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POLARIS
PLANNING & DEVELOPMENT

STATEMENT OF ENVIRONMENTAL EFFECTS

Date: 1 April 2025

Reference No. 19LSP

Revision No. A

Subject Site:
19 Lancelot Street, Punchbowl

Prepared on behalf of:
Adam Salam

Proposal:
Demolition of existing structures and construction of a two (2) storey dwelling house with a basement, swimming pool and a cabana.

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1. EXECUTIVE SUMMARY

This Statement of Environmental Effects has been commissioned on behalf of Adam Salam and serves as an integral component of the Development Application submitted to the City of Canterbury Bankstown Council ("Council") seeking development consent for the demolition of existing structures and construction of a two (2) storey dwelling house with a basement, swimming pool and a cabana on land at 19 Lancelot Street, Punchbowl.

The purpose of this report is to provide comprehensive support for the application seeking development consent and should be read in conjunction with all associated documentation submitted with the development application.

The proposed is development requiring development consent pursuant to Part 4 of the *Environmental Planning and Assessment Act 1979.* This statement is made in accordance prescribed application requirements as outlined by the Planning Secretary on the NSW Planning Portal and serves as a fundamental component of the application submitted to Council.

The application has been prepared in accordance with Part 3 of the *Environmental Planning and Assessment Regulation 2021* and this statement serves as a fundamental component of the application submitted to Council. This statement provides a comprehensive analysis within the framework of the *Environmental Planning and Assessment Act 1979.* The structure of this statement encompasses the following key components:

- **Site and context:** Details and examination of the site and its surrounding context.
- **Proposal details:** Detailed information regarding the proposed development.
- **Consideration of the relevant statutory provisions:** Provide an analysis of relevant statutory provisions applicable to the development.
- **Consideration of impacts:** Assist the consent authority in identifying any associated environmental impacts which could potentially arise from the development and address how those impacts are mitigated and/or achieve the objects of the relevant standard(s).
- **Recommendation:** Provide a recommendation for the proposed development to assist the consent authority in their determination of the application.

The development in our opinion represents an acceptable form of development that satisfies the intended objectives of the zone that is in harmony with the surrounding built and natural environment. The proposed neither is considered to unduly result in significant adverse material, environmental, social or economic impacts and is considered is suitable for the site. The proposed is not considered to raise any issues which would be contrary to the public interest and finally, it is recommended that a favourable determination be sought by Council.

2. SITE DETAILS

2.1 Site Identification

The subject site is located along the northern side of Lancelot Street and is legally described as Lot 12, in DP 6976 commonly known as 19 Lancelot Street, Punchbowl.

2.2 Site Dimensions

The subject site has an area of 696.55m^2, is rectangular in shape and characterised as a standard lot. The subject site has a frontage of 15.24 metres along Lancelot Street, depths of 45.72 metres along the eastern and western boundaries and a width of 15.24 metres at the northern rear boundary,

2.3 Existing Development

The existing development on the subject site is used for residential purposes, consisting of a single storey dwelling house with attached and detached ancillary structures.

2.4 Topography

The site has a minor sloping topography of 760mm falling from the north eastern corner (RL 22.06) to the south western corner (RL 21.30).

2.5 Zoning and Surrounding Development

The subject site is located within an R3 Medium Density Residential zone under the Canterbury Bankstown Local Environmental Plan 2023 and is surrounded by a mix of residential developments each diverse in age, scale, intensity and architectural style within a domesticated landscaped setting.

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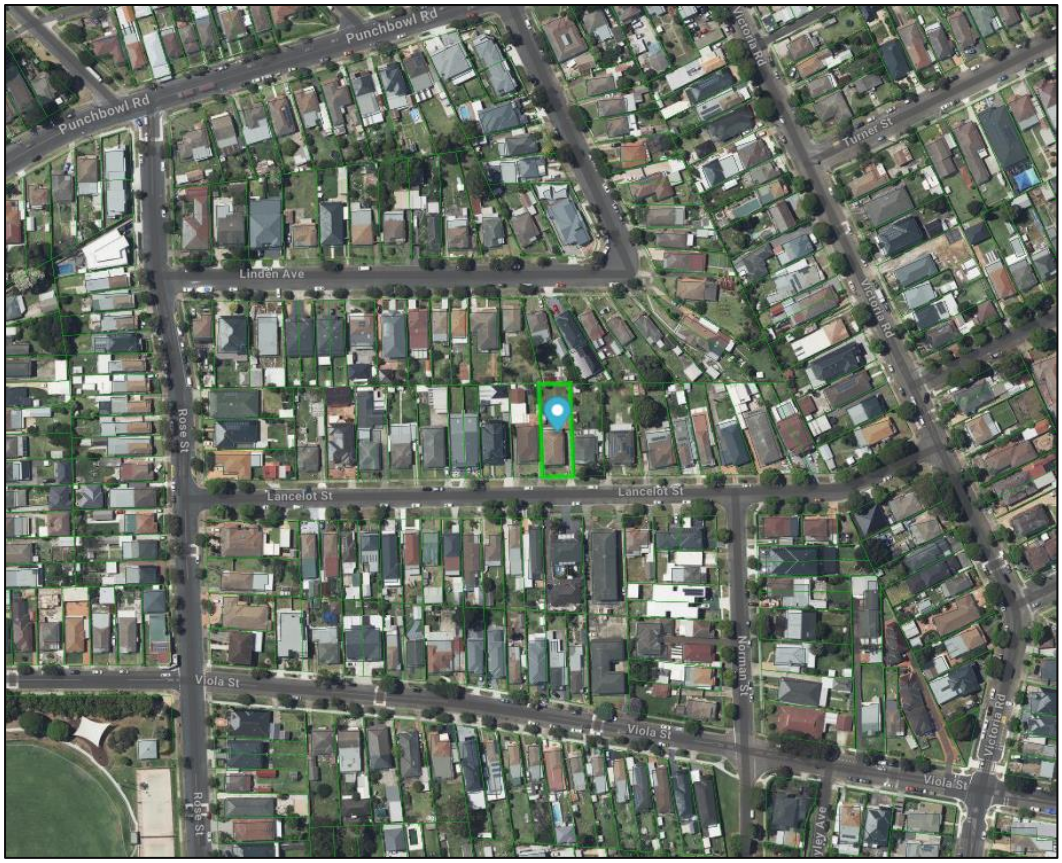

Figure 1: Aerial Photograph of Subject Site (Source: Mecone Mosaic).

Figure 2: Street view of subject site viewed from Lancelot Street (Source: Google Streetview).

3. DESCRIPTION OF PROPOSAL

The proposal seeks Council's Consent for demolition of existing structures and construction of a two (2) storey dwelling house with a basement, swimming pool and a cabana. Details of the development as are identified below.

3.1 Demolition & Excavation

Demolition of all existing structures situated on the subject site which includes the existing dwelling, detached garage and other ancillary structures. Associated earthworks is also proposed for the basement and swimming pool.

3.2 Basement (RL 19.75)

The internal layout of the basement includes an area for carparking including the access to car parking, a storage and workshop, a bin storage and bike storage area.

3.3 Ground Floor (RL 22.55)

The ground floor plan includes an entrance foyer, a prayer room, a lounge room, a bathroom, an open plan living, kitchen and dining with a butlers pantry and laundry. External to the ground floor is an entrance porch attached to the front façade as well as an alfresco area with an attached swimming pool and spa.

3.4 First Floor (RL 26.35)

The internal layout of the first floor consists of four (4) bedrooms, an ensuite, a walk-in robe services the master bedroom and a communal bathroom. Two (2) first floor balconies attached to the front and rear facades servicing the master bedroom and bedroom 2.

3.5 Cabana (RL 22.10)

The proposed cabana is located at the rear of the allotment and provides for an open outdoor space connected to the swimming pool area, incorporating an outdoor shower and a designated area for the pool pump.

3.6 Other Site Works

Other site works include other site works include, drainage works, landscaping works, minor ancillary development and a front fence.

