

# Statement of Environmental Effects to support a Modification (\$4.55)

Modification to an approved development  
for Construction of a new secondary dwelling  
and carport

**Lot: 203 DP: 237350**  
**80 Denman Road, Georges Hall**  
**New South Wales, 2198**

Canterbury-Bankstown Council



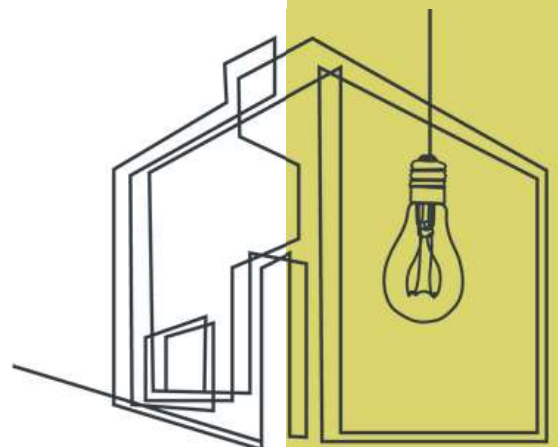
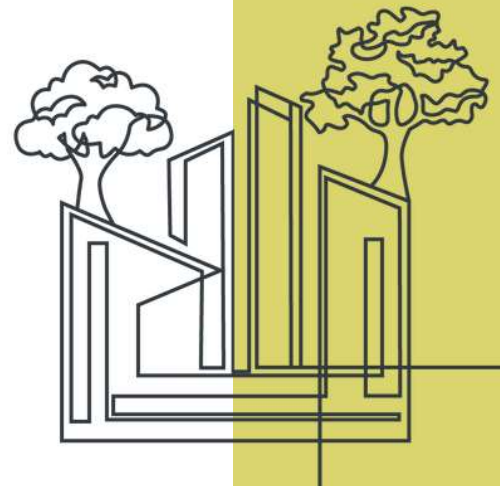
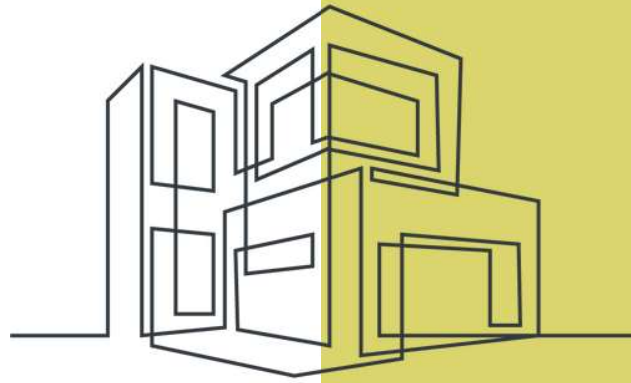
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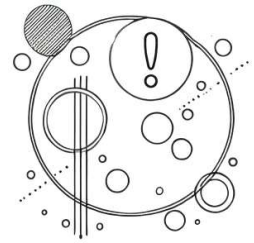


[tania@plan-for-tomorrow.com](mailto:tania@plan-for-tomorrow.com)



[www.plan-for-tomorrow.com](http://www.plan-for-tomorrow.com)





## About the Author

I am a qualified Town Planner and have a Bachelor of Urban and Regional Planning (BURP) from the University of New England (Armidale). I am a member of the Planning Institute of Australia.

I am a qualified NatHERS assessor and have Certificate IV NatHERS Assessment. I am a member of Design Matters National.

I live in New Zealand, and work remotely to Australia, I am not permitted by the ATO to hold an ABN (Australian Business Number) and instead have ARN (Australian Registration Number). The ARN is a number used for overseas business conducting service-based business in Australia to complete a GST/Tax return. I am registered as a business in New Zealand and my company number is 9429047119994. Plan for tomorrow carries a registered trademark.

I hold Professional Indemnity insurance and Cyber Insurance.

For a list of projects I have undertaken, please feel free to explore the interactive map on my website: <https://plan-for-tomorrow.com/>. A capability statement is available on request.

## How to interpret this report

This report does not constitute an approval for development and does not override Council or the certifiers opinion or certification. The guidance offered is purely merit-based considerations and opinions, based on experience and an understanding of the facts and circumstances presented. The understanding is set out as follows so that it may be checked. If the understanding is incorrect, or materially incomplete, the advice may change.

Each section includes a table that addresses each of the clauses within the relevant parts of the legislation e.g.

4A.4 Landscaping	
Tree retention	
<p>1 Landscape proposals are to retain existing trees, where possible. This may be achieved by:</p> <ul style="list-style-type: none"> <li>i) minimising changes to existing ground levels;</li> <li>ii) confining building works where appropriate to pre-existing building footprints.</li> </ul>	<p>The development proposes the removal of selected trees supported by an arborist who has no objections to their removal.</p>

The response addresses the clause in the relevant section and provides guidance on additional information required to satisfy that clause. As a town planner, it is not within my scope of knowledge or expertise to certify these clauses or comment on related documents. These details should be provided by other consultants or authorities who specialize in areas such as tree removal permits or traffic assessments or the like.

**Sincerely,**

**Tania Hannaford**

Plan for tomorrow Ltd.



0402 422 745



tania@plan-for-tomorrow.com



www.plan-for-tomorrow.com



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### Revision

14/08/2023 – Issued to Designer – For Review  
 17/08/2023 – Issued to Designer – Additional Information  
 21/08/2023 – Issued to Designer – FINAL  
 17/04/2025 – Issued to Designer – 4.55 Modification

## Introduction

This Modified Statement of Environmental Effects has been prepared to accompany an application for a modification to the Consent (DA-1072/2023) approved by Canterbury-Bankstown Council on 9 November 2023 for the Construction of a new secondary dwelling and carport at the subject site, 80 Denman Road, Georges Hall in accordance with Section 4.55(1a) and Section 4.15 of the Environmental Planning and Assessment Act 1979 (EPA&A 1979).

This modified Statement, along with the supporting plans and reports, provide all the necessary information to assist the consent authority in making an informed assessment and favourable determination of the proposal in accordance with Section 4.55(2) of the Environmental Planning and Assessment Act 1979 (EPA&A 1979).

