

13 Fernhill Street

HURLSTON PARK

Modification to DA-354/2024

**Statement of Environmental Effects –
Section 4.55(1A)**

April 2025

Prepared For Michael Mileski Design Studio

Project: Modification to DA-354/2024 that enables partial demolition of the front portion of the existing dwelling house, additions and alterations to the dwelling house to create a garage at ground level and first floor balcony facing the street.

Document: Statement of Environmental Effects – Section 4.55(1A)

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Appendices

Appendix A Canterbury-Bankstown Development Control Plan 2023, Chapter 5 Residential Accommodation,
5.2 Former Canterbury LGA

1 Introduction

This Statement of Environmental Effects (SEE) has been prepared by OTM Planning to support a modification to the approved development application (DA)-354/2024, relating 13 Fernhill Street, Hurlstone Park (Lot 1 DP958497). The site has an area of 381.21m² with a single street frontage of 7.215 metres to Fernhill Street in the Canterbury-Bankstown Council (CBC) Local Government Area (LGA).

Determined on 14 June 2024, DA-354/2024 enables partial demolition of the front portion of the existing dwelling house, additions and alterations to the dwelling house to create a garage at ground level and first floor balcony facing the street.

The proposed modifications seek to make changes to the internal layout and street-facing façade. The modifications are made by way of section 4.55(1A) of the *Environmental Planning and Assessment Act 1979* (the EP&A Act) on the basis that they will have minimal environmental impact and the development as modified is substantially the same as the approved development.

This SEE is to be read in conjunction with:

- Detail Survey prepared by Geo Point Surveyors (Ref. 22029-DET, Rev. B, dated 8 February 2023);
- Architectural plans prepared by Archisoul Architects, including:
 - 3D Views, Dwg No. A1, Rev. 9, n.d.;
 - Site Analysis Plan – Proposed, Dwg No. A2, Rev. 9, n.d.;
 - Ground Floor Plan – Proposed, Dwg No. A5, Rev. 9, n.d.;
 - First Floor Plan – Proposed, Dwg No. A6, Rev. 9, n.d.;
 - Roof Plan – Proposed, Dwg No. A7, Rev. 9, n.d.;
 - Section 1 – Proposed, Dwg No. A8, Rev. 9, n.d.;
 - Elevations 1 – Proposed, Dwg No. A10, Rev. 9, n.d.;
 - Elevations 2 – Proposed, Dwg No. A11, Rev. 9, n.d.;
 - External Finishes, Dwg No. A12, Rev. 9, n.d.;
 - Landscape Plan – Proposed, Dwg No. A16, Rev. 9, n.d.; and
 - Doors Windows Skylights – Proposed, Dwg No. A17, Rev. 9, n.d..

This SEE has been prepared in accordance with the relevant provisions of the *Environmental Planning and Assessment Act 1979* (the EP&A Act) and *Environmental Planning and Assessment Regulation 2021* (the E&A Regulation). It is structured as follows:

- **Section 1:** Provides the introduction to the SEE, the site, the approved development and proposed modifications.
- **Section 2:** Provides an assessment of the proposed works, structured in accordance with the relevant provisions of the EP&A Act.
- **Section 3:** Provides a conclusion to the SEE.

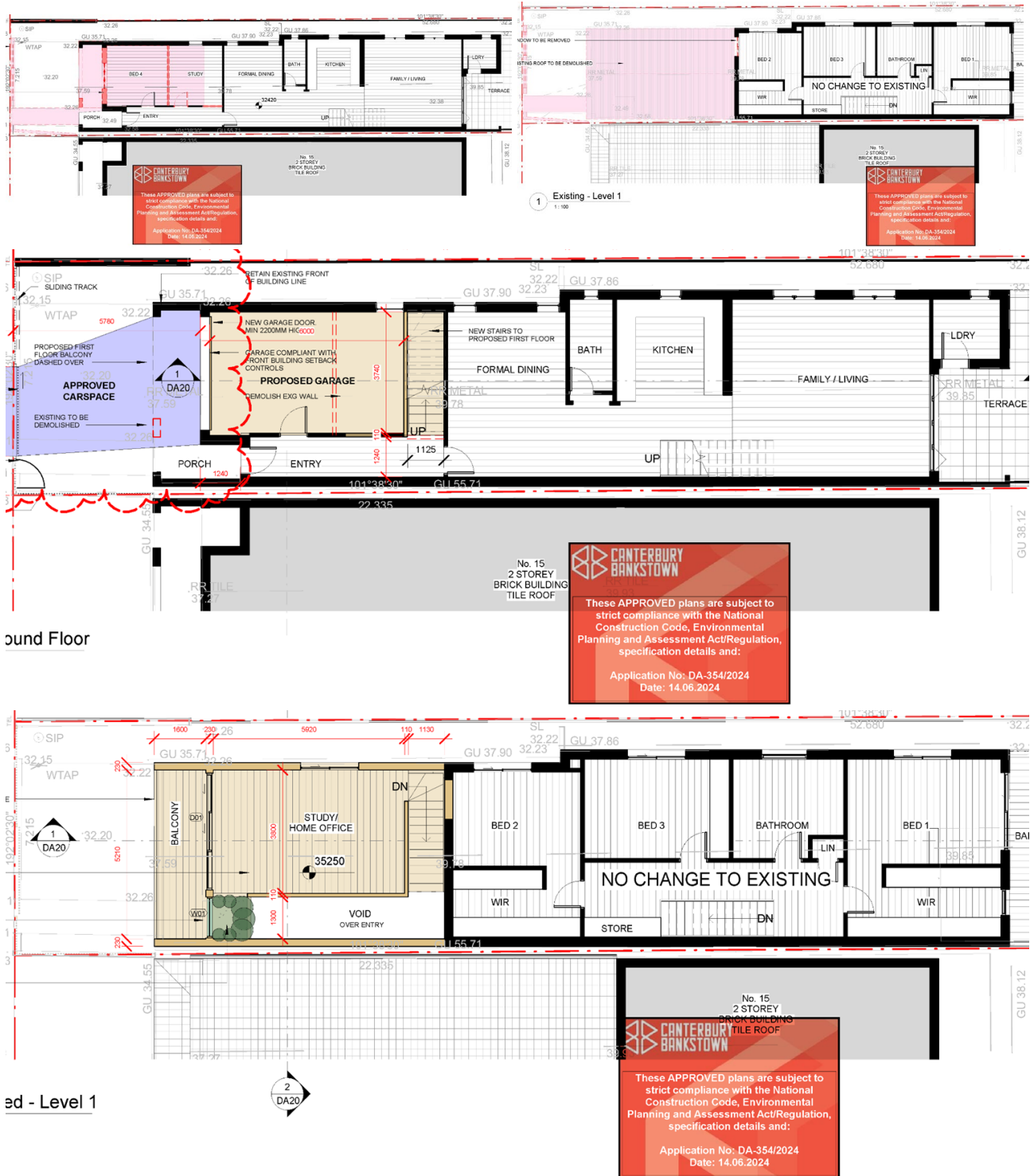
1.1 The Site and Approved Development

The site has an area of 381.21m² with a single street frontage of 7.215 metres to Fernhill Street to the west, with elevated, single storey dwelling houses on the western side of Fernhill Street. The rear boundary to the east has a length of 7.155 metres and is shared with 12 Woodside Avenue, occupied by a single storey dwelling house.

The site has a northern side boundary with a length 52.68 metres and a southern side boundary with a length of 53.385 metres, shared with 11 and 15 Fernhill Street respectively. The former Street is occupied by a two storey residential flat building of ten apartments and the latter by a two storey dwelling house with a setback upper floor.