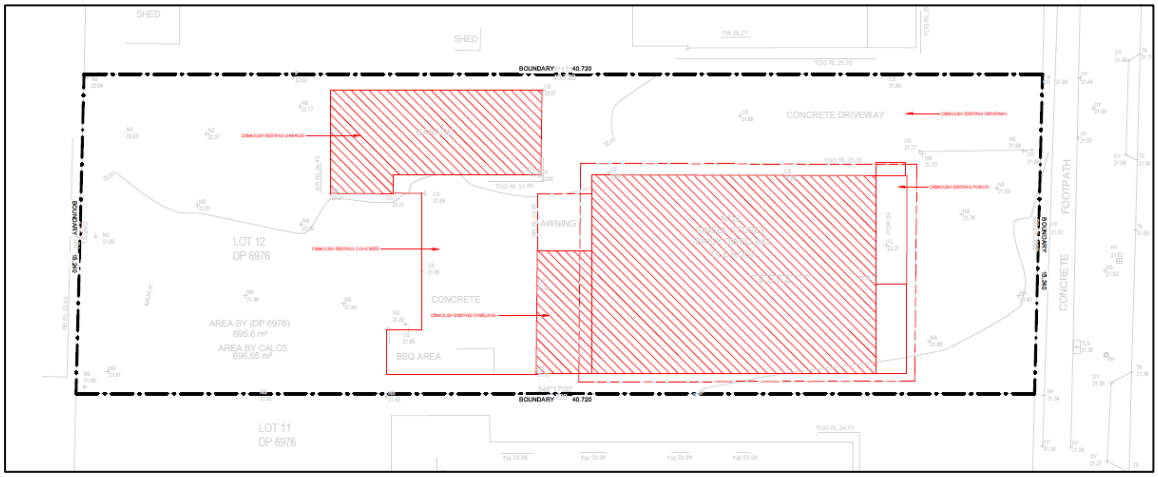

Figure 3: Proposed Demolition Plan (Source: Architectural Plans prepared by Dezcon).

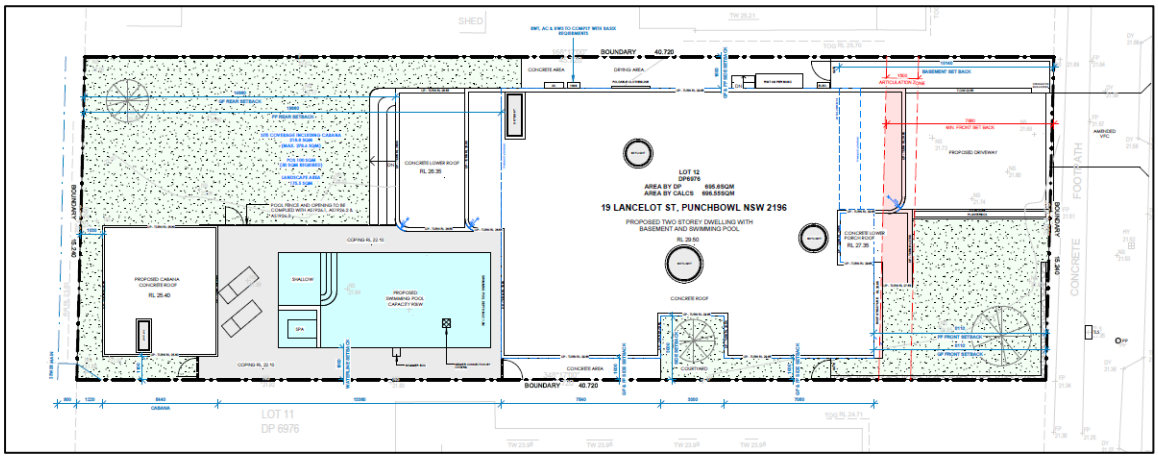

Figure 4: Proposed Site Plan (Source: Architectural Plans prepared by Dezcon).

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Figure 5: Architectural Perspective - Façade of building (Source: Architectural Plans prepared by Dezcon).

Figure 5: Architectural Perspective - Rear of building (Source: Architectural Plans prepared by Dezcon).

4. ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 (EP&A Act)

4.1 Application of other Acts (Section 1.7)

This section relates to how this Act interacts with the terrestrial and aquatic environments as governed by the *Biodiversity Conservation Act 2016* and *Fisheries Management Act 1994*. The following table below provides detail of the Acts and the developments applicability to being subject of those Acts.

Act	Part	Application
Biodiversity Conservation Act 2016	Part 7	Not applicable. The proposal does not impact on any critical terrestrial habitat, species, flora or fauna with biodiversity significance.
Fisheries Management Act 1994	Part 7A	Not applicable. The proposal does not impact on any critical aquatic habitat or species with aquatic biological significance.

4.2 Integrated Development - Section 4.46 and 4.47(2)

Integrated development is development (not being State significant development or complying development) that, in order for it to be carried out, requires development consent and one or more approvals. The following table below provides detail of other required approvals and if the development is subject of any of those approvals.

Act	Provision	Approval	Required
Coal Mine Subsidence Compensation Act 2017	Section 22	Approval to alter or erect improvements, or to subdivide land, within a mine subsidence district	No
Fisheries Management Act 1994	Section 144	Aquaculture permit	No
	Section 201	Permit to carry out dredging or reclamation work	No
	Section 205	Permit to cut, remove, damage or destroy marine vegetation on public water land or an aquaculture lease, or on the foreshore of any such land or lease	No
	Section 219	permit to— (a) set a net, netting or other material, or (b) construct or alter a dam, floodgate, causeway or weir, or (c) otherwise create an obstruction, across or within a bay, inlet, river or creek, or across or around a flat	No
Heritage Act 1977	Section 58	Approval in respect of the doing or carrying out of an act, matter or thing referred to in s 57(1)	No
Mining Act 1992	Sections 65 and 64	Grant of mining lease	No

National Parks and Wildlife Act 1974	Section 90	Grant of Aboriginal heritage impact permit	No
Petroleum (Onshore) Act 1991	Section 16	Grant of production lease	No
Protection of the Environment Operations Act 1997	Sections 43(a), 47 and 55	Environment protection licence to authorise carrying out of scheduled development work at any premises.	No
	Sections 43(b), 48 and 55	Environment protection licence to authorise carrying out of scheduled activities at any premises (excluding any activity described as a "waste activity" but including any activity described as a "waste facility").	No
	Sections 43(d), 55 and 122	Environment protection licences to control carrying out of non-scheduled activities for the purposes of regulating water pollution resulting from the activity.	No
Roads Act 1993	Section 138	Consent to— (a) erect a structure or carry out a work in, on or over a public road, or (b) dig up or disturb the surface of a public road, or (c) remove or interfere with a structure, work or tree on a public road, or (d) pump water into a public road from any land adjoining the road, or (e) connect a road (whether public or private) to a classified road.	No
Rural Fires Act 1997	Section 100B	Authorisation under section 100B in respect of bush fire safety of subdivision of land that could lawfully be used for residential or rural residential purposes or development of land for special fire protection purposes	No
Water Management Act 2000	Sections 89, 90 and 91	Water use approval, water management work approval or activity approval under Part 3 of Chapter 3	No

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5. STATE ENVIRONMENTAL PLANNING INSTRUMENTS - Section 4.15(1)(a)(i)

Below is a table listing the State Environmental Planning Policies (SEPPs) currently in force to allow for a clear determination of the policies chapters applicability to the subject proposal. Following the table, a discussion is also provided on the SEPPs and chapters that are pertinent to the subject development.

State Environmental Planning Policies (SEPPs)	Chapters Applicable
Planning Systems 2021	No Chapters directly apply to the proposal.
Biodiversity and Conservation 2021	**Chapter 2 Vegetation in non-rural areas.** **Chapter 6 Water catchments.**
Sustainable Buildings 2022	**Chapter 2 Standards for residential development—BASIX.**
Housing 2021	No Chapters directly apply to the proposal.
Industry and Employment 2021	No Chapters directly apply to the proposal.
Transport and Infrastructure 2021	No Chapters directly apply to the proposal.
Precincts—Eastern Harbour City 2021	No Chapters directly apply to the proposal.
Precincts—Central River City 2021	No Chapters directly apply to the proposal.
Precincts—Western Parkland City 2021	No Chapters directly apply to the proposal.
Precincts-Regional 2021	No Chapters directly apply to the proposal.
Resilience and Hazards 2021	**Chapter 4 Remediation of land.**
Resources and Energy 2021	No Chapters directly apply to the proposal.
Primary Production 2021	No Chapters directly apply to the proposal.

5.1 State Environmental Planning Policy (Biodiversity and Conservation) 2021

Chapter 2 - Vegetation in non-rural areas

Chapter 2 aims to protect the biodiversity values of trees and other vegetation in non-rural areas of the State and to preserve the amenity of non-rural areas of the State through the preservation of trees and other vegetation. This Chapter applies to the Canterbury-Bankstown Local Government area and on land zoned R2 Low Density Residential.