## Site Location and Analysis

Lot: 203 DP: 237350 (80 Denman Road, Georges Hall) is a corner allotment with a total area of 552.4m<sup>2</sup> and a 11.885m primary frontage to Denman Road, and 32.31m secondary frontage to Tucabia Avenue. The site has a gradient from the front to the rear of the site of 2.43m (RL 24.96 – RL 22.53). The proposed site currently contains the partially constructed development.

The front of the site includes overhead power lines that run the length of Denman Road and Tucabia Avenue. The site is not identified as a heritage item, adjoining or adjacent a heritage item or within a heritage conservation area. The site is identified as being flood affected. The site is not identified as having any environmental constraints.



Figure 1. 80 Denman Road, Georges Hall (Explorer)

## Planning History

A search of the eplanning portal reveals the following applications and determinations for the site.

Determined 9 November 2023.	DA-1072/2023 – Construction of a new secondary dwelling and carport.
Determined 12 August 2024.	CC-359/2024 – Construction of a new secondary dwelling and carport

This application relates to DA-1072/2023 and subsequent applications.



## The Proposal

The Modification proposes the following changes:

- Private open space between the main and secondary to be backfilled and retained.
- The driveway Gradient to be ramped under the proposed carport. This will remove the retaining wall adjacent to the existing garage as per the DA approval.
- The front area of the proposed secondary dwelling to be backfilled and retained.

No changes are proposed to the approved buildings or associated stormwater works.



Figure 2. Proposed development at 80 Denman Road, Georges Hall (Inkon Plans)

## Environmental Planning and Assessment Act 1979

### 1.3 Objects of Act

The objects of this Act are as follows—

- (a) to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources,*
  - (b) to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,*
  - (c) to promote the orderly and economic use and development of land,*
  - (d) to promote the delivery and maintenance of affordable housing,*
  - (e) to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats,*
  - (f) to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),*
  - (g) to promote good design and amenity of the built environment,*
  - (h) to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,*
  - (i) to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State,*
  - (j) to provide increased opportunity for community participation in environmental planning and assessment.*
- The Environmental aspects and impacts of the proposal are outlined and addressed within this Statement. The proposed development will have no detrimental impact on natural or other resources, with a Planning Use that complements the site and area and existing infrastructure.
  - The development is orderly and rational, being consistent with the applicable Canterbury-Bankstown Council planning controls in the R2 Low Density Residential Zone.
  - The development proposes housing, and the site is located in a residential area.
  - There are no threatened species or the like in the area to be developed. The development will not have an environmental impact in relation to noise or air emissions. The site will be landscaped as part of the development.
  - The site is not a heritage item or within proximity to a heritage item or located within a heritage conservation area.
  - The proposal shows care and consideration for the existing and desired character of housing in the area. This ensures the amenity of the local area is reasonably protected.
  - The proposal will utilise high quality building materials and finishes. It will be designed to meet BCA criteria and access considerations to ensure appropriate protection to the health and safety of occupants.

- The process has allowed consideration of both State and Local Government environment.
- This application will be exposed to public comment in the usual manner, as outlined in the Development Control Plan.

## **Ecologically Sustainable Development**

Ecologically Sustainable Development (ESD) is a key object of the Environmental Planning & Assessment Act, 1979. The definition, consideration and conceptualisation of ESD was well explained by Justice Preston in *Telstra Corporation Limited v Hornsby Shire Council* [2006] NSWLEC 133.

This included the “basic formulation” of “development that meets the needs of the present without compromising the ability of future generations to meet their own needs”:

Six Principles can be considered and applied:

- 1. Sustainable use - the aim of exploiting natural resources in a manner which is “sustainable” or “prudent” or “rational” or “wise” or “appropriate”*
- 2. Effective integration of economic and environmental considerations in the decision making process*
- 3. The precautionary principle (referred to in 6(2)(a) of the Protection of the Environment Administration Act)*
- 4. Inter-generational equity - the present generation should ensure that the health, diversity and productivity of the environment are maintained or enhanced for the benefit of future generations*
- 5. Conservation of biological diversity and ecological integrity should be a fundamental consideration; and*
- 6. Internalisation of environmental costs into decision-making for economic and other development plans, programmes and projects likely to affect the environment.*

The proposal is consistent with the principles of ESD as it does not exploit natural resources, it has been based soundly on economic and environmental considerations, the likely environmental impacts of the proposal are well understood and predictable, it doesn't deplete, does not unreasonably affect biological diversity or ecological integrity, and it provides an enduring asset for future generations.



## Section 4.55 of the Environmental Planning & Assessment (EP&A) Act 1979

### **(1A) Modifications involving minimal environmental impact**

*A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent if:*

*(a) It is satisfied that the proposed modification is of minimal environmental impact, and*

**Comment:** The following court cases provide a useful guide to the application of Modifications to consents and “(a) it is satisfied that the proposed modification is of minimal environmental impact”

- ACM Landmark Pty Limited v Cessnock City Council [2005] NSWLEC 645

This case in particular tests that a development consent can be validly modified under s96(1A) of the Environmental Planning & Assessment Act 1979 (EPA Act) in circumstances where there would not be any adverse impact on amenity.

The proposal is therefore presented in a way that Council can be “...satisfied that the proposed modification is of minimal environmental impact” for the following reasons: -

- The modified development is contained within the development site to which Development Consent No. DA-1072/2023 relates.
- The original development to which Development Consent No. DA-1072/2023 was granted is described as “Construction of a new secondary dwelling and carport”. The proposed modification remains within the development description.
- The proposed modification (i.e. the urban form and scale) are within the planning controls for the site and development, as if the original development been proposed in accordance with these controls.
- The overall site design and layout of the modified development will be retained generally as approved (i.e. no change to approved uses).
- All changes are minor in the context of the original approval and scale of the proposed development.

The modification is therefore considered to be of minimal environmental impact.

*(b) it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which consent was*

*originally granted and before that consent as originally granted was modified (if at all, and*

**Comment:** The following court cases provide a useful guide to the application of Modifications to consents and “(b) it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which the consent was originally granted and before that consent as originally granted was modified (if at all)”.

- Trinity Grammar School v Ashfield Council [2015] NSWLEC 1086,
- Innerwest 888 Pty Ltd v Canterbury Bankstown Council [2017] NSWLEC 1241 et al; and
- DL Newport Pty Ltd v Northern Beaches Council [2017] NSWLEC 1661

The cases in particular test “(b) ...substantially the same development” with each case concluding that the applications were not substantially the same development (noting that this was not the basis for any of the cases presented before the courts).