The site is currently occupied by a detached dwelling house, comprising a full first storey and partial, setback second storey. As shown in **Figure 1**, DA-354/2024 enables demolition of:

- The existing verandah, front bedroom and part of the study to provide a garage accessible via a driveway (approved under WP-VFCONL-2026/2023 on 14 November 2023) and stairs to the first floor; and
- The second storey, street-facing window and roof forward of the second storey to provide an extension of the second storey to accommodate a study/home office and street-facing balcony under a hipped roof.



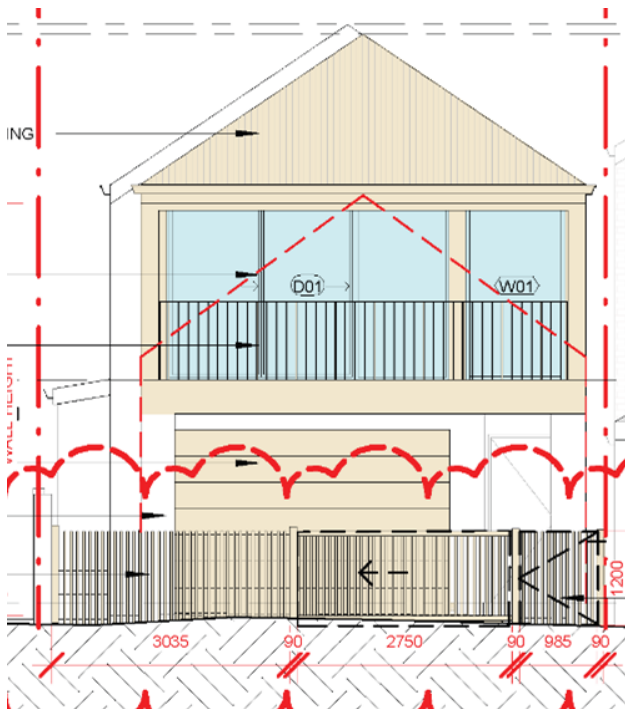


Figure 1: Approved alterations and additions (Michael Mileski Design Studio 2024, Dwg Nos. DA03, DA04, DA11, DA12 and DA16)

1.2 Proposed Modifications

As shown in **Figure 2**, the proposed modifications seek to:

- Convert the approved stairs behind the garage to linen/storage and the existing kitchen into a butler's pantry, with a new kitchen in the existing family/living space;
- Demolish the remaining walls of the former verandah and curve the approved garage where it meets the entry porch;
- Demolish the walk-in-robe and storage and part of the street-facing external wall of the second storey to provide an internal connection between the existing second storey and the approved second storey extension;
- Reduce the size of the study/home office in the approved second storey extension and provide a bedroom with walk-in-robe;
- Remove the internal planter box over the void and instead provide a planter box along the balcony, with a new curve at the north-western end of the balcony/planter box; and
- Convert the hipped roof over the approved second storey extension to a low-angle skillion roof.



Figure 2: Modification plans (Michael Mileski Design Studio, Dwg Nos. DACC11 and CC26, Rev. D)

2 Assessment

This SEE addresses the following relevant provisions of the EP&A Act:

- *Subsection 4.15(1)(a)(i) Any environmental planning instrument*: Refer to **Section 2.1**.
- *Subsection 4.15(a)(iii) Any development control plan*: Refer to **Section 2.2**.
- *Subsection 4.15(a)(iii) Any development control plan*: Refer to **Section 2.3**.
- *Subsection 4.15(c) The suitability of the site for the development*: Refer to **Section 2.4**.
- *Subsection 4.15(e) The public interest*: Refer to **Section 2.5**.
- *Section 4.55 Modification of consents—generally*: Refer to **Section 2.6**.

2.1 Subsection 4.15(1)(a)(i) Any environmental planning instrument

Subsection 4.15(1)(a)(i) of the EP&A Act requires the consent authority to take the relevant provisions of any environmental planning instrument (EPI) into considerations in determining a DA.

Comment: The following relevant EPIs are addressed in this SEE:

- *Canterbury-Bankstown Local Environmental Plan 2023* (CBLEP 2023): Refer to **Section 2.1.1**.
- *State Environmental Planning Policy (Biodiversity and Conservation) 2021* (the Biodiversity SEPP): Refer to **Section 2.1.1**.
- *State Environmental Planning Policy (Resilience and Hazards) 2021* (the Hazards SEPP): Refer to **Section 2.1.3**.

2.1.1 Canterbury-Bankstown Local Environmental Plan 2023

The following provisions of the CBLEP 2023 are relevant to the site and proposed development:

- Clause 2.3 Zone Objectives and Land Use Table – Zone R3 Medium Density Residential: Refer to **Section 2.1.1.1**
- Clause 2.7 Demolition requires development consent: Consent for partial demolition of the existing dwelling house is sought as part of this DA.
- Clause 4.3 Height of buildings: The proposed modifications will not increase the height of the approved alterations and additions beyond the maximum 8.5 metre maximum height of buildings.
- Clause 4.4 Floor space ratio: Refer to **Section 2.1.1.2**.
- Clause 5.10 Heritage conservation: Refer to **Section 2.1.1.3**.
- Clause 6.2 Earthworks: Consent for earthworks was granted under DA-354/2024. The proposed modifications require negligible additional earthworks.
- Clause 6.3 Stormwater management and water sensitive urban design: The proposed modifications will not result in any change in the quality or quantity of stormwater runoff from the site.
- Clause 6.9 Essential services: The site was identified as suitable for alterations and additions to the existing dwelling house. The proposed modifications will not result in any additional demand on essential services, subject to any upgrades required by CBC.

2.1.1.1 Clause 2.3 Zone Objectives and Land Use Table – Zone R3 Medium Density Residential

Subclause 2.3(1) of the CBLEP 2023 provides that the Land Use Table of Part 2 of the CBLEP 2023 specifies the objectives for development, development that may be carried out without consent, development that may be carried out with consent and development that is prohibited for each zone. Subclause 2.3(2) requires the consent authority to have regard to the objectives for development in a zone when determining a DA in respect of land within the zone.

Comment: The proposed modifications will not result in any change in the existing and approved land use which is permitted with consent in Zone R3 Medium Density Residential applying to the site under clause 2.3 of the CBLEP 2023. The proposed modifications are consistent with objectives of the land use zone, as demonstrated in Table 1.

Table 1: Zone R3 Medium Density Residential Objectives

Objectives:	Comment:
<ul style="list-style-type: none"> To provide for the housing needs of the community within a medium density residential environment. 	<p>The proposed modifications provide for the housing needs of the existing residents by making internal improvements within the existing dwelling house, improving efficiency by facilitating access to the second storey extension via an existing stairway rather than the approved second stairway and replacing the bedroom lost by the approved garage. This is achieved without unacceptable impact on the local context (refer to Section 2.3).</p> <p>✓</p>
<ul style="list-style-type: none"> To provide a variety of housing types within a medium density residential environment. 	<p>The proposed modifications will not result in any change in the variety of housing types.</p> <p>✓</p>
<ul style="list-style-type: none"> To enable other land uses that provide facilities or services to meet the day to day needs of residents. 	<p>The proposed modifications are to approved alterations and additions are to an existing dwelling house.</p> <p>N/A</p>
<ul style="list-style-type: none"> 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. 	<p>As above.</p> <p>N/A</p>
<ul style="list-style-type: none"> To allow for development that provides a suitable visual transition between high density residential areas and low density residential areas. 	<p>The site adjoins land in Zone R2 Low Density Residential to the east. The proposed modifications are to approved alterations and additions on the western side of the dwelling house where they are not visible from, and therefore do not have any impact on, uses in the adjoining zone.</p> <p>✓</p>
<ul style="list-style-type: none"> To ensure suitable landscaping in the medium density residential environment. 	<p>The proposed modifications to the approved alterations and additions retain 91.1m² (23.9% of site area) of landscaped area, compliant with the minimum 57.18m² (15% of site area) of landscaped area required under Chapter 5.2, Section 2.3, C1 of the <i>Canterbury-Bankstown Development Control Plan 2023</i> (the CBDP 2023).</p> <p>✓</p>
<ul style="list-style-type: none"> To minimise conflict between land uses within this zone and land uses within adjoining zones. 	<p>The site adjoins land in Zone R2 Low Density Residential to the east. The proposed modifications are to approved alterations and additions on the western side of the dwelling house where they are not visible from, and therefore do not have any impact on, uses in the adjoining zone.</p> <p>✓</p>
<ul style="list-style-type: none"> To allow for increased residential density in accessible locations to maximise public transport patronage and encourage walking and cycling. 	<p>The site benefits from a high level of public transport accessibility:</p> <ul style="list-style-type: none"> 350 metres from bus stops on New Canterbury Road and Crinan Street; 550 metres from Hurlstone Park Railway Station; and <p>✓</p>