The development does not involve the removal or impact on any vegetation on the subject site. Given that the development does not unduly impact upon any species with biodiversity value, the proposal is consistent with the provisions of the SEPP.

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Chapter 6 - Water catchments

The subject land is located within the Georges River Catchment. This Chapter applies to the entirety of the Canterbury - Bankstown Local Government Area as such State Environmental Planning Policy (Biodiversity and Conservation) 2021- Chapter 6.

Provision	Comment
Division 2 Controls on development generally	
Clause 6.6 - Water quality and quantity	The proposed development integrates effective sediment and erosion control measures alongside stormwater management strategies, all aligned with Water-Sensitive Urban Design (WSUD) Principles. As the development adheres to these principles it ensures a neutral or beneficial impact on water quality, while designed to minimise disruption and prevent adverse impacts on natural waterbody flow through water-sensitive practices. Although there may be an increase in stormwater runoff from the site, the implementation of WSUD Principles aims to minimise its impact on the catchment. The proposed earthworks are not envisioned to impact the water table, ensuring minimal cumulative impact on the water catchment. The measures taken are designed to avoid impact where practical, with adequate provisions made to protect both the quality and quantity of groundwater, preserving environmental integrity of the catchment. Overall, the development is designed to ensure that the effect is as close as possible to neutral or beneficial.
Clause 6.7 - Aquatic ecology	The development is designed to have minimal direct, indirect or cumulative adverse impacts on terrestrial, aquatic, or migratory animals or vegetation. The development does not involve the clearing of riparian vegetation. The works are also positioned more than 40 metres from the waterway, negating the need for a controlled activity approval under the *Water Management Act 2000* or a permit under the *Fisheries Management Act 1994* as the development does not impact upon any aquatic ecology. Strategies are implemented to minimise or avoid erosion and sedimentation into the catchment. These include the use of erosion control measures and sediment traps to manage runoff effectively. The development is not situated in proximity to coastal wetlands and littoral rainforests, thereby eliminating the risk of adverse impact on these environmentally sensitive areas.

Provision	Comment
	Although the development is identified within the catchment, it has been designed to ensure a neutral or beneficial effect on the water quality of the waterbody.
Clause 6.8 - Flooding	The subject site is not identified as a flood control lot and consideration against Clause 6.8 is not deemed necessary.
Clause 6.9 - Recreation and public access	The development is located on private land and does not impact upon any area for recreation and public access.
Clause 6.10 - Total catchment management	The development is unlikely to contain an adverse impact toward the Georges River Catchment the downstream local government area, is not considered warranted.
Division 3 Controls on development in specific areas	
Clause 6.11 - Land within 100m of natural waterbody	Not applicable. The subject site is not within 100 metres of a waterbody.

5.2 State Environmental Planning Policy (Sustainable Buildings) 2022

The development is a BASIX affected development as defined in the Regulations. As such, a BASIX certificate has been issued for the proposed development as required under the SEPP. The Certificate confirms that the development will meet the NSW government's requirements for sustainability.

5.3 State Environmental Planning Policy (Resilience and Hazards) 2021

Chapter 4 - Remediation of land

Chapter 4 aims to promote the remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspect of the environment through:

- Specifying when consent is required, and when it is not required, for a remediation work.
- Specifying certain considerations that are relevant in rezoning land and in determining development applications in general and development applications for consent to carry out a remediation work in particular, and
- Requiring that a remediation work meet certain standards and notification requirements.

Pursuant to Clause 4.6 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 it contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out.

The subject site is zoned R3 Medium Density Residential and has been historically used for residential purposes. The proposed is neither carried out on land to which is referred to in Table 1 of the Contaminated Land Planning Guidelines as being or is known to have been land subject of contamination or within close proximity to any known contaminated land. As such, there is nothing to indicate that the site would be affected by soil contamination.

6. LOCAL PLANNING INSTRUMENTS – CANTERBURY BANKSTOWN LOCAL ENVIRONMENTAL PLAN 2023 (CBLEP 2023) – Section 4.15(1)(a)(i)

CBLEP 2023 is the relevant Local Environmental Planning Instrument applicable to the subject site. The following below provides commentary of the relevant Parts, Development Standards and/or Controls contained within CBLEP 2023 which are applicable to the subject proposal.

6.1 Clause Application

According to the Clause Application Map, the subject site is located within "Area 2," corresponding to the former Canterbury Local Government Area.

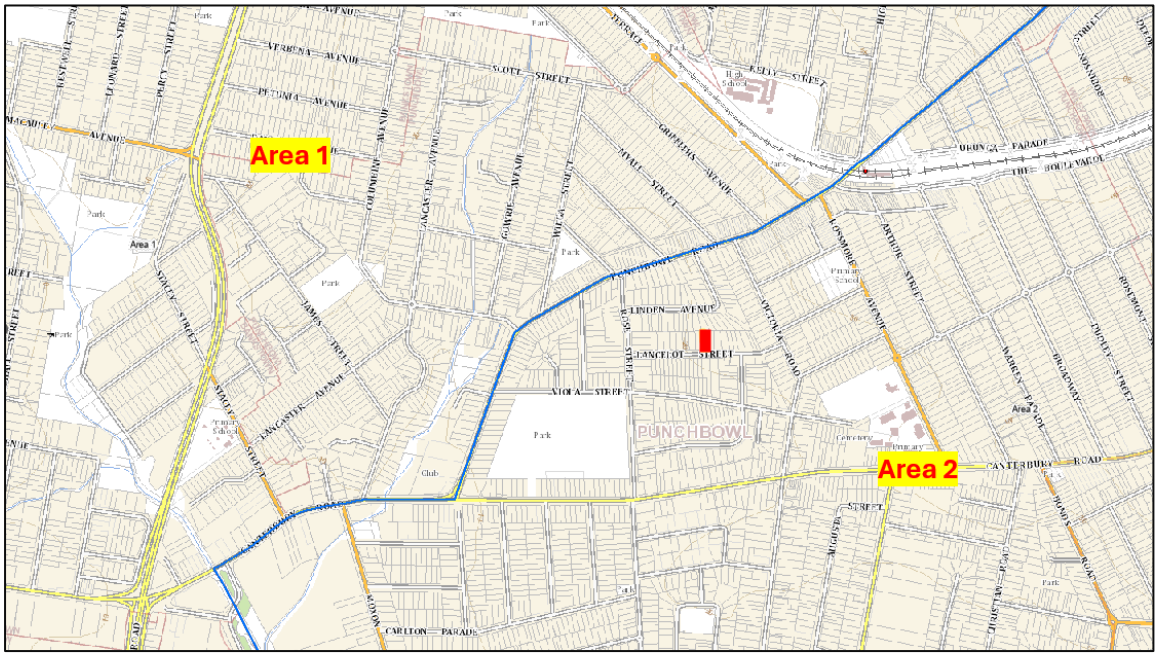

Figure 6: Clause Application Map (Source: E-planning Spatial viewer).

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6.2 Part 2 Permitted or prohibited development

6.2.1 Zoning and permissibility

Zoning	R3 Medium Density Residential
Proposed land use:	Dwelling House
Permissibility:	Permissible.