The conclusions in each case refer to qualitative and quantitative assessments generally as guided by Moto Projects (No. 2) Pty Limited v North Sydney Council [1999] NSWLEC 280 where, at paras 55 and 56, Bignold J (in Innerwest 888 Pty Ltd v Canterbury Bankstown Council [2017] NSWLEC 1241) described the process for consideration of proposed modification of development as follows:

*55. The requisite factual finding obviously requires a comparison between the development, as currently approved, and the development as proposed to be modified. The result of the comparison must be a finding that the modified development is "essentially or materially" the same as the (currently) approved development.*

*56. The comparative task does not merely involve a comparison of the physical features or components of the development as currently approved and modified where that comparative exercise is undertaken in some type of sterile vacuum. Rather, the comparison involves an appreciation, qualitative, as well as quantitative, of the developments being compared in their proper contexts (including the circumstances in which the development consent was granted).*

Trinity Grammar School v Ashfield Council [2015] NSWLEC 1086 and Innerwest 888 Pty Ltd v Canterbury Bankstown Council [2017] NSWLEC 1241 also refer to the findings of Stein J in Vacik Pty Ltd v Penrith City Council [1992] NSW LEC 8, where it is noted that the applicant for modification bears the onus of showing that the modified development is substantially the same.

The proposal is therefore presented to in a way that Council can be satisfied that “...the development to which the consent as modified relates is substantially the same development as the development for which the consent was originally granted...” for the following reasons:

- The modified development is contained within the development site to which Development Consent No. DA-1072/2023 relates.
- The original development to which Development Consent No. DA-1072/2023 was granted is described as “Construction of a new secondary dwelling and carport”. The proposed modification remains within the development description.
- The proposed modification (i.e. the urban form and scale) are within the planning controls for the site and development, as if the original development been proposed in accordance with these controls.
- The overall site design and layout of the modified development will be retained generally as approved (i.e. no change to approved uses).

The modification is therefore considered to be substantially the same as the development for which consent was originally granted.

*(c) it has notified the application in accordance with:*

- (i) the regulations, if the regulations so require, or*
- (ii) a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and*

**Comment:** The application is to be notified in accordance with the regulations.

*(d) it has considered any submissions made concerning the proposed modification within the period prescribed by the regulations or provided by the development control plan, as the case may be.*

**Comment:** We do not anticipate any submissions from neighbouring properties.

*(3) In determining an application for modification of a consent under this section, the consent authority must take into consideration such of the matters referred to in section 4.15(1) as are of relevance to the development the subject of the application.*

**Comment:** Refer to assessment below.

## **Section 4.15 of the Environmental Planning & Assessment (EP&A) Act 1979**

### **(1) Matters for consideration—general**

*In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application—*

#### **(a) – the provisions of—**

##### **(i) – Provisions of any environmental planning instrument**

### **State Environmental Planning Policies**

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

##### Chapter 2 Vegetation in non-rural areas

The modification does not propose the removal of any significant trees on the site.

#### **State Environmental Planning Policy (Resilience and Hazards) 2021**

##### Chapter 4 Remediation of Land

The site has been approved as suitable for residential purposes and does not require remediation under the *Contaminated Land Management Act 1997*.

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

An amended BASIX Certificate is not required for this application.

#### **State Environmental Planning Policy (Transport and Infrastructure) 2021**

##### Chapter 2 Infrastructure

The site is not fronting or adjacent to a classified road, rail corridor or within the vicinity of a telecommunications structure requiring consideration under the SEPP.

#### **State Environmental Planning Policy (Housing) 2021**

State Environmental Planning Policy (Housing) 2021 (Housing SEPP) incentivizes the supply of affordable and diverse housing in the right places and for every stage of life.

The development maintains a secondary dwelling on the site. The development does not change the floor area of the approved secondary dwelling. No subdivision is being

sought. The development will not result in more than the principal dwelling and the secondary dwelling on the property. A carport is maintained concurrently with the secondary dwelling.

## **Canterbury-Bankstown Local Environmental Plan 2023**

### **2.1 – 2.3 Zoning**

Zone is R2 Low Density Residential. The development (Construction of a new secondary dwelling and carport) has been approved as a permissible use with consent (DA-1072/2023). The use complies with the objectives of the zone which seek to:

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

The modification does not seek to change the approved use.

### **4.3 Height of Buildings**

(2) *The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map.*

(2A) *Despite subclause (2), the following maximum building heights apply—*

- (a) *6m for a secondary dwelling that is not attached to the principal dwelling in Zone R2 on land identified as “Area 1” on the Clause Application Map,*
- (b) *8.5m for a dwelling house in Zone R4 on land identified as “Area 2” on the Clause Application Map,*
- (c) *11m for a building on a lot that is less than 5,000m<sup>2</sup> on land identified as “Area 1” on the Height of Buildings Map that is in Zone B6,*

(2B) *The maximum wall height for a secondary dwelling that is not attached to the principal dwelling in Zone R2 on land identified as “Area 1” on the Clause Application Map is 3m.*

(2C) *The maximum wall height for a dwelling house or dual occupancy in Zone R2 on land identified as “Area 1” on the Clause Application Map is 7m.*

(2D) *In this clause—*

*wall height means the vertical distance between the ground level (existing) and the higher of—*

- (a) the underside of the eaves at the wall line, or*
- (b) the top of the parapet or the flat roof.*

The development maintains a secondary dwelling that is not attached to the principal dwelling and is located in Area 1. The modification does not propose a change to the height of buildings or the wall height of buildings on the site.

#### **4.4 Floor space ratio**

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

The maximum FSR permitted for the site is 0.5:1 (275.05sqm). The development maintains a maximum FSR of 0.549:1 (294sqm).

#### **5.4 Controls relating to miscellaneous permissible uses**

##### **(9) Secondary dwellings on land other than land in a rural zone**

*If development for the purposes of a secondary dwelling is permitted under this Plan on land other than land in a rural zone, the total floor area of the dwelling, excluding any area used for parking, must not exceed whichever of the following is the greater—*

- (a) 60 square metres,*
- (b) 10% of the total floor area of the principal dwelling.*

The modification does not propose a change to the floor area of the secondary dwelling (as required in Division 2 Secondary Dwellings).

#### **5.10 Heritage Conservation**

The site is not identified as a heritage item, adjacent a heritage item or within a heritage conservation area.

