applicable noise criteria to protect the amenity of the nearby residential premises.

9.0 Section 4.15(1)(b) THE LIKELY IMPACTS OF THE PROPOSAL

The proposed development will result in additional housing stock being provided to the area in the form of conforming dual occupancy development. This will assist in achieving Council's housing targets and will improve the housing choice for residents wishing to reside in the local area.

There are no negative social or economic impacts as a result of the proposed development. The proposed development will not have any adverse impacts to the streetscape character of Horsley Road.

The proposed development will have a positive economic impact by providing a higher standard of architectural design than the existing low-density residential development. The development will also offer a positive contribution to Sydney's property market and the variety of housing choice throughout Sydney, by providing a diverse range of dwellings that are complemented by a high standard of design.

Construction works will be carried out in accordance with the Building Code of Australia / National Construction Code.

Construction works will be undertaken in accordance with prescribed times. It is intended that any noise generated from the site will comply with the relevant provisions of the Protection of Environment Operations Act and the NSW EPA Environmental Noise Manual for the control of construction noise. Approved silencing devices will be provided and maintained on all power operated machinery, where required.

Excavation will be undertaken in accordance with standard Council conditions of consent and within nominated working hours. Construction noise associated with any excavation is intended to comply with the Protection of Environment Operations Act 1997 and the NSW EPA Environmental Noise Manual for the control of construction noise. Precautions will be taken during site works to minimise vibration including the avoidance of sudden stop - start movements.

Any proposed excavation will not result in any pollution or siltation of any waterway or pose a threat to ecological communities or their habitats. Appropriate sediment and erosion control measures will be adopted during site works and the existing Stormwater system will be protected during works.

The above analysis demonstrates that the proposals will have no adverse Environmental Impact and therefore satisfies this section of the Act.

10.1 Section 4.15(1)(c) THE SUITABILITY OF THE SITE

The proposal does not affect the suitability of the site to accommodate the development. The proposal can be comfortably accommodated on the site without adverse or unacceptable impact to adjoining land uses nor impact the site's ability to alternative development in accordance with the zone.

The subject site is suitable for the proposal as:

- The site is appropriately zoned, and the construction of a dual occupancy (attached) is permissible with consent of the Council in the zone;
- The proposed dual occupancy does not result in adverse material privacy and solar amenity impacts to surrounding properties.
- The proposal can sit comfortably within the locality without adverse impacts to any adjoining residential premises.
- The proposal will improve the usage and residential density on the site and assist in maintaining the vitality of the area.
- There are no precipitate constraints posed by adjacent land uses.

The application therefore satisfies this section of the Act.

11.0 Section 4.15(1)(e) THE PUBLIC INTEREST - CONCLUSION

It is proposed to construct a dual occupancy (attached) within a R2 Low Density Residential Zone.

The application for a dual occupancy (attached) has been assessed against relevant provisions of the Environmental Planning and Assessment Act, Council's Local Environmental Plan and Development Control Plans.

The development being within the existing built form on site, relates well to its site in terms of appearance, envelope, setbacks, bulk and scale and the established streetscape character of the area.

The proposed development will be in the public interest, as it returns the dwelling to a habitable state without adverse visual impact to the streetscape.

In summary, the proposal is considered to:

- be an appropriate response to the context, setting, planning instruments and development guidelines and other considerations outlined in Section 4.15(1) of the Environmental Planning and Assessment Act, 1979.
- provide a built form of high architectural standard and consistent with the desired future character of the site.
- Provide a high quality of amenity for residents by enhancing privacy and maximizing solar access.
- have no adverse impacts on the environment, traffic, parking, drainage or other external features or services.

The benefits provided by the proposed development outweigh any potential impact and it is therefore considered to be in the public interest. The proposal will deliver a suitable and appropriate development and is worthy of approval.

The proposal complies with all relevant LEP and DCP objectives, or if non compliances are identified the development is, in our opinion, acceptable in the circumstances as per the reasons set out in this statement and would have no significant adverse impact on any adjoining properties and the locality.

The application therefore satisfies this section of the Act.