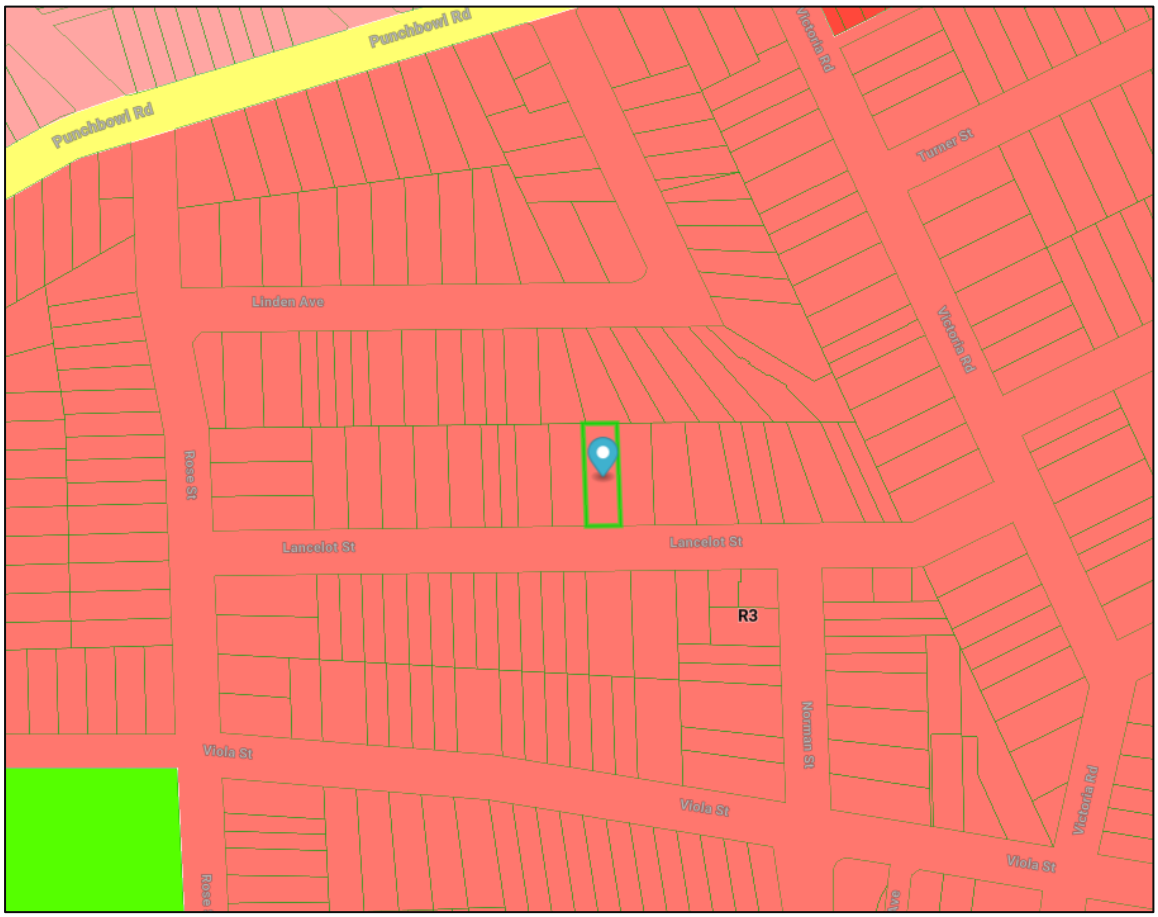

Figure 7: Land zoning demonstrating the site is located within an R3 Medium Density Residential zone (Source: Mecone Mosaic).

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6.2.2 Objectives of the zone

- *To provide for the housing needs of the community within a medium density residential environment.*
- *To provide a variety of housing types within a medium 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 allow for development that provides a suitable visual transition between high density residential areas and low density residential areas.*
- *To ensure suitable landscaping in the medium density residential environment.*
- *To minimise conflict between land uses within this zone and land uses within adjoining zones.*
- *To allow for increased residential density in accessible locations to maximise public transport patronage and encourage walking and cycling.*
- *To promote a high standard of urban design and local amenity.*

Comment:

The proposed dwelling house meets the relevant objectives of the zone by contributing to the housing needs of the community within a medium density residential setting, while offering a built form that is compatible with the surrounding context. The development promotes housing diversity through a design that responds to the scale and character of the area, which is predominantly low to medium density in nature.

The development maintains appropriate setbacks and landscaping, supporting the areas established landscaped character and providing a visual transition between higher and lower density zones. Finally, the design ensures a high standard of urban design and residential amenity, with no adverse impact on neighbouring properties.

6.1.3 Clause 2.7 – Demolition requires development consent

Development consent is sought for the demolition of the existing dwelling, detached garage and other ancillary structures.

6.3 Part 4 Principal development standards

6.1.4 Clause 4.3(2) – Maximum Building Height

Pursuant to Clause 4.3(2), the maximum height of buildings allowable on the subject site is 8.5 metres. The proposed building height from the top of the parapet measured vertically to the existing ground level is illustrated in the table below:

Top of Building:	RL 29.650
Existing Ground Level below (lowest):	RL 21.60
Building Height:	8.05 metres

6.3.1 Clause 4.4 – Floor Space Ratio

Pursuant to Clause 4.4(2B)(b)(iii), a maximum floor space ratio (FSR) of 0.50:1 applies to dwelling houses located on land identified as "Area 2" on the Clause Application Map, where the site area is 600m² or greater. As per the FSR Calculations provided on the Architectural Plans, the dwelling contains a total Gross Floor Area (GFA) of 347.8m², resulting in a ratio of 0.499:1 (0.50:1 rounded up).

6.4 Part 5 Part 5 Miscellaneous provisions

There are no miscellaneous provisions contained in Part 5 which are applicable to the proposed development.

6.5 Part 6 Additional Local Provisions

6.5.1 Clause 6.2 - Earthworks

The objective of this clause is to ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land. The provisions of this clause applies as the development involves levels of excavation for the basement and swimming pool.

The depth of earthworks is not deemed major earthworks than what is expected in a residential zone and are considered to not result in any detrimental impacts upon environmental functions and processes, neighbouring uses or features of surrounding land. The proposed earthworks are considered not adversely impact the amenity of adjoining properties and is considered to be consistent with the provisions of Clause 6.2(3).

6.5.2 Clause 6.3 - Stormwater management and water sensitive urban design

The proposal has been designed to minimise and mitigate impact through maintaining sufficient landscaping and deep soil to maximise the use of permeable surfaces throughout the site. It is considered that the development will not result in significant adverse impacts of stormwater runoff on adjoining properties.

The stormwater management system for the proposed discharges to the kerb along Lancelot Street and incorporates a rainwater tank. For further details regarding the proposed drainage scheme, refer to the submitted Stormwater Drainage Concept plans.

6.5.3 Clause 6.9 - Essential services

Pursuant to Clause 6.9 the consent authority must not grant development consent unless the following services are available or adequate arrangements for the supply of water, electricity disposal and management of sewage, waste disposal and recycling, onsite drainage and suitable vehicular access.

The site currently has access to water and electricity supply, as well as sewage disposal facilities, owing to the presence of an existing dwelling on the lot. However, any additional connections will typically be subject to the conditional requirements set by the relevant utility providers, such as Sydney Water, the relevant energy provider and others.

In compliance with BASIX requirements for water reuse, rainwater tanks have been incorporated into the design. The Drainage Plans, which have been submitted as part of the application, detail the drainage system adequately. Furthermore, vehicular access to the property is facilitated via Lancelot Street. Therefore, with consideration of the above, the proposed satisfies the provisions of Clause 6.4.

7. ANY PROPOSED ENVIRONMENTAL PLANNING INSTRUMENT - Section 4.15(1)(a)(ii)

There is no relevant draft EPI, Planning Proposal or Plan relevant to the proposed development.

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8. DEVELOPMENT CONTROL PLAN - Section 4.15(1)(a)(iii)

8.1 Canterbury Bankstown Development Control Plan 2023 (CBDCP 2023)

The proposed development is subject to the provisions of Canterbury Bankstown Development Control Plan 2023 (CBDCP 2023). The following table below provides commentary of the developments performance against the relevant applicable controls contained within CBDCP 2023.

***Note:** Pursuant to Section 4.15(3A)(a) of the EP&A Act 1979 if a Development Control Plan sets specific standards for an aspect of a proposed development and the proposed meets those standards, the consent authority cannot impose stricter requirements for that aspect of the development.

CBDCP 2023	Comment
Chapter 3 - General Requirements	
3.2 - General Requirements	
Dwelling houses: Two (2) off-street parking spaces.	Two (2) car spaces provided for the dwelling.
3.7 - Landscape	
Existing vegetation and natural features	
New landscaping is to complement the existing street landscaping and improve the quality of the streetscape.	The proposed landscaping has been designed to complement the existing street landscaping and enhance the visual quality of the streetscape. A mix of trees, shrubs and groundcovers such as Olive Trees, Wild Banana plants and Blue Flax Lilies have been incorporated to provide a balanced and attractive planting scheme. The use of stepping stones, turf areas and low-maintenance planting improves the overall presentation of the development. The landscape design contributes positively to the public domain and supports the residential character of the area.
Development, including alterations and additions, is to minimise earthworks (cut and fill) in order to conserve site soil. Where excavation is necessary, the reuse of excavated soil on site is encouraged.	Excavation is limited to what is necessary for the basement and swimming pool. As no excess soil is expected and on-site reuse is not required. Earthworks have been minimised where possible to reduce site disturbance.
Design and location of landscape	
The landscape design is to contribute to and take advantage of the site characteristics.	The landscape design makes good use of the sites features, working with its layout and orientation to create a functional and attractive outdoor space that complements the development.
The landscape design is to improve the quality of the streetscape and communal open spaces by: ➢ Providing appropriate shade from trees or structures;	The proposed landscape design enhances the quality of the streetscape open space. Shade is provided through the planting of suitably sized trees. Clear access routes are defined using stepping stones and turf areas. Low-scale plantings and screening elements, including shrubs and groundcovers, contribute to privacy, support casual surveillance and soften views to the built form. Plants have