#### **5.11 Bush fire hazard reduction**

The site is not identified as being bushfire prone land.

#### **5.21 Flood planning**

The site is identified as being affected by flood. The approved development considered flooding, and the modification does not propose a change to the flood characteristics of the site or the development. It is noted that the importation of the fill was undertaken to achieve the required flood levels for the dwelling approved in DA-1072/2023.

#### **6.1 Acid sulfate soils**

The site is not identified as having acid sulfate soils.

#### **6.2 Earthworks**

*(2) Development consent is required for earthworks unless—*



- (a) the earthworks are exempt development under this plan or another applicable environmental planning instrument, or*
- (b) the earthworks are ancillary to—*
  - (i) development that is permitted without development consent under this plan, or*
  - (ii) development for which development consent has been granted.*

The modification proposes additional earthworks. The earthworks will not adversely affect the existing drainage pattern and/or soil stability. There will be no impact on the amenity of the adjoining properties, and it is unlikely that any Aboriginal objects/relics will be disturbed given that the site has been disturbed by residential development already. All works can be undertaken using standard engineering practices. Erosion and sediment controls will be installed.

Therefore, Council can be satisfied that the work proposed can be undertaken in an appropriate manner, without any significant adverse impacts on the environment or the surrounding properties.

### **6.3 Stormwater and water sensitive urban design**

*(2) This clause applies to land in Zones R2, R3, R4, B1, B2, B4, B5, B6, B7, IN1, IN2, SP1, SP2, RE1 and RE2.*

*(3) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that the development—*

- (a) is designed to maximise the use of water permeable surfaces on the land having regard to the soil characteristics affecting on-site infiltration of water, and*
- (b) includes, if practicable, on-site stormwater retention for use as an alternative supply to mains water, groundwater or river water, and*
- (c) avoids significant adverse impacts of stormwater runoff on the land on which the development is carried out, adjoining properties and infrastructure, native bushland and receiving waters, or if the impact cannot be reasonably avoided, minimises and mitigates the impact, and*
- (d) includes riparian, stormwater and flooding measures, and*
- (e) is designed to incorporate the following water sensitive urban design principles—*
  - (i) protection and enhancement of water quality, by improving the quality of stormwater runoff from urban catchments,*
  - (ii) minimisation of harmful impacts of urban development on water balance and on surface and groundwater flow regimes,*
  - (iii) integration of stormwater management systems into the landscape in a way that provides multiple benefits, including water quality protection, stormwater retention and detention, public open space and recreational and visual amenity.*

The modification does not change the approved stormwater arrangements.

## **6.7 Development in areas subject to aircraft noise**

*(2) Development consent must not be granted to development involving the erection of a dwelling, other than a dwelling house, on land near Bankstown Airport in an ANEF contour between 20 and 25 unless the consent authority is satisfied the dwelling meets the standards specified in AS 2021:2015.*

The modification does not change the approved requirements for acoustic mitigation.

## **6.9 Essential services**

*Development consent must not be granted to development unless the consent authority is satisfied that the following services that are essential for the development are available or that adequate arrangements have been made to make them available when required—*

- (a) the supply of water,*
- (b) the supply of electricity,*
- (c) the disposal and management of sewage,*
- (d) stormwater drainage or on-site conservation,*
- (e) waste management,*
- (f) suitable vehicular access.*

The modification does not change the approved arrangements for services.

## **(ii) – Provisions of any draft environmental planning instrument**

The NSW Department of Planning & Environment regularly review SEPPs to ensure they are up-to-date, effective and simple. Below are policies (at April 25) that have recently been or are now under review:

<https://www.planning.nsw.gov.au/policy-and-legislation/state-environmental-planning-policies/consolidated-state-environmental-planning-policies>

<https://www.planning.nsw.gov.au/policy-and-legislation/state-environmental-planning-policies/corridor-protection-sepp>

<https://www.planning.nsw.gov.au/policy-and-legislation/state-environmental-planning-policies/primary-production-and-rural-development>

<https://www.planning.nsw.gov.au/policy-and-legislation/state-environmental-planning-policies/repeal-of-operational-sepps>

<https://www.planning.nsw.gov.au/policy-and-legislation/state-environmental-planning-policies/sydney-metro-northwest-srd-sepp>

<https://www.planning.nsw.gov.au/policy-and-legislation/exempt-and-complying-development-policy/housekeeping-amendments-to-the-codes-sepp-2022>

<https://www.planning.nsw.gov.au/plans-for-your-area/priority-growth-areas-and-precincts/penrith-lakes>

Though the DRAFT SEPPs have been taken into consideration when preparing this proposal, the provisions of existing planning controls still apply (and have been applied in this proposal).

### **(iii) – Provisions of any development control plan**

Section 4.15 of the Environmental Planning & Assessment (EP&A) Act 1979

#### **Clause (3A) Development control plans**

*If a development control plan contains provisions that relate to the development that is the subject of a development application, the consent authority—*

*(a) if those provisions set standards with respect to an aspect of the development and the development application complies with those standards—is not to require more onerous standards with respect to that aspect of the development, and*

*(b) if those provisions set standards with respect to an aspect of the development and the development application does not comply with those standards—is to be flexible in applying those provisions and allow reasonable alternative solutions that achieve the objects of those standards for dealing with that aspect of the development, and*

*(c) may consider those provisions only in connection with the assessment of that development application.*

*In this subsection, standards include performance criteria.*

### **Canterbury-Bankstown Development Control Plan 2023**

In particular, the following criteria of the relevant volumes apply:

#### **Chapter 2 – Site Considerations**

<b>2.1 Site Analysis</b>	
<p>1.1 Development for the following purposes must submit a site analysis plan:</p> <ul style="list-style-type: none"> <li>(a) attached dwellings</li> <li>(b) boarding houses</li> <li>(c) manor houses</li> <li>(d) multi dwelling housing</li> <li>(e) multi dwelling housing (terraces)</li> <li>(f) residential flat buildings</li> <li>(g) serviced apartments</li> <li>(h) shop top housing</li> <li>(i) housing estates</li> <li>(j) mixed use development containing dwellings</li> <li>(k) Torrens Title subdivision that proposes three or</li> </ul>	<p>The development is for a modification to an approved development for Construction of a new secondary dwelling and carport.</p>

more lots.	
<b>Chapter 2.2 - Flood Risk Management</b>	
The site is identified as being affected by flood.	
<b>Chapter 2.3 - Tree Management</b>	
<u>Works requiring a permit</u>	
2.1 A person must not cut down, fell, uproot, kill, poison, ringbark, burn or otherwise destroy, lop or otherwise remove a substantial part of any prescribed tree defined in clause 2.3 or carry out excavation and earthworks within the tree protection zone except with a permit from Council and subject to any conditions specified in the permit.	The modification does not propose the removal of any significant trees on the site.
2.2 Development consent is required to remove any tree: (a) located on a site listed as a heritage item in Schedule 5 of the CanterburyBankstown Local Environmental Plan 2023; or (b) located on land included on the Biodiversity Map under the CanterburyBankstown Local Environmental Plan 2023.	As above.
<b>Chapter 2.4 - Pipeline Corridors</b>	
The site is not identified as being within or near a pipeline corridor.	