Objectives:	Comment:
	<ul style="list-style-type: none"> 1.1 kilometres from Dulwich Grove Light Rail Station.
<ul style="list-style-type: none"> To promote a high standard of urban design and local amenity. 	<p>The proposed modifications to the approved alterations and additions achieve a high standard of urban design and local amenity, as discussed in Section 2.3. ✓</p>

2.1.1.2 Clause 4.4 Floor space ratio

Under subclause 4.4(2B)(b) of the CBLEP 2023, the FSR for a building used for the purposes of a dwelling house or semi-attached dwelling on land in Area 2 is not to exceed 0.55:1 where it has an area of greater than 200m² but less than 600m².

Comment: The proposed alterations and additions result in a minor increase in the FSR from 0.55:1 (as approved) to 0.56:1 (as modification) based on an increase in gross floor area (GFA) from 209.6m² to 215m².

An application to vary the FSR development standard under clause 4.6 of the CBLEP 2013 is not required as clause 4.6 only applies to applications seeking development consent, not modifications to a consent. Nevertheless:

- Compliance with the development standard is unreasonable and unnecessary in the circumstances of the case on the basis that the development, as modified, remains consistent with the objectives of the control (refer to **Section 2.1.1.1**); and
- There are sufficient environmental planning grounds to justify the contravention of the development standard, on the basis that the extent of non-compliance is negligible (5.34m², 0.01 or 1.4%) and entirely located within the approved building footprint (primarily as a result of deletion of the approved stairway that is excluded from GFA calculation at the first floor) where it will not have any streetscape, bulk and scale or visual and acoustic privacy impacts to neighbouring properties. Whilst the proposed modifications will result in increased overshadowing impacts, these are as a result of changes to the approved roof form, not the change in FSR. They will not impact habitable room windows or private open space associated with neighbouring properties.

2.1.1.3 Clause 5.10 Heritage conservation

Subclause 5.10(2) of the CBLEP 2023 provides that development consent is required for specified works to heritage items, Aboriginal objectives, buildings, works, relics or trees within heritage conservation areas, archaeological sites and Aboriginal places of heritage significance. Where consent is required, subclauses 5.10(4) and 5.10(8) prevent the consent authority from granting development consent unless it has considered effect of the proposed development on the heritage significance of the item or area or Aboriginal places of heritage significance.

Comment: Development consent is not required as the site is not identified as a Heritage Item or as being within a HCA on the Heritage Map. However, it adjoins HCA C3 *Duntroon Street Heritage Conservation Area* to the east and is located near HCA C5 *Melford Street Heritage Conservation Area* to the west and south.

The proposed modifications to the approved alterations and additions will:

- Not be visible from the Duntroon Street HCA and therefore will not have any impact on the Duntroon Street HCA as they are to occur on the western side of the existing dwelling house; and
- Have minimal impact on the Melford Street HCA as the dwelling house will retain its pitched roof form behind the approved alterations and additions, whilst adding a modern element in the street-facing façade that is sympathetic to existing dwelling houses in the HCA through sympathetic materials and finishes.

2.1.2 State Environmental Planning Policy (Biodiversity and Conservation) 2021

Subsection 2.3(1) of the Biodiversity SEPP provides that Chapter 2 relates to all land in "non-rural areas", defined by reference to specified LGAs and/or land use zones. Where Chapter 2 applies, Section 2.6 prevents a person from clearing:

- (1) Vegetation in a non-rural area of the State to which Part 2.3 applies without the authority conferred by a permit granted by Council under that Part; and
- (2) Native vegetation in a non-rural area of the State that exceeds the biodiversity offsets scheme threshold without the authority conferred by an approval granted by the Native Vegetation Panel under Part 2.4.

Comment: Chapter 2 applies as the site is located within the CBC LGA, forming part of the "non-rural area" as defined in subsection 2.3(1). The proposed modifications to the approved alterations and additions will not result in the loss of any vegetation, ensuring that they will not exceed the biodiversity offsets scheme threshold or require a permit from CBC under Part 2.3 of the Biodiversity SEPP.

2.1.3 State Environmental Planning Policy (Resilience and Hazards) 2021

Section 4.4 of the Hazards SEPP provides that Chapter 4 of the SEPP applies to the State. Subsection 4.6(1) of the SEPP prevents the consent authority granting consent unless it has considered whether the land is contaminated and, if contaminated, whether the land is suitable in its contaminated or will be suitable after remediation for the purpose for which the development is proposed to be carried out. If the land is contaminated, the consent authority is prevented from granting consent unless it is satisfied that the land will be remediated before the land is used for the purpose of the development.

Comment: Chapter 4 applies as the site is located within the State. The site was identified as suitable for alterations and additions to the existing dwelling house under DA-354/2024. The proposed modifications will not increase the contamination risk.

2.2 Subsection 4.15(a)(iii) Any development control plan

Subsection 4.15(1)(a)(iii) of the EP&A Act 1979 requires the consent authority to take the relevant provisions of any development control plan (DCP) into considerations in determining a DA.

Subsection 4.15(3A) of the EP&A Act 1979 provides that if a development does not comply with provisions in a development control plan that set standards with respect to an aspect of that development, the consent authority 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.

Comment: As demonstrated in the assessment provided in **Appendix A**, the proposed modifications are compliant with all relevant development controls under the applicable DCP, CBDP 2023, with the exception of Chapter 5.2, Section 2.8, C5 and Section 2.9, C1 which encourage hipped or pitched roof form. Flexibility with respect to the roof form controls is sought on the basis that the alternative solution, being a skillion form, is reasonable and achieves the objects of those standards, as outlined in **Table 2**.