CBDCP 2023	Comment
➢ Defining accessible and attractive routes through the communal open space and between buildings; ➢ Providing screens and buffers that contribute to privacy, casual surveillance, urban design and environmental protection, where relevant; ➢ Improving the microclimate of communal open spaces and hard paved areas; ➢ Locating plants appropriately in relation to their size including mature size; ➢ Softening the visual and physical impact of hard paved areas and building mass with landscaping that is appropriate in scale; ➢ Including suitably sized trees, shrubs and groundcovers to aid climate control by providing shade in summer and sunlight in winter.	been appropriately located based on their mature size, ensuring long term functionality and visual balance. The mix of landscaped elements helps to reduce heat around paved areas and the landscape design is considered to be well integrated with the built form and positively contributes to the amenity, microclimate and character of the development.
The landscape of setbacks and deep soil zones must: ➢ Provide sufficient depth of soil to enable the growth of mature trees; ➢ Use a combination of groundcovers, shrubs and trees; ➢ Use shrubs that do not obstruct sightlines between the site and the public domain; and ➢ Where buffer or screen planting is required, use continuous evergreen planting consisting of shrubs and trees to screen the structure, maintain privacy and function as an environmental buffer.	The proposed deep soil zones have been designed to support healthy tree growth by providing adequate soil depth and space for root systems to establish. The planting includes a mix of groundcovers, shrubs and trees to create a layered and functional landscape. The development provides for deep soil zones which contribute to both the visual quality and environmental performance of the development. The selected vegetation is situated to ensure they do not obstruct sightlines between the site and the public domain, maintaining safety and visibility. Where screening is provided, continuous evergreen planting has been incorporated to provide privacy, soften the built form.

CBDCP 2023	Comment
Trees	
Development must consider the retention of existing trees, including street trees, in the building design. Development must plant at least one canopy tree for every 12m of front and rear boundary width and: ➢ Canopy trees are to be of a minimum 75 litre pot size. ➢ Use deciduous trees in small open spaces, such as courtyards, to improve solar access and control of microclimate. ➢ Place evergreen trees well away from the building to allow the winter sun access. ➢ Select trees that do not inhibit airflow. ➢ Provide shade to large hard paved areas using tree species that are tolerant of compacted/deoxygenated soils.	While no existing trees are impacted by the proposal, new canopy trees have been provided in line with the control, with at least one tree for every 12 metres of front and rear boundary width. Proposed canopy trees include Olea europaea 'Manzanillo' (Olive Tree), Strelitzia nicolai (Giant Bird of Paradise) and Dracaena draco (Dragon Tree**)** all specified at a minimum 75 litre pot size. Deciduous species such as Strelitzia nicolai have been appropriately located in open areas to assist with seasonal solar access and microclimate control. Evergreen species like the Olive Tree and Dragon Tree are positioned away from the building to allow winter sun, while still providing effective shade and screening. The selected trees are well-suited to urban conditions, do not restrict airflow and contribute to shading hard surfaces, improving amenity.
Chapter 5 – Residential Accommodation	
5.2 Former Canterbury LGA - Section 2 – Dwelling Houses and Outbuildings	
Site Planning - Minimum lot size and frontage	
The minimum primary street frontage width for dwelling houses is 15m.	Refer to Control C4 - Nothing in this section prevents Council giving consideration to the erection of a dwelling house on an allotment of land which existed as of 1 January 2013.
Lots must be generally rectangular.	Complies.
Site Planning – Site Coverage	
600m^2 to 899m^2 ➢ Maximum area of building footprint: 380m^2 ➢ Maximum floor area of all outbuildings: 60m^2 ➢ Maximum site coverage of all structures on a site: 40%	**Maximum area of building footprint:** 210.7m^2 **Maximum floor area of all outbuildings:** 24.5m^2 **Maximum site coverage of all structures on a site:** 235.3m^2 (33.7%)
Site Planning – Landscaping	
Minimum Deep Soil Area: 600m^2 or above: 25%	**Deep Soil Area:** 175.5m^2 (25.1%)
Deep soil areas must have a minimum dimension of 2.5m.	Areas included consists of dimensions of 2.5 metres.

CBDCP 2023	Comment
Site Planning – Layout and Orientation	
Orientate development to maximise solar access and natural lighting, without unduly increasing the building's heat load.	The development has been oriented and designed to maximise solar access and natural lighting to internal living spaces and private open areas. Window placement, room layout and setbacks have been considered to allow for daylight penetration, reducing reliance on artificial lighting. The selected materials of the development effectively manage heat load, ensuring energy efficiency and thermal comfort without compromising amenity.
Site the development to avoid casting shadows onto a neighbouring dwelling's primary living area, private open space and solar cells.	The submitted shadow diagrams demonstrate that primary living areas, private open spaces of adjoining dwellings will continue to receive adequate solar access.
Coordinate design for natural ventilation with passive solar design techniques.	The design has been coordinated to support natural ventilation through the use of passive solar design principles. The layout of the dwelling incorporates well placed openings on opposite sides of key areas to facilitate cross flow ventilation. Cross flow ventilation diagrams included in the architectural plans illustrate how air moves through the dwelling, particularly through living, dining and bedroom areas.
Site a building to take maximum benefit from cross-breezes and prevailing winds.	The building has been sited and designed to take full advantage of cross breezes and prevailing winds, with key openings and habitable rooms positioned to allow effective airflow through the dwelling. Windows and doors are strategically placed which encourages cross ventilation.
Do not compromise the creation of casual surveillance of the street, communal space and parking areas, through the required orientation.	Habitable rooms are positioned to face the street, enhancing passive surveillance and promoting safety. The proposed orientation maintains clear sightlines to the street ensuring casual surveillance is not compromised.
Building Envelope - Height	
Maximum two (2) storeys.	The development is two (2) storeys in scale with a basement. Where the building is two (2) storeys above the basement, the ground floor FFL is not greater than 1 metre above existing ground level and satisfies the definition of a basement as defined in the CBLEP 2023.
Wall height: 7 metres	The proposed wall height exceeds 7 metres. Refer to **Section 8.2.1** below.
Finished ground floor level is not to exceed 1m above the natural ground level.	As shown on the elevations and sections, the finished floor level of the ground floor does not exceed 1 metre above the existing ground level.
Basement and sub-floor projection: Any part of a basement or sub-floor area that projects greater than 1m above ground level comprises a storey.	As noted above, the ground floor FFL is not greater than 1 metre above existing ground level and satisfies the definition of a basement as defined in the CBLEP 2023.

<table>
<tr><th>CBDCP 2023</th><th>Comment</th></tr>
<tr><td>Attics and roof terraces:

➢ Attics and mezzanine floors do not comprise a storey.

➢ Roof top terraces are not acceptable on any building or outbuilding in any residential zone.</td><td>The roof of the proposed dwelling and outbuilding are not proposed to be trafficable terraces nor can be adapted for the use as trafficable terraces.</td></tr>
<tr><td><u>Basement and sub-floor</u>:

➢ 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.

➢ Basement and sub-floor parking is only suitable where compliance with Chapter 3.2 of this DCP can be demonstrated.</td><td>The proposed basement parking has been designed in response to site constraints. The basement parking does not result in adverse impacts on the amenity, streetscape or public domain.

The development complies with the maximum permissible FSR, setbacks and maximum height limit. The parking layout, gradients and access have been designed in accordance with AS2890.1. The basement is also below ground level and is not classified as a storey and is consistent with the provisions of Chapter 3.2 of the DCP.</td></tr>
<tr><td colspan="2">Building Envelope - Setbacks</td></tr>
<tr><td><u>Front Setbacks</u>:

➢ 6 metres or the average of the existing setback of the nearest dwelling house to either side of the site.
➢ Maximum 2 metre recess for the main entrance from the front building line.</td><td>The below table provides details of the two (2) properties setbacks, the average setbacks and proposed setback.