## Chapter 5 – Residential Accommodation – 5.1 Former Bankstown LGA

<b>Section 3 – Secondary dwellings</b>	
<b>Lot size</b>	
<b>3.1</b> A secondary dwelling is permissible on a site with a minimum lot size of 450m <sup>2</sup> .	The development is on a lot with an area of at least 450m <sup>2</sup> (552.4m <sup>2</sup> ).
<b>Site cover</b>	
<b>3.2</b> Council must not consent to development for the purpose of secondary dwellings unless: (a) the total floor area of the principal dwelling and the secondary dwelling is no more than the maximum floor area allowed for a dwelling house on the land under an environmental planning instrument; and (b) the total floor area of the secondary dwelling is no more than 60m <sup>2</sup> or, if a greater floor area is permitted in respect of a secondary dwelling on the land under an environmental planning instrument, that greater floor area.	The modification does not propose a change to the floor area of the secondary dwelling (as required in Division 2 Secondary Dwellings).
<b>Storey limit (not including basements)</b>	
<b>3.3</b> The storey limit for attached secondary dwellings is two storeys.	N/A. The development maintains a detached secondary dwelling.

<b>3.4</b> The storey limit for detached secondary dwellings is single storey and the maximum wall height is 3 metres.	The modification does not propose a change to the height of buildings or the wall height of buildings on the site.
<b>3.5</b> The siting of secondary dwellings and landscape works must be compatible with the existing slope and contours of the site and any adjoining sites. Council does not allow any development that involves elevated platforms on columns; or excessive or unnecessary terracing, rock excavation, retaining walls or reclamation.	The secondary dwelling is appropriately sited.
<b>3.6</b> Any reconstituted ground level on the site within the ground floor perimeter of secondary dwellings must not exceed a height of 1m above the ground level (existing). For the purposes of this clause, the ground floor perimeter includes the front porch.	The ground level of the secondary dwelling is unchanged.
<b>3.7</b> Any reconstituted ground level on the site outside of the ground floor perimeter of secondary dwellings must not exceed a height of 600mm above the ground level (existing) of an adjoining site. For the purposes of this clause, the ground floor perimeter includes the front porch.	The modification proposes the front area of the proposed secondary dwelling to be backfilled and retained to a height of 600mm between the primary dwelling (new ground level RL 23.10) and secondary dwelling (new ground level RL 22.5).
<b>Setback restrictions</b>	
<b>3.8</b> The erection of secondary dwellings is prohibited within 9 metres of an existing animal boarding or training establishment.	The site is located within an existing low density residential area not within 9m of an existing animal boarding or training establishment.
<b>Street setbacks</b>	
<b>3.9</b> The minimum setback for a building wall to the primary street frontage is: (a) 5.5 metres for the first storey (i.e. the ground floor); and (b) 6.5 metres for the second storey.	The secondary dwelling is maintained behind the front building line to the primary street frontage.
<b>3.10</b> The minimum setback to the secondary street frontage is: (a) 3 metres for a building wall; and (b) 5.5 metres for a garage or carport that is attached to the building wall.	The modification does not propose a change to the approved front setbacks.
<b>Side and rear setbacks</b>	
<b>3.11</b> For the portion of the building wall that has a wall height less than or equal to 7 metres, the minimum setback to the side and rear boundaries of the site is 0.9 metre.	The modification does not propose a change to the approved side and rear setbacks.
<b>3.12</b> For the portion of the building wall that has a wall height greater than 7 metres, the minimum setback to the side and rear boundaries of the site is 1.5 metres.	As above.
<b>Private open space</b>	

<p><b>3.13</b> Secondary dwellings must not result in the principal dwelling on the site having less than the required landscaped area and private open space.</p>	<p>The modification proposes Private open space between the main and secondary to be backfilled and retained. The modification will not result in the principal dwelling on the site having less than the required landscaped area and private open space.</p>
<p><b>Access to sunlight</b></p>	
<p><b>3.14</b> At least one living area must receive a minimum three hours of sunlight between 8.00am and 4.00pm at the mid-winter solstice. Council may allow light wells and skylights to supplement this access to sunlight provided these building elements are not the primary source of sunlight to the living areas.</p>	<p>The modification maintains at least 3 hours of sunlight to the living area between 8.00am and 4.00pm at the mid-winter solstice.</p>
<p><b>3.15</b> At least one living area of a dwelling on an adjoining site must receive a minimum three hours of sunlight between 8.00am and 4.00pm at the mid-winter solstice. Where this requirement cannot be met, the development must not result with additional overshadowing on the affected living areas of the dwelling.</p>	<p>The modification does not affect the solar access to the adjoining dwellings.</p>
<p><b>3.16</b> A minimum 50% of the private open space required for the principal dwelling on the site and a minimum 50% of the private open space of a dwelling on an adjoining site must receive at least three hours of sunlight between 9.00am and 5.00pm at the equinox. Where this requirement cannot be met for a dwelling on an adjoining site, the development must not result with additional overshadowing on the affected private open space.</p>	<p>The modification maintains at least 3 hours of sunlight to &gt;50% of the POS to the dwelling and adjoining sites between 9.00am and 5.00pm at the equinox.</p>
<p><b>Visual privacy</b></p>	
<p><b>3.17</b> Where development proposes a window that directly looks into the living area or bedroom window of an existing dwelling, the development must:</p> <ul style="list-style-type: none"> <li>(a) offset the windows between dwellings to minimise overlooking; or</li> <li>(b) provide the window with a minimum sill height of 1.5 metres above floor level; or</li> <li>(c) ensure the window cannot open and has obscure glazing to a minimum height of 1.5 metres above floor level; or</li> <li>(d) use another form of screening to the satisfaction of Council.</li> </ul>	<p>The modification does not propose windows that directly looks into the living area or bedroom window of an existing dwelling.</p>
<p><b>3.18</b> Where development proposes a window that directly looks into the private open space of an existing dwelling, the window does not require screening where:</p>	<p>The modification does not propose windows that directly looks into the private open space of an existing dwelling.</p>