Table 2: General and Roof Design Objectives

Objectives		Comment:
2.8 General design		
O1	To ensure that development is coordinated with, and complements, the public domain to enhance the character and the image of the streetscape.	Notwithstanding the change in roof design, the built form will relate to its context through the use of materials and finishes in the street-facing façade that are sympathetic to existing dwelling houses in the streetscape. ✓

Objectives		Comment:
O2	To ensure that development provides good amenity for occupants of new and existing development, including reasonable solar access, privacy, and natural ventilation.	The change in roof form will not have any impact on the amenity of the residents of the dwelling house, nor on the amenity of residents of the dwelling house at 15 Fernhill Street as the latter does not have any north-facing windows and the change in roof form is to approved alterations and additions on the western side of the existing dwelling house. ✓
O3	To ensure alterations and additions complement the architectural character of the existing building or is of a contemporary design that is appropriate in its context.	The proposed modifications include retention of the existing hipped roof form behind the approved alterations and additions and conversion of the approved hipped roof extension to a skillion roof form. Notwithstanding the change in roof design, the built form will relate to its context through the use of materials and finishes in the street-facing façade that are sympathetic to existing dwelling houses in the streetscape. ✓
O4	To facilitate positive interaction between the private and public domain.	As above. ✓
O5	To maximise passive surveillance to promote safety and security.	The change in roof form will not have any impact on safety and security along Fernhill Street. N/A
O6	To encourage effective articulation of building design to reduce the appearance of scale, enhance visual interest and ensure a diversity of built form.	The proposed modifications will: <ul style="list-style-type: none"> Not have any bulk and scale impacts; and Introduce a contemporary façade in the streetscape that will contribute to visual interest and ensure a diversity of built form, whilst having materials and finishes in the street-facing façade that are sympathetic to existing dwelling houses in the streetscape. ✓
O7	To ensure all elements of the facade and roof are integrated into the architectural form and detail of the building, and enhance streetscape appearance.	As above. ✓
O8	To encourage high standards of amenity through appropriate dimensions and configurations of habitable rooms.	The change in roof form will not have any impact on the configuration of habitable rooms. N/A
2.9 Roof design and features		
O1	To ensure that roof design is compatible with the building style and does not visually dominate the building or other roofs in the locality.	Refer to the response to Section 2.8, O3 above. ✓
O2	To promote roof design that assists in regulating climate within the building.	The change in roof design will not have any impact on the climate within the dwelling house. N/A
O3	To reduce the impact of large surfaces of roof when viewed from other buildings and public spaces.	The change in roof design will not be visible from other buildings or public spaces. ✓

2.3 Subsection 4.15(b) Likely impacts of the development

Subsection 4.15(1)(b) of the EP&A Act 1979 requires the consent authority to take into consideration the relevant likely impacts of the development, including environmental impacts on both the natural and built environments and social and economic impacts on the locality, in determining a DA.

Comment: The proposed modifications will not have any impact on:

- The local context as they will retain the pitched roof form of the existing dwelling house behind the approved alterations and additions, whilst adding a contemporary, street-facing façade (under a skillion roof form) with materials and finishes that are sympathetic to existing dwelling houses in the street; and
- Solar access to 15 Fernhill Street as:
 - The existing dwelling house at 15 Fernhill Street does not have any north-facing windows; and
 - The proposed modifications are to approved alterations and additions on the western side of the existing dwelling house where they will not have any impact on solar access to the rear private open space associated with 15 Fernhill Street.
- The visual and acoustic privacy of neighbouring properties as they include the relocation of an approved window and an additional window in the northern elevation at the first floor, both of which will not have any visual privacy impact due to having a high sill and being separated from the residential flat building at 11 Fernhill Street by approximately 4.7 metres; and
- The environment due to being contained within the approved building footprint.

2.4 Subsection 4.15(c) The suitability of the site for the development

Subsection 4.15(1)(b) of the EP&A Act 1979 requires the consent authority to take into consideration the suitability of the site for the development in determining a DA.

Comment: The site was identified as suitable for alterations to the existing dwelling house under DA-354/2024, having regard to ground conditions, heritage, water, vegetation and infrastructure. The proposed modifications will not impact the suitability of the site for the development.

2.5 Subsection 4.15(e) The public interest

Subsection 4.15(1)(b) of the EP&A Act 1979 requires the consent authority to take into consideration the public interest in determining a DA.

Comment: Consistency with the public interest is derived from compliance and consistency with the environmental planning framework and acceptability of impacts.

With respect to the environmental planning framework, the alterations and additions as modified are consistent with CBLEP 2023, the relevant state environmental planning policies and CBDP 2023. With respect to CBLEP 2023, they are permitted with consent in and consistent with the objectives of Zone R3 Medium Density Residential under clause 2.2 and, with the exception of the FSR development standard which is justified under the framework provided under clause 4.6 (refer to **Section 2.1.1.2**), compliant with all relevant development standards and provisions. With respect to CBDP 2023, they are compliant with all development controls, with the exception of the roof form. The non-compliances are acceptable as they are reasonable and achieve the objects of the controls, consistent with subsection 4.15(3A) of the EP&A Act.

With respect to impacts, the proposed modifications will not have any impact on the local context, the amenity of neighbouring properties or the environment.

2.6 Section 4.55 Modification of consents—generally

Section 4.55(1) of the EP&A Act enables modifications involving minor error, misdescription or miscalculation.

Subsection 4.55(1A) of the EP&A Act enables modifications involving minimal environmental impacts.

Subsection 4.55(2) of the EP&A Act enables modifications that are not described by subsection 4.55(1) or subsection 4.55(1A) of the EP&A Act.

Section 4.55(3) requires the consent authority to take the relevant matters referred to in subsection 4.15(1) into consideration in determining an application for modification of a consent under section 4.55.

Comment: Modification to DA-354/2024 is proposed under subsection 4.55(1A) of the EP&A Act, as justified in the context of the conditions in subsection 4.55(1A) in **Table 3**.

Table 3: Section 4.55(1A) Conditions

Conditions:	Comment:
(a) it is satisfied that the proposed modification is of minimal environmental impact, and	As discussed in Section 2.3 , the proposed modifications will not have any impact on the local context, the amenity of neighbouring properties (including in terms of solar access and visual and acoustic privacy) or the environment. ✓
(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), and	The development as modified is substantially the same as approved as it will not result in any change in the approved land use or building footprint, will result in minimal change in the building envelope and no additional impacts on the local context, the amenity of neighbouring properties or the environment, as discussed above. ✓
(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	Noted. ✓
(d) it has considered any submissions made concerning the proposed modification within any period prescribed by the regulations or provided by the development control plan, as the case may be.	OTM Planning would be pleased to address any concerns raised in submissions during notification of the modification, if required. ✓

3 Conclusion

This SEE has been prepared by OTM Planning to support a modification application relating to DA-354/2024, enabling partial demolition of the front portion of the existing dwelling house, additions and alterations to the dwelling house to create a garage at ground level and first floor balcony facing the street.

The proposed modifications make changes to the internal layout and street-facing façade.

The modifications are made by way of section 4.55(1A) of the EP&A Act on the basis that the modifications will have minimal environmental impact and the development as modified is substantially the same as the approved development.

In terms of environmental impacts, the proposed modifications will not result in any streetscape, bulk and scale, overshadowing, visual and acoustic privacy or view impacts. Whilst they will result in increased FSR, this will not have any impacts on the public domain or neighbouring properties as it is primarily as a result of conversion of the stairway (excluded from GFA at the first floor) to GFA, i.e. no change in building footprint. In terms of sameness as the approved development, the development as modified will not result in any change in the approved land use or building footprint, will result in minimal change in the building envelope and no additional impacts on the local context, the amenity of neighbouring properties or the environment, as discussed above.

For the reasons outlined above, the proposed modifications are recommended for approval subject to CBC's standard conditions of consent. Any submissions received during the public notification of the proposed development in accordance with subsection 4.15(1)(d) and subsection 4.55(1A)(d) of the EP&A Act 1979 can be addressed by the applicant post-notification.