<table><tr><td>17 Lancelot Street:</td><td>7.528 metres</td></tr><tr><td>21 Lancelot Street:</td><td>8.5 metres</td></tr><tr><td>Average:</td><td>8.014 metres</td></tr><tr><td>Proposed setback to building line:</td><td>8.110 metres</td></tr></table>
The distance between the front boundary and the wall of the dwelling achieves compliance with the average setback requirement. The encroachment of porch roof and the first floor balcony are permissive as they are elements of articulation. The entrance is also designed not to exceed a 2 metre recess behind the main entrance of the dwelling.</td></tr>
<tr><td><u>Side Setbacks</u>: 1 metre</td><td>Eastern side setback: 1.5 metres
Western side setback: 1 metre</td></tr>
<tr><td><u>Rear Setbacks</u>: 6 metres</td><td>The proposed rear setback of the dwelling is 13.460 metres measured to the stairs of the alfresco.</td></tr>
<tr><td><u>Outbuildings</u>:

➢ External wall height over 2.7 metres a minimum setback of 450mm from the side boundary.</td><td>Setback from western side boundary: 1.1 metres
Setback from rear boundary: 1.030 metres (minimum)</td></tr>
</table>

CBDCP 2023	Comment
➢ External wall height not exceeding 2.7 metres may encroach into the minimum setback area.	
<u>Exceptions and other requirements</u>: ➢ External walls that enclose rooms, storage areas and/or garages are not to encroach beyond the specified setbacks. ➢ 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. ➢ Swimming pools must not be located within any front setback.	The basement walls do not encroach within the minimum specified setback areas. The swimming pool is setback a minimum 1.5 metres from the western boundary. The setbacks from the eastern and rear boundaries further exceed the minimum requirements. Screen planting is also discouraged to comply with the swimming pool safety provisions, however privacy is achieved as the swimming pool is located at ground level. The swimming pool is located in the rear setback behind the dwelling.
<u>The following minor building elements may project up to 1m into the minimum side setback area:</u> ➢ Roof eaves, awnings, pergolas and patios; ➢ Stair or ramp access to the ground floor; ➢ Rainwater tanks; and ➢ Terraces above basement parking that are no higher than 1m above ground level (except dwelling houses, semi-detached dwellings and dual occupancy).	Noted. Elements are proposed to encroach within the side setbacks, however do not exceed 1 metre.
Elements that articulate a front elevation of a dwelling house, such as awnings, balconies, patios, pergolas, porches, porticoes and verandas, may project up to 1.5m into the	The porch roof and the first floor balcony extend within 1.5 metres of the articulation zone.

CBDCP 2023	Comment
required front setback articulation zone.	
On steeply sloping land basements and basement parking are acceptable only if they: ➢ Do not extend beyond the exterior walls or ground floor patios of the dwelling. ➢ Accommodate only entrance lobby, stairway, car parking or storage, but do not accommodate any habitable room. ➢ Are not capable of future alteration to accommodate any habitable room.	Although the site is not considered steeply sloping, the design of the basement has addressed the relevant considerations. The basement walls align with the upper storeys and do not extend beyond the external walls of the dwelling. The internal layout accommodates car parking, manoeuvring space and storage/workshop only, with no habitable rooms proposed. Furthermore, the basement is located below ground level and does not allow for natural ventilation or daylight, making it unsuitable for future conversion into habitable spaces. If required, the applicant is amenable to the inclusion of an operational condition confirming that no part of the basement is to be used or adapted as a habitable room.
Building Design – Contemporary built form	
Contemporary architectural designs may be acceptable if: ➢ A heritage listing does not apply to the existing dwelling or to its immediate neighbours. ➢ New building forms and design features shall not mimic traditional features, but should reflect these in a contemporary design. ➢ Access to upper storeys must not be via external stairs. ➢ All dwellings must contain one kitchen and laundry facility.	 No heritage listing applies to the dwelling or adjoining dwellings. The site is neither located within a heritage conservation area. Achieved. The façade is designed not to mimic traditional features and reflects a contemporary modern design. No external access is provided to the second storey. Laundry and kitchen facilities are proposed on the ground floor.
Building Design – Building Entries	
Entries to residential buildings must be clearly identifiable.	The entry of the dwelling is orientated on the street elevation being clearly identifiable from Lancelot Street.
A minimum of one habitable room must be oriented towards the street to promote positive social interaction and community safety.	The lounge room, prayer room and first floor bedrooms are situated at the front of the dwelling with a window which allows for passive surveillance to the street.
Sight lines to the street from habitable rooms or entrances	The sightlines from the entrance and lounge room are not obscured from ancillary structures.

<table>
<tr><th>CBDCP 2023</th><th>Comment</th></tr>
<tr><td>must not be obscured by ancillary structures.</td><td></td></tr>
<tr><td colspan="2">Building Design – Internal Dwelling Layout</td></tr>
<tr><td>Design interiors to be capable of accommodating the range of furniture that is typical for the purpose of each room.</td><td>Achieved. The interior and area of each room provides ample room for furniture typical of their intended usage.</td></tr>
<tr><td>The primary living area and principal bedroom must have a minimum dimension of 3.5 metres.</td><td><table><tr><th>Room</th><th>Dimensions</th></tr><tr><td>Lounge</td><td>4 metres x 5.7 metres</td></tr><tr><td>Family</td><td>7 metres x 6.565 metres</td></tr><tr><td>Master Bedroom</td><td>4.690 metres x 4.5 metres</td></tr></table></td></tr>
<tr><td>Secondary bedrooms must have a minimum dimension of 3 metres.</td><td><table><tr><th>Bedroom</th><th>Dimensions</th></tr><tr><td>Bedroom 2</td><td>3.850 metres x 4 metres</td></tr><tr><td>Bedroom 3</td><td>3.4 metres x 4 metres</td></tr><tr><td>Bedroom 4</td><td>4 metres x 3.080 metres</td></tr></table></td></tr>
<tr><td>Provide general storage in addition to bedroom wardrobes and kitchen cupboards.</td><td>Storage is provided in the basement, in the laundry, a linen on the first floor. The kitchen also provides area for cupboards including within the walk in pantry.</td></tr>
<tr><td colspan="2">Building Design – Façade Treatment</td></tr>
<tr><td>Use non-reflective materials, do not randomly mix light and dark coloured bricks, and treat publicly accessible wall surfaces with anti-graffiti coating.</td><td>The facade uses non-reflective materials as the windows use high performance glass with a reflectivity below 20%, the façade is also designed with white render and does not contain expansive or blank surfaces to minimise graffiti.</td></tr>
<tr><td>Facade design should reflect the orientation of the site using elements such as sun shading devices, light shelves and bay windows.</td><td>The façade design responds appropriately to the sites orientation through the use of articulating elements such as eaves, balconies, and recessed features, which provide effective sun shading and visual interest.</td></tr>
<tr><td>Facades visible from the street should be designed as a series of articulating panels or elements.</td><td>The façade has been designed with a series of articulating elements, including balconies, window openings, varying materiality and recessed walls, which break up the building mass.</td></tr>
<tr><td>The width of articulating panels should be consistent with the scale and rhythm characteristic of bungalows.</td><td>While the proposed façade does not follow the traditional bungalow style, it adopts a contemporary design that reflects strong architectural rhythm and proportion. The use of curved and recessed elements, varied materials such as stone and timber and vertical articulation creates visual interest and depth. The scale and spacing of these elements are well balanced, complementing the overall form of the building and contributing positively to the future streetscape and character of Lancelot Street.</td></tr>
<tr><td>The width of articulating panels shall be in accordance with the numerical requirements:

➢ Street Elevation: 4 metres – 6 metres</td><td>The articulating panels along the front façade generally comply with the required 4 metre to 6 metre width, providing a balanced and well proportioned street elevation in line with the control. The side elevations do not propose articulating panels which exceed the specified limits.</td></tr>
</table>

CBDCP 2023	Comment
➢ Side Elevation: 10 metres – 15 metres.	
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.	The front façade avoids monolithic, long, flat walls by incorporating stepped wall alignments with depths in excess of 500mm.
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.	The proposed design varies the height and form of individual modules across the façade, avoiding a continuous line. The central portion of the building is recessed, creating a clear break up in massing and provides visual relief. These height variations contribute to a well articulated built form and a more refined streetscape presence.
Incorporate contrasting elements in the facade - use a harmonious range of high quality materials, finishes and detailing.	The façade incorporates a harmonious mix of high-quality materials and finishes including natural stone, textured render, timber cladding and glass balustrades. These elements enhance the visual depth and architectural interest of the building, while maintaining a appearance that contributes positively to the streetscape.
Screen prominent corners with awnings, balconies, terraces or verandas that project at least 1 m from the general wall alignment.	The design addresses the prominence of the corner by incorporating a curved balcony that projects more than 1 metre from the general wall alignment.
Building Design – Pavilions	
The top storey of any two-storey dwelling should be designed as a series of connected pavilion elements to minimise scale and bulk.	The top storey has been designed as a series of connected pavilion-style elements with clear separation through recessed walls, varied rooflines and articulated balconies.
Facades that exceed 25m in length shall be indented to create the appearance of multiple pavilion elements.	No façade exceeds 25 metres in length and therefore, the requirement to indent the façade to create the appearance of multiple pavilion elements does not apply.
Pavilion elements shall have a depth between 10-15m.	The elevation maintains appropriate articulation and breaks in the building form. The western side elevation is also broken up to reduce visual bulk and mitigate the perceived depth of the building, complying with the maximum specified limits. In relation to the eastern elevation, refer to the detailed response provided in **Section 8.2.2** below.
Articulate upper storey pavilions with an additional side boundary setback, and identify by separate roofs.	Achieved. The entirety of the eastern side setback exceeds the minimum 1 metre requirement, providing a setback of 1.5 metres. Additionally, the eastern elevation incorporates varying setbacks to further articulate the upper storey pavilion and reduce visual bulk.