<p>(a) the window is to a bedroom, bathroom, toilet, laundry, storage room, or other non-habitable room; or</p> <p>(b) the window has a minimum sill height of 1.5 metres above floor level; or</p> <p>(c) the window has translucent glazing to a minimum height of 1.5 metres above floor level; or</p> <p>(d) the window is designed to prevent overlooking of more than 50% of the private open space of a lower-level or adjoining dwelling.</p>	
<p><b>3.19</b> Council may allow attached secondary dwellings to have an upper floor side or rear balcony solely where the balcony is not accessible from a living area or hallway, and the balcony design:</p> <p>(a) does not have an external staircase; and</p> <p>(b) does not exceed a width of 1.5 metres throughout; and</p> <p>(c) incorporates a form of screening to the satisfaction of Council such as partially recessing the balcony into the building.</p>	N/A. The development maintains a detached secondary dwelling.
<p><b>3.20</b> Council does not allow secondary dwellings to have roof-top balconies and the like.</p>	No roof-top balconies and the like are proposed.
<b>Building design</b>	
<p><b>3.21</b> The maximum roof pitch for attached secondary dwellings is 35 degrees.</p>	N/A. The development maintains a detached secondary dwelling.
<p><b>3.22</b> Council may allow attached secondary dwellings to have an attic provided the attic design:</p> <p>(a) accommodates no more than two small rooms (for the purposes of a bedroom and/or study) and a bathroom plus an internal link to the storey below; and</p> <p>(b) ensures the attic does not give the external appearance of a storey.</p>	As above.
<p><b>3.23</b> The design of dormers must:</p> <p>(a) be compatible with the form and pitch of the roof; and</p> <p>(b) must not project above the ridgeline of the main roof; and</p> <p>(c) must not exceed a width of 2 metres; and</p> <p>(d) the number of dormers must not dominate the roof plane.</p>	As above.
<p><b>3.24</b> The maximum roof pitch for detached secondary dwellings is 25 degrees. An attic or basement is not permitted as part of the</p>	The modification does not propose a change to the approved roof pitch. An attic or basement is not proposed.

dwelling.	
<b>3.25</b> Development in the foreshore protection area (refer to map in Appendix 1) must use non-reflective materials that are compatible with the natural characteristics and colours of the area (such as olive green, grey and dark brown).	N/A. The site is not located in the foreshore protection area.
<b>3.26</b> The change of use of outbuildings to secondary dwellings must comply with the National Construction Code.	Noted.
<b>Building design (car parking)</b>	
<b>3.27</b> Secondary dwellings must not result in the principal dwelling on the site having less than the required car parking spaces.	Required: 2 car spaces Approved: The modification does not propose a change to the approved parking.
<b>Landscape</b>	
<b>3.28</b> Development must retain and protect any significant trees on the site and adjoining sites. To achieve this clause, the development may require a design alteration or a reduction in the size of the secondary dwelling.	The modification does not propose the removal of any significant trees on the site.
<b>SECTION 11–LIVABLE HOUSING</b>	
<p><b>11.1</b> Development must comply with the following requirements:</p> <p>Secondary Dwellings</p> <p>New secondary dwellings are to provide:</p> <ul style="list-style-type: none"> <li>• capability for a safe and continuous path of travel from the street or car parking area into the dwelling;</li> <li>• internal doors with a clearance of 820mm and corridors with a clearance of 1000mm, that facilitate comfortable unimpeded movement between spaces;</li> <li>• a bathroom that contains a hobless shower recess;</li> <li>• reinforced walls around the toilet, shower and bath to support safe installation of grabrails at a later date.</li> </ul> <p>Should the National Construction Code apply livable housing design requirements to class 1a buildings in NSW, the new dwelling must achieve the Silver Standard of the Livable Housing Design Guidelines.</p>	The modification does not propose a change to the livable housing requirements.
<b>SECTION 14–SITE FACILITIES</b>	
<u>Building design (utilities and building services)</u>	
<b>14.1</b> The location and design of utilities and	Standard utilities are proposed.

building services (such as plant rooms, hydrants, equipment and the like) must be shown on the plans.	
<b>14.2</b> Utilities and building services are to be integrated into the building design and concealed from public view.	
<u>Building design (substations)</u>	
<b>14.3</b> The location and design of substations must be shown on the plans. <b>14.4</b> Substations should locate underground. Where not possible, substations are to be integrated into the building design and concealed from public view. <b>14.5</b> Substations must not locate forward of the front building line.	A substation is not required / proposed.

## Chapter 3 – General Requirements

3.1 – Development Engineering Standards	
Section 3 – Stormwater drainage systems	
<u>Development impacted by stormwater systems</u>	
<p>3.1 Applicants must apply to Council for a Stormwater System Report (SSR), prior to DA submission, if the site is noted on Council's SSR register as affected by Council's stormwater drainage pipelines and/or affected by potential local stormwater flooding. The development must be designed to consider the recommendations of the SSR and satisfy the requirements of this DCP.</p> <p>It is the applicant's responsibility to locate and verify Council's stormwater drainage system as shown on the SSR or other information given by Council, including OLFPs where the stormwater system is located within the site.</p> <p>Development must be designed and constructed to make provision for overland flow from stormwater runoff generated by external upstream catchments.</p>	The modification maintains the requirements of the SSR.
<u>Disposal of stormwater runoff</u>	
<p>3.2 Site stormwater drainage systems should be designed to flow under gravity, and be connected to Council's stormwater drainage system at the nearest suitable location or CDL benefiting the site. Site drainage design should</p>	The modification does not change the approved stormwater arrangements.