Appendix A Canterbury-Bankstown Development Control Plan 2023, Chapter 5 Residential Accommodation, 5.2 Former Canterbury LGA

Controls:		Comment:
Section 1 – Introduction		
C1	Low density residential environment To have a low density residential environment in Zone R2 where the typical features are dwelling houses and dual occupancies within a generous landscaped setting. The site cover and building form of development must be compatible with the prevailing suburban character and amenity of this zone. This zone is also the most restrictive in terms of other permitted uses that are considered suitable. These are generally restricted to facilities and services that meet the day-to-day needs of residents.	The site is located within Zone R3 Medium Density Residential. N/A
C2	Medium density residential environment To have a medium density residential environment in Zone R3 that generally acts as a transition between the high and low density residential environments. This transition area will enable a variety of medium density accommodation within a generous landscaped setting.	The proposed modifications are to the approved alterations and additions on the western side of the existing dwelling house where they are not visible from, and therefore do not have any impact on, land in Zone R2 Low Density Residential adjoining the site to the east. ✓
C3	High density residential environment To have a high density residential environment in Zone R4 that provides high density housing (in the form of contemporary designed residential flat buildings) within a landscaped setting. Development should provide appropriate spaces between buildings, communal open spaces and deep soil zones to provide adequate amenity for residents.	The site is located within Zone R3 Medium Density Residential. N/A
Section 2 – Dwelling Houses and Outbuildings		
Site Planning		
2.1 Minimum lot size and frontage		
C1	The minimum primary street frontage width for dwelling houses is 15m.	The site has an existing frontage of 7.215 metres. Existing non-compliance
C2	Lots must be generally rectangular.	The site has rectangular shape. ✓
C3	Internal and battle-axe blocks and lots with irregular dimensions or shallow depths must satisfy the objectives of the DCP.	As above. N/A
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.	The existing dwelling house is located within a lot created earlier than 1 July 2013. ✓
2.2 Site coverage		

Controls:				Comment:	
C1	All development must comply with the numerical requirements contained in the table below:			<div>Building footprint:<ul style="list-style-type: none">Maximum: 300m²Existing: 145.4m²Approved: No changeProposed modifications: No change</div> <div>Outbuildings:<ul style="list-style-type: none">Maximum: 30m²Existing: 28.4m²Approved: No changeProposed modifications: No change</div> <div>Site coverage:<ul style="list-style-type: none">Maximum: 228.72m² (60% of site area)Existing: 173.2m² (45.3% of site area)Approved: No changeProposed modifications: No change</div>	
	Site Area	Maximum area of building footprint	Maximum floor area of all outbuildings		Maximum site coverage of all structures on a site
	Up to 449m ²	300m ²	30m ²		60%
	450m ² to 599m ²	330m ²	45m ²		50%
	600m ² to 899m ²	380m ²	60m ²		40%
	900m ² or above	430m ²	60m ²		40%
2.3 Landscaping					
C1	Deep soil permeable areas must be provided in accordance with the table below:			<div>Minimum: 57m² (15% of site area)</div> <div>Proposed modifications: 91.1m² (23.9% of site area)</div>	
	Site area		Minimum deep soil area (% of site area)		
	Up to 449m ²		15%		
	450m ² to 599m ²		20%		
	600m ² or above		25%		
C2	Deep soil areas must have a minimum dimension of 2.5m.			<div>Deep soil areas with a dimension of less than 2.5 metres are excluded from the deep soil area calculation.</div>	
2.4 Layout and orientation					
C1	Orientate development to maximise solar access and natural lighting, without unduly increasing the building's heat load.			<div>Solar access and natural lighting is to be achieved through retention of at least one window to all habitable rooms.</div>	
C2	Site the development to avoid casting shadows onto a neighbouring dwelling's primary living area, private open space and solar cells.			<div>The proposed modifications alterations and additions will not result in any overshadowing of primary living areas or private open space associated with neighbouring property.</div>	
C3	Coordinate design for natural ventilation with passive solar design techniques.			<div>Natural ventilation is to be achieved through retention of at least one window to all habitable rooms.</div>	
C4	Site new development and private open space to avoid existing shadows cast from nearby buildings.			<div>The existing private open space benefits from morning to midday sun in mid-winter.</div>	
C5	Site a building to take maximum benefit from cross-breezes and prevailing winds.			<div>The existing dwelling house benefits from prevailing north-easterly winds.</div>	
C6	Do not compromise the creation of casual surveillance of the street, communal space			<div>The proposed modifications will not reduce opportunities for casual</div>	

Controls:		Comment:	
	and parking areas, through the required orientation.	surveillance, achieved through the approved street-facing first floor balcony.	
Building Envelope			
2.5 Height			
C1	Development for the purposes of dwelling houses must not exceed the following numerical requirements:		
(a)	A maximum two storey built form.	The proposed alterations and additions are to maintain the two storey height of the existing dwelling house.	✓
(b)	A maximum external wall height of 7m where the maximum height of buildings standard under the LEP is 8.5m.	Maximum: 7 metres Approved: 5.385 metres Modified: 6.315 metres	✓
(c)	A maximum external wall height of 8m where the maximum height of building standard under the LEP is 9.5m.	A maximum height of buildings of 8.5 metres applies under clause 4.3 of the CBLEP 2023.	N/A
(d)	Finished ground floor level is not to exceed 1m above the natural ground level. Note: Skillion and flat roof forms will be considered on merit.	The proposed modifications will not result in any change in the finished floor level of the ground floor which will not exceed one metre above existing ground level.	✓
Basement and sub-floor projection			
C2	Any part of a basement or sub-floor area that projects greater than 1m above ground level comprises a storey.	The proposed modifications do not include a basement.	N/A
Attics and roof terraces			
C3	Attics and mezzanine floors do not comprise a storey.	The proposed modifications do not include an attic or mezzanine floor.	N/A
C4	Roof top terraces are not acceptable on any building or outbuilding in any residential zone.	The proposed modifications do not include a rooftop terrace.	✓
Basement and sub-floor			
C5	Dwelling houses may provide basement or subfloor parking where site constraints warrant and it can be demonstrated that there will be no adverse impacts on amenity, streetscape or public domain.	The proposed modifications do not include a basement or sub-floor.	N/A
C6	Basement and sub-floor parking is only suitable where compliance with Chapter 3.2 of this DCP can be demonstrated.	As above.	N/A
Retaining walls – Development without basement parking			
C7	Walls that would enclose a sub-floor area:	The proposed modifications do not include a sub-floor.	
(a)	Maximum 2m for steeply sloping land; and		N/A
(b)	Maximum 1m for all other land.		
C8	Retaining walls that would be located along, or immediately adjacent to, any boundary:	The proposed modifications do not include retaining walls.	
(a)	Maximum 3m for steeply sloping land, but only to accommodate a		N/A