CBDCP 2023	Comment
Building Design – Windows	
Large windows should be located at the corners of a building and may be designed as projecting bay-windows.	Large corner windows have been incorporated and expressed as curved and projecting elements.
Large windows should be screened with blinds, louvres, awnings or pergolas and be draft insulated.	Large windows are generally fixed and will be fitted with internal blinds. Additionally, the windows are recessed behind building elements such as balconies and overhangs
➢ Windows must be rectangular. ➢ Square, circle and semi-circle windows are acceptable in moderation.	While the façade predominantly features rectangular windows in accordance with the control, a select number of arched windows have been incorporated as architectural features. These arched elements are limited in number and positioned to enhance the dwellings character.
Vertical proportioned window openings can include multi-panel windows or multipanel doors.	The design includes vertically proportioned multi-panel windows and doors, consistent with the control.
Windows and openings shall be appropriately located and shaded to reduce summer heat load and maximise sunlight in winter.	Windows and openings are appropriately located and recessed behind overhangs, balconies and other elements to provide effective shading in summer while allowing sunlight access in winter.
Building Design – Ventilation	
➢ Incorporate features to facilitate natural ventilation and convective 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). ➢ Where natural ventilation is not possible, energy efficient ventilation devices such as ceiling fans should be considered as an alternative to air conditioning. Explore innovative technologies to naturally ventilate internal building areas or rooms.	The design has been coordinated to support natural ventilation through passive solar design principles. Well-placed openings on opposite sides of key rooms facilitate cross flow ventilation, allowing for effective air movement and improved internal amenity. Cross flow ventilation diagrams included in the architectural plans clearly illustrate how air circulates through key areas of the dwelling, including living, dining and bedroom spaces.
Building Design – Roof design and features	
Avoid complex roof forms such as multiple gables, hips and valleys, or turrets.	Avoided. Parapet roof form proposed.
Parapet roofs that increase the height of exterior walls are to be minimised.	The proposed parapet roof includes minimal upturns of 150mm, which are modest in scale and do not significantly increase the height of the exterior walls.
Mansard roofs (or similar) are not permitted.	No mansard roof proposed.

CBDCP 2023	Comment
Relate roof design to the desired built form and context.	The roof design is consistent with the desired built form and surrounding context, incorporating a low profile parapet roof that complements the contemporary architectural style which is acceptable and commonly used in modern development.
Amenity - Solar access to proposed development	
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. Where existing overshadowing by buildings and fences is already greater than this control, sunlight is not to be reduced by more than 20%.	The rear of the allotment is oriented north, with the primary living areas of the dwelling located at the rear. This orientation allows the primary living spaces to receive unobstructed solar access between 8am and 4pm on 21 June.
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. Where existing overshadowing by buildings and fences is already greater than this control, sunlight is not to be reduced by more than 20%.	The principal areas of private open space include the rear alfresco and open rear yard. As demonstrated in the shadow diagrams, these areas receive unobstructed solar access between 9am and 12pm on 21 June, ensuring at minimum three (3) hours of sunlight to at least 50% of the open space surface area is achieved.
Amenity - Solar access to neighbouring development	
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.	At 17 Lancelot Street, there is no impact from overshadowing between 8am and 12pm. While some overshadowing occurs from approximately 1pm onwards, the primary living areas continue to receive more than three (3) hours of sunlight. It is noted that the principal private open space is only impacted between 8am and 11am, with adequate solar access retained in accordance with the control. With regard to 21 Lancelot Street, some overshadowing occurs to north-facing openings between 8am and approximately 11am. However, these openings receive unobstructed solar access from 12pm onwards, ensuring the required three (3) hours of sunlight is achieved. There is also no impact to the principal private open space of this property.

CBDCP 2023	Comment
Amenity - Visual privacy	
Locate and orient new development to maximise visual privacy between buildings, on and adjacent to the site. Minimise direct overlooking of rooms and private open space through the following: ➢ Provide adequate building separation, and rear and side setbacks; and ➢ 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. If living room windows or private open spaces would directly overlook a neighbouring dwelling: ➢ Provide effective screening with louvres, shutters, blinds or pergolas; and/or ➢ Use windows that are less than 600mm wide or have a minimum sill height of at least 1.5m above the associated floor level.	The proposed development achieves visual privacy through adequate separation between dwellings, including compliant side and rear setbacks. Living areas and private open space have been oriented toward the street and rear of the site to minimise overlooking into neighbouring properties. Additional measures such as a solid wall between the alfresco and first floor balconies as well as high sill windows for habitable rooms, further protect the privacy of both the subject site and adjoining properties.
Ancillary Development - Outbuilding	
A maximum of one (1) outbuilding on a site.	At the completion of the development, only a single outbuilding will be located on site.
The outbuilding must be established in conjunction with the principal dwelling on the same site and must ensure that: ➢ It is separate from the principal dwelling and any secondary dwelling on the same site, and ➢ It is not used as a separate dwelling, and ➢ It does not contain cooking facilities, toilet and shower, and	The proposed cabana is a separate structure from the principal dwelling and is intended solely as an ancillary recreational space. It does not contain any cooking facilities or a toilet. Whilst an outdoor shower is proposed, the cabana is not designed to function as a separate dwelling. The open layout of the cabana ensures it cannot be adapted for residential or industrial use, maintaining its role as a non-habitable outbuilding.

CBDCP 2023	Comment
➢ It does not function or can be adapted to function for industrial purposes.	
Maximum site cover of outbuilding: 60m^2 where the site is greater than 600m^2 in area.	**Site Coverage:** 24.5m^2
The outbuilding must not result in the principal dwelling on the site having less than the required landscaped area and private open space.	The cabana does not result in the site consisting of a landscaped area less than required.
The storey limit for the outbuilding is single storey.	The cabana is single storey in scale.
Maximum Height: 4.5 metres	The cabana has a height of 3.7 metres at maximum.
The outbuilding must locate behind the front building line.	The cabana is located within the rear setback of the site.
The minimum setback to the side and rear boundaries of the site is: ➢ Zero setback for carports or masonry walls that do not contain windows, eaves and gutters provided the structures comply with the Building Code of Australia; or ➢ 450mm for non-masonry walls that do not contain a windows, eaves and gutters; or ➢ 900mm for walls with windows.	**Setback from western side boundary:** 1.030 metres **Setback from rear boundary:** 1.1 metres
The minimum setback to a dwelling, building, roof, awning, balcony, deck, patio, pergola, terrace, verandah, carport, garage and the like on the same site is 1.8m.	The cabana is separated greater than 1.8 metres from the dwelling.
No rooftop balconies or the like.	The roof of the cabana is not designed, intended or capable for being converted to a roof top terrace or the like.
Development must retain and protect any significant trees on the site and adjoining sites. To achieve this clause, the development may require a design alteration or a reduction in the size of the outbuilding.	No trees are impacted by the positioning of the cabana.
Ancillary Development - Swimming pools	
Swimming pools must not be located within any front setback.	The swimming pool is situated within the rear setback of the site behind the dwelling.

CBDCP 2023	Comment
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.	The swimming pool is setback 1.5 metres from the western boundary including greater from the western and rear boundaries. Screen planting is also discouraged to comply with the swimming pool safety provisions, however privacy is achieved as the swimming pool is located at ground level.