<p>follow the natural fall of the catchment to a pipeline connection point that has been designed for the runoff. Catchment redirections may be permitted subject to compliance with requirements outlined below.</p> <p>A separate approval to connect to Council's stormwater drainage system must be obtained from Council. Permission to carry out the works must be obtained by applying for the relevant Work Permit.</p> <p>The final number of drainage outlets will be determined by Council through the WP process and the Storm Water Connection Plan Approval. Pipelines constructed across the footway must generally be confined to within the site frontage. In certain circumstances Council may consider allowing the pipeline to extend a maximum of 20m along the footway in front of adjoining site. The applicant must demonstrate that the development potential of the adjoining site, including construction of VFCs, will not be adversely affected.</p>	
<b>3.2 – Parking</b>	
<b>Section 2 – Off-Street Parking Rates</b>	
<p><u>Off-street parking rates</u></p> <p>2.1 Development must use the Off-Street Parking Schedule to calculate the amount of car, bicycle and service vehicle parking spaces that are required on the site.</p> <p>2.2 In calculating the total number of car parking spaces required for development, these must be:</p> <p>(a) rounded down if the fraction of the total calculation is less than half (0.5) a space; or</p> <p>(b) rounded up if the fraction of the total calculation is equal or more than half (0.5) a space; and</p> <p>(c) must include a room that is capable of being converted to a bedroom.</p> <p>2.3 Development comprising more than one land use must provide the combined parking requirement based on the individual rates of parking for each land use identified in the Off-Street Parking Schedule.</p> <p>2.4 Car parking (and associated space such as</p>	<p>The modification proposes to amend the driveway Gradient to be ramped under the proposed carport. This will remove the retaining wall adjacent to the existing garage as per the DA approval.</p> <p>Required: 2 car spaces</p> <p>Approved: The modification does not propose a change to the approved parking.</p>

<p>access aisles) in excess of the Off-Street Parking Schedule will be counted as gross floor area.</p> <p>2.5 Development not included in the Off-Street Parking Schedule must submit a parking study for Council's consideration. A qualified traffic consultant must prepare the parking study.</p> <p>2.6 The Off-Street Parking Schedule does not apply to changes of uses to business premises, food and drink premises, medical centres, office premises, recreation facilities (indoor), shops and veterinary hospitals within Zones B1, B2 and B4 provided:</p> <p>(a) The new use does not result in an increase in the gross floor area of any building within which it is carried out.</p> <p>(b) The new use does not cause the contravention of any existing condition of the most recent development consent (other than a complying development certificate) that applies to the premises relating to car parking and vehicular movement.</p>	
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Land use	Car spaces	Bicycle spaces
Dual occupancies/ semi-detached dwellings	1 car space per 2 or less bedrooms; or 2 car spaces per 3 or more bedrooms	Not applicable

### 3.3 – Waste Management

#### Section 3 – Residential development

<p><u>All residential development types</u></p> <p>3.1 Council or its contractors are solely to provide the waste services to all residential development types as required under the Local Government Act 1993.</p> <p>3.2 Each dwelling is to have:</p> <p>(a) A waste storage cupboard in the kitchen capable of holding two days waste and recycling and be sufficient to enable separation of recyclable materials.</p> <p>(b) A suitable space in the kitchen for a caddy to collect food waste.</p> <p>3.3 Development must provide an adequate sized bin storage area behind the front building</p>	<p>The modification does not propose a change to the approved waste management.</p> <p>Sufficient area for waste is maintained in the kitchen capable of holding two days waste and recycling and be sufficient to enable separation of recyclable materials.</p> <p>Sufficient area is maintained to the side of the dwelling for the storage of waste bins.</p>
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line to accommodate all allocated bins.	
3.4 The location of the bin storage area must not adversely impact on the streetscape, building design or amenity of dwellings.	The location of the bin storage area does not adversely impact on the streetscape, building presentation or amenity of occupants and adjoining dwellings.
3.5 The location of the bin storage area should ensure this area: (a) is screened or cannot be viewed from the public domain; and (b) is away from windows of habitable rooms to reduce adverse amenity impacts associated with noise, odour and traffic.	The location of the bin storage area ensures this area: (a) is screened or cannot be viewed from the public domain; and (b) is away from windows of habitable rooms to reduce adverse amenity impacts associated with noise and odour
3.6 The location of the bin storage area is to be convenient to use for the dwelling occupants and caretakers, through reducing the bin travel distance from the bin storage area to the nominated kerbside collection point. The bin-carting route from the bin storage area to the collection point must not pass through any internal areas of the building/dwelling and must avoid stairs or slopes.	The location of the bin storage area is convenient to use for the dwelling occupants, through reducing the bin travel distance from the bin storage area to the nominated kerbside collection point. The bin-carting route from the bin storage area to the collection point must does not pass through any internal rooms of the dwelling and avoids stairs or slopes
3.7 Where possible, development may consider providing each dwelling with a suitable space for composting and worm farming, located within the backyard, private courtyard or open space. Composting facilities should locate on an unpaved area, with a minimum size of 1m <sup>2</sup> per dwelling.	Noted.
3.8 Dwellings are to have access to an adequately sized on-site storage area to store bulky waste awaiting collection.	Sufficient storage is maintained.
3.9 Development must comply with the requirements of the applicable Waste Design for New Developments Guide.	The development is able to comply with the requirements of the applicable Waste Design for New Developments Guide.
<b>3.4 – Sustainable Development</b>	
<b>Section 2 – Water conservation</b>	
2.1 Proposals for new development with a gross floor area less than 5,000m <sup>2</sup> and proposals for extensions to existing developments below 5,000m <sup>2</sup> seeking to expand by 50% or more of the existing floor area must comply with Requirement W1.	The development maintains a secondary dwelling with a gross floor area of less than 5,000m <sup>2</sup> . Refer to BASIX for water conservation measures.
2.2 Proposals for new development or extensions	N/A