Controls:		Comment:							
	garage that would be located at street level; and								
	(b) Maximum 1m for all other land.								
Cut and fill – Development without basement parking									
C9	Maximum 1m cut below ground level where it will extend beyond an exterior wall of the building.	The proposed modifications do not include excavation exceeding one metre below existing ground level.	✓						
C10	No limit to cut below ground level where it will be contained entirely within the exterior walls of a building, however, excavated area is not to accommodate any habitable room that would be located substantially below ground level.	Noted. The proposed modifications will require minimal disturbance at existing ground level.	✓						
C11	Maximum 600mm fill above ground level where it would extend beyond an exterior wall of a building.	The proposed modifications do not require more than 600mm of fill above existing ground level.	✓						
C12	If proposed cut and fill, or a retaining wall, would be deeper or higher than 1m, structural viability must be confirmed by suitably qualified engineers' reports.	The proposed modifications do not include cut or fill or a retaining wall exceeding one metre.	N/A						
2.6 Setbacks									
Front, side and rear setbacks									
C1	Development, including basement and sub-floor areas, fronting a major road must have a minimum front setback of 9m.	The proposed modifications do not include a basement or sub-floor areas.	N/A						
C2	Development must comply with the minimum front, side and rear setbacks as detailed in the following tables: Table 3: Dwelling houses with frontage of 12.5m or less	Front setback: <ul style="list-style-type: none">Minimum: 5.5 metresExisting:<ul style="list-style-type: none">Ground floor: 4.32 metresFirst floor: 13.31 metresApproved:<ul style="list-style-type: none">Ground floor: No changeFirst floor: 4.32 metresProposed modifications: No change (ground and first floor) Side setback: <ul style="list-style-type: none">Minimum: 0.9 metresExisting:<ul style="list-style-type: none">Northern boundary: 1.285 metresSouthern boundary: 0.225 metresApproved:<ul style="list-style-type: none">Northern boundary: No changeSouthern boundary: No changeProposed modifications: No change (northern and southern boundary) Rear setback: <ul style="list-style-type: none">Minimum: 6 metres	Approved non-compliance						
	<table><tr><th>Setback</th><th>Controls</th></tr><tr><td>Front Setback</td><td><ul style="list-style-type: none">Minimum setback of 5.5m from the front boundary.Maximum 2m recess for the main entrance from the front building line.Where the existing front setback is less than 5.5m, further encroachments by alterations and additions are not acceptable.</td></tr><tr><td>Side Setbacks</td><td><ul style="list-style-type: none">Minimum setback of 900mm from side boundaries.Alterations and additions may be in line with the existing ground level walls.</td></tr></table>	Setback		Controls	Front Setback	<ul style="list-style-type: none">Minimum setback of 5.5m from the front boundary.Maximum 2m recess for the main entrance from the front building line.Where the existing front setback is less than 5.5m, further encroachments by alterations and additions are not acceptable.	Side Setbacks	<ul style="list-style-type: none">Minimum setback of 900mm from side boundaries.Alterations and additions may be in line with the existing ground level walls.	
Setback	Controls								
Front Setback	<ul style="list-style-type: none">Minimum setback of 5.5m from the front boundary.Maximum 2m recess for the main entrance from the front building line.Where the existing front setback is less than 5.5m, further encroachments by alterations and additions are not acceptable.								
Side Setbacks	<ul style="list-style-type: none">Minimum setback of 900mm from side boundaries.Alterations and additions may be in line with the existing ground level walls.								

Controls:		Comment:
Rear Setbacks	<ul style="list-style-type: none">Minimum setback of 6m from the rear boundary.	<ul style="list-style-type: none">Existing: 21.885 metresApproved: No changeProposed modifications: No change
Table 4: Dwelling houses with frontages widths of 12.5m or greater		
Setback	Controls	
Front Setback	<ul style="list-style-type: none">Minimum setback of 6m or the average of the existing setback of the nearest dwelling house to either side of the site.Maximum 2m recess for the main entrance from the front building line.	
Side Setbacks	<ul style="list-style-type: none">Minimum setback of minimum setback of 1m from side boundaries.Corner lots: minimum setback of 2m from the secondary street frontage (the longer street boundary).	
Rear Setbacks	Minimum setback of 6m from the rear boundary.	
Table 5: Outbuildings (including alterations and additions)		
Setback	Controls	
Side Setbacks	<ul style="list-style-type: none">External wall height over 2.7m a minimum setback of 450mm from the side boundary.External wall height not exceeding 2.7m may encroach into the minimum setback area.	
Exceptions and other requirements		
C3	External walls that enclose rooms, storage areas and/or garages are not to encroach beyond the specified setbacks.	<div>The approved alterations and additions include first floor encroachments on both the front and side setbacks. The proposed modifications will not result in any change in the extent of the approved non-compliance</div> <div>Approved non-compliance</div>

Controls:		Comment:
C4	For first floor additions, front and side setbacks may match the ground floor wall alignment of the existing dwelling for a depth of 10m or 50% of the length of the facade, whichever is the greater.	Maximum: 12.05 metres (50% of 24.1 metre-long façade) Approved: 8.99 metres Proposed modifications: No change ✓
C5	Minimum setback of 1m from any side or rear boundary for swimming pools and associated terraces. Landscaping shall be provided in the setback area to screen the pool from neighbours.	The proposed modifications do not include a swimming pool. N/A
C6	Swimming pools must not be located within any front setback.	As above. N/A
C7	One garage or carport may be constructed with a nil rear setback for sites that adjoin a rear laneway. The garage or carport must not comprise more than 50% of the rear boundary frontage to a lane and not be wider than 6m.	The site does not have frontage to a laneway. N/A
C8	For a residential building that does not have basement parking lightweight carports may extend beyond the required side boundary setback.	The proposed modifications do not include a carport. N/A
C9	Car parking structures must satisfy the Building Code of Australia requirements.	The proposed modifications do not include any changes to the approved garage which is to comply with BCA requirements. ✓
C10	For existing dwelling houses, a single space carport may encroach beyond the minimum front setback, where it can be demonstrated that: <ul style="list-style-type: none"> (a) there is no existing garage on the site; (b) there is no side or rear vehicle access to the site; (c) the site does not contain a heritage item or is not within a heritage conservation area or local character area; (d) the site is in the vicinity of existing, approved carports on adjacent sites that are forward of the front building line; (e) the maximum width of the single carport is 3m; (f) it is of a simple posted design, with no side panel infill; (g) there is no solid panel lift or roller shutter door proposed; (h) the carport is setback a minimum 1m from the primary and secondary street frontages; (i) the carport achieves a high quality design and has a roof design that is compatible with the dwelling house. 	The proposed modifications do not include a carport. N/A

Controls:		Comment:
C11	On land identified as having a height of 9.5m on the Map, the following parking structures may encroach beyond the minimum front or side setback: (a) One carport that is not wider than 6m. (b) On sites that rise from the street frontage, one garage that is not wider than 6m and no higher than 3m above street level.	A maximum height of buildings of 8.5 metres applies under clause 4.3 of the CBLEP 2023. N/A
C12	The following minor building elements may project up to 1m into the minimum side setback area: (a) Roof eaves, awnings, pergolas and patios; (b) Stair or ramp access to the ground floor; (c) Rainwater tanks; and (d) Terraces above basement parking that are no higher than 1m above ground level (except dwelling houses, semi-detached dwellings and dual occupancy).	The proposed modifications do not include any of the items specified opposite within the setback area. N/A
C13	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 required front setback articulation zone.	A 1.5 metre articulation zone is not relevant to the proposed modifications as the existing dwelling house has a 4.32 metre street setback, non-compliant with the 5.5 metre requirement under C2. N/A
C14	On steeply sloping land basements and basement parking are acceptable only if they: (a) Do not extend beyond the exterior walls or ground floor patios of the dwelling. (b) Accommodate only entrance lobby, stairway, car parking or storage, but do not accommodate any habitable room. (c) Are not capable of future alteration to accommodate any habitable room.	The site is not steeply sloping. N/A
2.7 Building separation		
C1	The following controls apply to alterations and additions to dwelling houses: (a) The top storey of any two-storey building should be designed, as a series of connected pavilion elements. (b) Pavilion elements shall have a depth between 10m to 15m. (c) Articulate pavilion elements by an additional side boundary setback, and identified by separate roofs.	The approved alterations and additions do not have a pavilion form. Approved non-compliance
Building Design		