8.2 Merit Considerations

Where strict compliance has not been achieved with CBDCP 2023, pursuant to Section 4.15(3A)(b) of the EP&A Act 1979, flexibility is sought from Council in determining whether a reasonable alternative solution that achieves the objects is provided by the proposed development. These matters are discussed below.

8.2.1 Section 2.5 – Control C1(b) – Wall Height

The proposed development seeks a variation to the maximum external wall height control of 7 metres, with a proposed wall height of 8.05 metres. The variation is a direct result of the integration of a low profile parapet roof with minimal 150mm upturns, which has been incorporated to complement the contemporary built form.

Despite the non-compliance with the numerical control, the proposal is considered to satisfy the objectives, deliver greater internal amenity for future occupants and consists of no adverse impacts on adjoining properties or the character of the area. The variation can therefore be acceptable on merit.

The overall building height and FSR development standards are complied with and the building footprint, site coverage and setbacks are consistent with the CDCP 2023 controls. The proposed variation to the wall height is considered to be minor and discernible within the overall building form.

The objective of the control is to ensure that development is of a scale that is compatible with adjacent buildings, complements the prevailing character and supports the objectives of the R3 Medium Density Residential zone. The subject site is located within an R3 zone that acts as a transitionary area between lower density and higher density residential development, encouraging housing diversity within a landscaped suburban setting.

The proposed development maintains a scale that is consistent with the intended character of the area, where future medium density developments are anticipated to include greater bulk and scale. The development aligns with the intended built form outcomes for the zone, ensuring that the development is compatible with the evolving character and density of the surrounding area.

The non-compliance neither detracts from the emerging character of Lancelot Street and remains entirely compatible with the transitional nature of the R3 zone. The overall design presents consider scale and streetscape presentation. The use of articulation, material variation and modulation across the façade minimises the visual impact of the building mass.

While the wall height exceeds the 7 metre numerical control, it does not translate into an increase in overall bulk or scale. The development balances scale, articulation and materiality through the use of curved and recessed elements and a considered mix of materials, including natural stone, timber cladding and textured render.

The façade is broken up and consists of modulation, resulting in a more articulated and refined built form. Although the wall height marginally exceeds the numerical control, it does not negatively impact the future streetscape character. The non-compliance is visually contained within the built form and is appropriately managed through the buildings composition.

The landscape design is also well-integrated, incorporating deep soil zones and a balanced mix of canopy trees, shrubs and groundcovers. The treatment also softens the appearance of the built form, reducing any perceived bulk and scale, noting that the increase in wall height does not, in itself, exacerbate the overall scale or dominance of the building.

The proposed variation neither results in any unreasonable overshadowing or loss of privacy to neighbouring properties. Solar access to adjoining dwellings and private open spaces remains compliant with the controls. Visual privacy is preserved through appropriate measures, ensuring that a high level of residential amenity is maintained for surrounding properties.

Furthermore, the additional wall height allows for increased internal floor to ceiling heights, which improves the amenity of future occupants by providing greater access to natural light and promoting effective cross ventilation. These passive design outcomes support better thermal comfort and energy efficiency. Reducing the wall height to achieve strict compliance would compromise these design benefits, resulting in a poorer planning outcome. In the context of the site and the proposed development, there is no benefit in insisting on strict adherence to the numerical control.

With consideration of the above, despite the non-compliance, the variation is discernible does not result in unreasonable bulk or scale, achieves the objectives of the control, does not adversely impact the character or streetscape or result in any negative impacts to adjoining properties. The non-compliance also allows for an enhanced amenity outcome for future occupants and therefore, can be considered acceptable on merit.

8.2.2 Section 2.8, Control C27 – Pavilion Depth

Control C27 requires limits pavilion elements to maximum depths between 10 metres – 15 metres. The eastern elevation exceeds the maximum specified limits for pavilion depth. However, despite this non-compliance, the proposed development is considered to achieve the relevant objectives of the control and is acceptable on merit.

Although the eastern elevation exceeds the depth control, the impact is mitigated through an increased setback and landscaping, which soften the built form and maintain compatibility with the streetscape character, in accordance with Objectives O1 and O7. The eastern side setback exceeds the minimum 1 metre requirement, providing a setback of 1.5 metres, which further reduces visual impacts and ensures the non-compliance is not readily perceptible from the street.

The increased setback also minimises overshadowing impacts toward 17 Lancelot Street retaining compliant solar access from 8am to 12pm on 21 June, thereby satisfying Objective O2. The internal layout consist of a passive design which increased cross flow ventilation, demonstrate further demonstrating consistency with not only Objectives O2, however also Objective O8 as the internal amenity is enhanced by providing well proportioned and functional habitable rooms. The internal layout further offers generous internal dimensions, supports natural ventilation.

Overall, the development maintains consistency with the relevant objectives of the control, does not result in adverse impact and can be supported on merit.

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9. PLANNING AGREEMENTS - Section 4.15(1)(a)(iiia)

There is no planning agreement being entered into as part of this application.

10. ENVIRONMENTAL PLANNING AND ASSESSMENT REGULATIONS 2021 – Section 4.15(1)(iv)

The Regulation underpins the day-to-day operation of the NSW planning system. The Regulation guides the processes, plans, public consultation, impact assessment and decisions made by local councils, the Department of Planning, Industry and Environment and others. The Regulation provides standard and relevant Conditions (i.e Compliance with the BCA/NCC, Australian Standards, Section 7.11/7.12 Contributions etc…) which the Consent Authority must impose when issuing Development Consent. These Conditions will be implemented upon the issue of Development Consent.

10.1 Demolition

The requirements of Australian Standard AS2601-2001: The Demolition of Structures are relevant to the proposed as the proposal encompasses demolition works. The requirements of this standard including the management of asbestos containing materials (if any) can readily be addressed by conditional requirements.

11. ANY LIKELY NATURAL OR BUILT ENVIRONMENT IMPACT OR SOCIAL AND ECONOMIC IMPACT – Section 4.15(1)(b)

11.1 Natural Environment

The proposed development is located in a well-established residential environment on an allotment with appropriate zoning for the proposed development. The proposed is designed to operate at a domestic scale which does not result in unreasonable acoustic or air pollution. The design, location and siting of the building is orientated to maximise solar access and includes sustainable measures for water and energy consumption. Overall, the proposal is designed to mitigate any potential impacts on the natural environment.

11.2 Built Environment

The proposed development is predominantly designed and sited in accordance with the relevant built form controls, compatible with the existing streetscape patterns and achieves the desired future character of the area. Where the development has not demonstrated compliance with those controls, the relevant objectives are achieved, and impact is mitigated and minimised where practical. Overall, as demonstrated in this statement, it is unlikely that the development will consist of an adverse impact on the built environment.

11.3 Social Impact

There are no adverse social impacts identified with the provision of a dwelling house within an R3 Medium Density Residential zone.

11.4 Economic Impact

No adverse negative economic impacts are likely to result from the development. The development is likely to contribute to a range of economic benefits such as generation of local jobs, utilise existing infrastructure and services and encourage the use of local business and local economy.

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12. SITE SUITABILITY - Section 4.15(1)(c)

The subject site is appropriately zoned for the development and the development is considered to satisfy the relevant built form development standards, controls and objectives. The development neither is considered to result in adverse material, environmental, social or economic impacts. Therefore, it is considered that the development is suitable for the site.

13. SUBMISSIONS - Section 4.15(1)(d)

Any submissions received as a result on notification of the Development Application will be considered by the consent authority.

14. PUBLIC INTEREST - Section 4.15(1)(e)

The public interest is best serviced by the consistent application of the relevant statutory requirements which ensures the consent authority that any adverse effects arising from development are minimised. Having regard to the proposed developments performance against the applicable statutory provisions and policies, the proposal is not considered to raise any issues that would be contrary to the public interest.

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15. CONCLUSION

After consideration of the development against Section 4.15 of the *Environmental Planning and Assessment Act 1979* and the pertinent statutory provisions, the proposed development is considered to be reasonable and appropriate for the site and within its specific context.

The subject site is appropriately zoned for the development and the development is considered to satisfy the relevant built form development standards, controls and associated objectives. The development neither is considered to result in adverse material, environmental, social or economic impacts.

On balance, the proposal is considered suitable for the site and not contrary to the public interest and therefore, it is recommended that Council as the consent authority pursuant to Section 4.16 of the *Environmental Planning and Assessment Act 1979*, grant consent for the demolition of existing structures and construction of a two (2) storey dwelling house with a basement, swimming pool and a cabana on land at 19 Lancelot Street, Punchbowl.

Statement prepared by Polaris Planning and Development.

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