with a floor area greater than or equal to 5,000m <sup>2</sup> of gross floor area must comply with Requirements W1 and W2.	
<b>Section 3 – Energy minimisation</b>	
3.1 Proposals for new development where the total gross floor area is below 5,000m <sup>2</sup> ; and extensions to existing uses below 5,000m <sup>2</sup> that involve an increase in 50% or more of the existing gross floor area must comply with Requirements E1 and E2.	The development maintains a secondary dwelling with a gross floor area of less than 5,000m <sup>2</sup> . Refer to BASIX for water conservation measures.
<b>3.7 – Landscape</b>	
<b>Section 2 – Landscape design</b>	
<p><u>Existing vegetation and natural features</u></p> <p>2.1 New landscaping is to complement the existing street landscaping and improve the quality of the streetscape.</p> <p>2.2 Development, including alterations and additions, is to minimise earthworks (cut and fill) in order to conserve site soil. Where excavation is necessary, the reuse of excavated soil on site is encouraged.</p>	<p><b>Landscaping is maintained to the streetscape.</b></p> <p>The modification proposes additional earthworks. The earthworks will not adversely affect the existing drainage pattern and/or soil stability. There will be no impact on the amenity of the adjoining properties, and it is unlikely that any Aboriginal objects/relics will be disturbed given that the site has been disturbed by residential development already. All works can be undertaken using standard engineering practices. Erosion and sediment controls will be installed.</p>
<p><u>Design and location of landscape</u></p> <p>2.3 The landscape design is to contribute to and take advantage of the site characteristics.</p> <p>2.4 The landscape design is to improve the quality of the streetscape and communal open spaces by:</p> <ul style="list-style-type: none"> <li>(a) providing appropriate shade from trees or structures;</li> <li>(b) defining accessible and attractive routes through the communal open space and between buildings;</li> <li>(c) providing screens and buffers that contribute to privacy, casual surveillance, urban design and environmental protection, where relevant;</li> <li>(d) improving the microclimate of communal open spaces and hard paved areas;</li> <li>(e) locating plants appropriately in relation to their size including mature size;</li> <li>(f) softening the visual and physical impact of hard paved areas and building mass with</li> </ul>	<p>The landscape design contributes to and takes advantage of the site characteristics.</p> <p>As above.</p>

<p>landscaping that is appropriate in scale; (g) including suitably sized trees, shrubs and groundcovers to aid climate control by providing shade in summer and sunlight in winter.</p> <p>2.5 The landscape of setbacks and deep soil zones must: (a) provide sufficient depth of soil to enable the growth of mature trees; (b) use a combination of groundcovers, shrubs and trees; (c) use shrubs that do not obstruct sightlines between the site and the public domain; and (d) where buffer or screen planting is required, use continuous evergreen planting consisting of shrubs and trees to screen the structure, maintain privacy and function as an environmental buffer.</p>	<p>As above.</p>
<p><u>Trees</u></p> <p>2.6 Development must consider the retention of existing trees in the building design.</p> <p>2.7 Development must plant at least one canopy tree for every 12m of front and rear boundary width and: (a) Canopy trees are to be of a minimum 75 litre pot size. (b) Use deciduous trees in small open spaces, such as courtyards, to improve solar access and control of microclimate. (c) Place evergreen trees well away from the building to allow the winter sun access. (d) Select trees that do not inhibit airflow. (e) Provide shade to large hard paved areas using tree species that are tolerant of compacted/deoxygenated soils.</p> <p>2.8 Development must provide street trees that will contribute to the canopy where possible.</p>	<p>N/A. The site has no trees for retention.</p> <p>Sufficient space is maintained to the front and rear of the site for planting of canopy trees if required.</p> <p>Noted.</p>

### (iia) – Provisions of any planning agreement

There is no planning agreement in conjunction with this proposal.

**(iv) – Provisions of the Environmental Planning and Assessment Regulation 2001 (EP&A Regulation 2001)**

The Application has been made in accordance with the relevant matters prescribed by the Regulations.

**(b) – the likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality**

- (i) The environmental impacts of the proposed development on the natural and built environment are addressed under the Development Control Plan section in this report and are satisfactory.
- (ii) The development will not have a detrimental social impact in the locality considering the nature of the proposal.
- (iii) The development will not have a detrimental economic impact on the locality considering the nature of the existing and proposed land use.

**(c) – the suitability of the site for the development**

The site is considered suitable for the proposed development.

Lot: 203 DP: 237350 (80 Denman Road, Georges Hall) is a corner allotment with a total area of 552.4m<sup>2</sup> and a 11.885m primary frontage to Denman Road, and 32.31m secondary frontage to Tucabia Avenue. The site has a gradient from the front to the rear of the site of 2.43m (RL 24.96 – RL 22.53). The proposed site currently contains the partially constructed development.

The development proposes a modification to an approved development for the Construction of a new secondary dwelling and carport.

The site is suitable for the development being compatible with the objectives of the zone. The development is compatible with the locality and the site attributes are conducive to development.

The proposed development is permissible with consent and complies with the objectives of the zone by providing a variety of housing types to satisfy the needs of the community, that ensures amenity for both the occupants and the surrounding neighbours, that is compatible with the density of the area.

The front of the site includes overhead power lines that run the length of Denman Road and Tucabia Avenue. The site is not identified as a heritage item, adjoining or adjacent a heritage item or within a heritage conservation area. The site is identified as being flood affected. The site is not identified as having any environmental constraints.

The proposed development is consistent with the existing and future development in the locality. The development has access from a public road and Council's utility services are available to the site. The site is considered to be suitable for development.

**(d) – any submissions made in accordance with the EP&A Act or EP&A Regulation**

This application will be exposed to public comment in the usual manner, as outlined in the Development Control Plan, however it is not anticipated that this process will raise any significant objections if any. We do not anticipate any submissions from neighbouring properties.

**(e) – the public interest**

The modified development is within the public interest.

## Conclusion

The proposed development has been designed in a way that it addresses the site abilities and constraints whilst satisfactorily demonstrating compliance with the Environmental Planning and Assessment Act 1979 (EPA&A 1979), State Environmental Planning Policies and Council's local planning instruments and guidelines.

Accordingly, this Development Application is submitted in the belief that it deserves council's favourable consideration.

Yours Faithfully,



Tania Hannaford

(Bach.UrbRegPlanning (RPIA), Dip.Proj.Management, Cert IV NatHERS Assessment)

### Plan for Tomorrow™

**M:** +61 402 422 745

**E:** [Tania@plan-for-tomorrow.com](mailto:Tania@plan-for-tomorrow.com)

**W:** [www.plan-for-tomorrow.com](http://www.plan-for-tomorrow.com)



*Plan for Tomorrow has not undertaken a site visit for the purposes of this report. This report is provided exclusively for the purposes described in this report. No liability is extended for any other use or to any other party. The report is based on conditions prevailing at the time of the report and information provided by the client. The report is only for which the land to which the report relates and only for the day it is issued. This report should be read in conjunction with submitted documents and plans relevant to the Application.*