Controls:		Comment:
2.8 General design		
Contemporary built form		
C1	Contemporary architectural designs may be acceptable if: (a) A heritage listing does not apply to the existing dwelling or to its immediate neighbours. (b) The proposed addition is not visually prominent from the street or from a public space. (c) Extensive remodelling of existing facades is proposed in accordance with controls of this DCP.	The site is not identified as being or adjoining a Heritage Item or as being within an HCA under clause 5.10 of the CBLEP 2023. The proposed modifications: ▪ Will not be visually prominent from the street or from a public space; and ▪ Include extensive remodelling of the street-facing façade, compliant with controls under the CBDP 2023. ✓
C2	New building forms and design features shall not mimic traditional features, but should reflect these in a contemporary design.	The proposed modifications reflect the traditional features of existing dwelling houses along the street through retention of the existing hipped roof form behind the approved alterations and additions and use of materials and finishes in the street-facing façade that are sympathetic to existing dwelling houses in the streetscape. ✓
C3	Access to upper storeys must not be via external stairs.	The proposed modifications do not include external stairs. ✓
C4	All dwellings must contain one kitchen and laundry facility.	The existing laundry is to be retained. The proposed modifications include a new kitchen within the existing dwelling house. ✓
C5	Retain and extend prominent elements of the existing roof (such as gables, hips or longitudinal ridges that run parallel to a street boundary).	The proposed modifications include conversion of the approved hipped roof extension with a skillion roof. Justification for the non-compliance is provided in Section 2.2 . Acceptable on merit
C6	Contemporary roof forms may be acceptable on additions at ground floor level if concealed substantially behind the existing dwelling, and not visible from the street or other public space.	The proposed modifications include a contemporary roof form at the first floor level. N/A
Building entries		
C7	Entries to residential buildings must be clearly identifiable.	The existing entry to the existing dwelling house, clearly identifiable from Fernhill Street, is to be retained. ✓
C8	The front door to a dwelling house may face a side boundary, or may be located beneath a carport, provided it is clearly identified by a porch or awning, and pathways.	As above. N/A
C9	A minimum of one habitable room must be oriented towards the street to promote positive social interaction and community safety.	The proposed modifications include retention of the approved first floor, street-facing balcony associated with a bedroom that is to replace the approved study/home office. ✓

Controls:		Comment:							
C10	Sight lines to the street from habitable rooms or entrances must not be obscured by ancillary structures.	The proposed modifications do not include ancillary structures obscuring sightlines from habitable rooms or entrances.	✓						
Internal dwelling layout									
C11	Design interiors to be capable of accommodating the range of furniture that is typical for the purpose of each room.	The proposed modifications include a new bedroom, study and balcony with sufficient dimensions to accommodate a range of furniture suitable for the use of the spaces.	✓						
C12	The primary living area and principal bedroom must have a minimum dimension of 3.5m.	The existing primary living area and principal bedroom are to be retained.	N/A						
C13	Secondary bedrooms must have a minimum dimension of 3m.	The existing secondary bedrooms are to be retained.	N/A						
C14	Provide general storage in addition to bedroom wardrobes and kitchen cupboards.	The proposed modifications include a linen/storage room behind the approved garage, instead of the approved stairway.	✓						
Facade treatment									
C15	Development on corner lots must address both street frontages through facade treatment and articulation of elevations.	The site has a single street frontage.	N/A						
C16	Use non-reflective materials, do not randomly mix light and dark coloured bricks, and treat publicly accessible wall surfaces with anti-graffiti coating.	The proposed modifications are to be finished with non-reflective materials.	✓						
C17	Facade design should reflect the orientation of the site using elements such as sun shading devices, light shelves and bay windows.	The proposed modifications respond to the site orientation through the retention of the approved roof over the approved street-facing balcony to minimise afternoon sun penetration into the new bedroom that is to replace the approved study/home office.	✓						
C18	Facades visible from the street should be designed as a series of articulating panels or elements.	The proposed modifications improve the articulation of the street-facing façade through the incorporation of curved elements.	✓						
C19	The width of articulating panels should be consistent with the scale and rhythm characteristic of bungalows.	The proposed modifications do not include articulating panels.	N/A						
C20	The width of articulating panels shall be in accordance with the numerical requirements below: Table 6: Width of articulating panels <table><tr><th>Facade</th><th>Street elevation</th><th>Side elevation</th></tr><tr><td>Width of articulating panels</td><td>4m to 6m</td><td>10m to 15m</td></tr></table>	Facade	Street elevation	Side elevation	Width of articulating panels	4m to 6m	10m to 15m	As above.	N/A
Facade	Street elevation	Side elevation							
Width of articulating panels	4m to 6m	10m to 15m							
C21	Avoid long flat walls along street frontages - stagger the wall alignment with a step (not a fin wall of other protruding feature) of at least 0.5m for residential buildings.	The proposed modifications do not include long flat walls along the street frontage.	✓						

Controls:		Comment:	
C22	Vary the height of modules so they are not read as a continuous line on any one street between 2 - 4 storeys, step-back to the middle component and again at the top.	The proposed modifications are to approved alterations and additions to a two storey dwelling house.	N/A
C23	Incorporate contrasting elements in the facade - use a harmonious range of high quality materials, finishes and detailing.	The proposed modifications include high quality materials, finishes and detailing that will be sympathetic to the existing dwelling house within the site and in the streetscape.	✓
C24	Screen prominent corners with awnings, balconies, terraces or verandas that project at least 1 m from the general wall alignment.	The site has a single street frontage.	N/A
Pavilions			
C25	The top storey of any two-storey dwelling should be designed as a series of connected pavilion elements to minimise scale and bulk.	The approved alterations and additions do not have a pavilion form at the second storey.	Approved non-compliance
C26	Facades that exceed 25m in length shall be indented to create the appearance of multiple pavilion elements.	As above.	Approved non-compliance
C27	Pavilion elements shall have a depth between 10-15m.	As above.	N/A
C28	Articulate upper storey pavilions with an additional side boundary setback, and identify by separate roofs.	As above.	N/A
Windows			
C29	Large windows should be located at the corners of a building and may be designed as projecting bay-windows.	The proposed modifications include relocation of an approved window and an additional window in the northern elevation at the first floor. The dimensions of both windows are minimised to minimise visual privacy impacts to 11 Fernhill Street.	N/A
C30	Large windows should be screened with blinds, louvres, awnings or pergolas and be draft insulated.	As above.	N/A
C31	Windows must be rectangular.	The proposed modifications include relocation of an approved window and an additional window in the northern elevation at the first floor. Both windows are to have rectangular shape.	✓
C32	Square, circle and semi-circle windows are acceptable in moderation.	As above.	N/A
C33	Vertical proportioned window openings can include multi-panel windows or multi-panel doors.	The proposed modifications do not include vertical proportioned windows.	N/A
C34	Windows and openings shall be appropriately located and shaded to reduce summer heat load and maximise sunlight in winter.	The modification application is supported by an updated BASIX Certificate.	✓
C35	Dormer windows on buildings in the residential zone do not appear as additional storey must comply with the following design requirements:	The proposed modifications do not include dormer windows.	N/A

Controls:		Comment:
(a)	Individual dormers are no wider than 1.5m in width;	
(b)	Provide a minimum 2.5m separation between dormers; and	
(c)	Dormers do not extend encroach above the ridgeline of the building.	
Ventilation		
C36	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).	The proposed modifications are to facilitate natural ventilation through a new window and relocation of an approved window in the northern elevation at the first floor and retention of approved sliding, glass doors to a west-facing balcony and the void over the ground floor entry corridor. ✓
C37	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.	Ceiling fans are to be considered following DA approval. ✓
2.9 Roof design and features		
C1	Use a simple pitched roof that accentuates the shape of exterior walls, and minimises bulk and scale.	The proposed modifications include conversion of the approved hipped roof extension with a skillion roof. Justification for the non-compliance is provided in Section 2.2 . Acceptable on merit
C2	Avoid complex roof forms such as multiple gables, hips and valleys, or turrets.	Notwithstanding replacement of the approved hipped roof form with a skillion roof, the proposed modifications will not result in a complex roof form. ✓
C3	Roof pitches are to be compatible and sympathetic to nearby buildings.	The proposed modifications include retention of the existing hipped roof form behind the approved alterations and additions. ✓
C4	Parapet roofs that increase the height of exterior walls are to be minimised.	The proposed modifications do not include a parapet roof. N/A
C5	Use minor gables only to emphasise rooms or balconies that project from the body of a building.	The proposed modifications do not include gables. N/A
C6	Mansard roofs (or similar) are not permitted.	The proposed modifications do not include a mansard roof. ✓
C7	Pitched roofs should not exceed a pitch of 30 degrees.	Maximum: 30° Approved: 34° Modified: 5° ✓
C8	Relate roof design to the desired built form and context.	The proposed modifications include retention of the existing hipped roof form behind the approved alterations and additions and conversion of the approved hipped roof extension to a skillion roof form. Notwithstanding the change in roof design, the built form will relate to its context through the ✓

Controls:		Comment:
		use of materials and finishes in the street-facing façade that are sympathetic to existing dwelling houses in the streetscape.
C9	Roofs with greater pitches will only be considered on merit taking into account matters such as streetscape, heritage value and design integrity.	As above. N/A
Amenity		
2.10 Solar access and overshadowing		
Solar access to proposed development		
C1	Where site orientation permits at least primary living areas of dwellings must receive a minimum of 3 hours of sunlight between 8.00am and 4.00pm on 21 June.	The proposed modifications will not result in any change in solar access to the existing, retained primary living area. Existing non-compliance
C2	Principle areas of private open space must receive a minimum of 3 hours of sunlight between 8.00am and 4.00pm on 21 June to at least 50% of the open space surface area.	The proposed modifications will not result in any change in solar access to the existing, retained principle private open space. ✓
C3	Dwellings must comply with the following: (a) At least one living room window and at least 50% or 35m ² with minimum dimension of 2.5m (whichever is the lesser), of ground level private open space. (b) Receive a minimum of 3 hours sunlight between 8.00am and 4.00pm on 21 June. (c) Where existing overshadowing by buildings and fences is already greater than this control, sunlight is not to be reduced by more than 20%.	The proposed modifications will not result in any change in solar access to the existing, retained primary living area or principle private open space. Existing non-compliance
Solar access to neighbouring development		
C4	Proposed development must retain a minimum of 3 hours of sunlight between 8.00am and 4.00pm on 21 June for existing primary living areas and to 50% of the principal private open space.	The proposed modifications will not result in any loss of solar access to: ▪ Primary living areas as the existing dwelling house at 15 Fernhill Street does not have any north-facing windows; or ▪ Principal private open space as they are to approved alterations and additions on the western side of the existing dwelling house. ✓
C5	If a neighbouring dwelling currently receives less than 3 hours of sunlight, then the proposed development must not reduce the existing level of solar access to that property.	As above. ✓
C6	Sunlight to solar hot water or photovoltaic systems on adjoining properties must comply with the following: (a) Systems must receive at least 3 hours of direct sunlight between 8.00am and 4.00pm on 21 June.	The proposed modifications will not result in increased overshadowing of the photovoltaic systems over the roof of the dwelling house at 15 Fernhill Street. Approved non-compliance

Controls:		Comment:
(b)	If a system currently receives less than 3 hours sunlight, then the proposed development must not reduce the existing level of sunlight.	
C7	Clothes drying areas on adjoining residential properties must receive a minimum of 3 hours of sunlight on 21 June.	The proposed modifications will not result in any loss of solar access to clothes drying areas at the rear of the existing dwelling house at 15 Fernhill Street as they are to occur on the western side of the existing dwelling house. ✓
Shading devices		
C8	Windows and openings shall be appropriately located and shaded to reduce summer heat load and maximise sunlight in winter.	The proposed modifications include relocation of an approved window and an additional window in the northern elevation at the first floor. Solar access to the relocated and additional window is to be managed through internal shading devices, such as curtains, blinds or shutters. ✓
C9	Use shading devices to allow direct sunlight to enter and heat a building in winter and prevent direct sunlight entering and heating the building in summer. Devices include eaves, awnings, shutters, louvres, pergolas, balconies, colonnades or external planting.	As above. ✓
C10	Provide horizontal shading to north-facing windows and vertical shading to east or west windows.	As above. ✓
C11	Use moveable shading devices on large windows facing east and west that are capable of covering 100% of glazed areas. Eaves shall be a minimum of 350mm wide and allow for an overhang of approximately 65 degrees above the horizontal.	The proposed modifications do not include any new east or west-facing windows. N/A
C12	Avoid reducing internal natural daylight or interrupting views with shading devices.	Shading devices are to be selected such that they will not reduce internal daylight access. ✓
C13	Use double-glazing, solar coated windows, curtains, or internal shutters to prevent heat loss and provide extra summer protection.	Heat loss from, and protection of, the relocated and additional window is to be provided by curtains or internal shutters. ✓
C14	Use high performance glass with a reflectivity below 20%.	Glass selection is to be detailed following DA approval. ✓
C15	Minimise external glare by avoiding reflective films and use of tint glass.	The proposed modifications do not include reflective films or tint glass. ✓
C16	Use of draft insulation around windows and doors.	Insulation is to be detailed following DA approval. ✓
2.11 Visual privacy		
C1	Locate and orient new development to maximise visual privacy between buildings, on and adjacent to the site.	The proposed modifications will result in minimal visual private impacts (refer to Section 2.3). ✓
C2	Minimise direct overlooking of rooms and private open space through the following:	

Controls:		Comment:
(a)	Provide adequate building separation, and rear and side setbacks; and	<p>The proposed modifications include:</p> <ul style="list-style-type: none"> Relocation of an approved window and an additional window in the north elevation at the first floor, neither of which will have any visual privacy impact as they are to be high sill and separated from the residential flat building at 11 Fernhill Street by approximately 4.7 metres; and Retention of the approved first floor balcony which will not have any visual privacy impact as it is to face the street.
(b)	Orient living room windows and private open space towards the street and/or rear of the lot to avoid direct overlooking between neighbouring residential properties.	N/A
C3	If living room windows or private open spaces would directly overlook a neighbouring dwelling:	As above.
(a)	Provide effective screening with louvres, shutters, blinds or pergolas; and/or	N/A
(b)	Use windows that are less than 600mm wide or have a minimum sill height of at least 1.5m above the associated floor level.	
C4	Screening of bedroom windows is optional and dimensions are not restricted.	<p>The proposed modifications do not include screening of the new bedroom window.</p>
2.12 Acoustic privacy		
C1	Protect sensitive rooms, such as bedrooms, from likely sources of noise such as major roads and neighbouring living areas.	<p>The proposed modifications include:</p> <ul style="list-style-type: none"> Conversion of the approved study/home office into a bedroom/study; and Relocation of the approved window to be centred within the bedroom where noise impacts from neighbouring living areas will be minimal due to the windows' 4.7 metre separation from the residential flat building at 11 Fernhill Street. <p>The site is separated from the nearest major road, New Canterbury Road, by approximately 120 metres.</p>
C2	Bedroom windows in new dwellings that would be located at or close to ground level are to be raised above, or screened from, any shared pedestrian pathway.	N/A
C3	Screen balconies or windows in living rooms or bedrooms that would face a driveway or basement ramp.	<p>The proposed modifications include conversion of the approved study/home office into a</p>

Controls:		Comment:
		bedroom/study that will adjoin the approved balcony that faces the approved driveway. Screening of the bedroom is to be provided via a sliding door at the entry to the balcony.
C4	Address all requirements in 'Development Near Rail Corridors and Busy Roads – Interim Guideline (2008)' published by the NSW Department of Planning.	The site is not located near a rail corridor or busy road. N/A
Fences and Ancillary Development		
2.13 Fences		
		The proposed modifications do not include new fences or changes to existing or approved fences. N/A
2.14 Outbuildings and swimming pools		
		There is no existing swimming pool within the site. The existing shed is to be retained. The proposed modifications do not include new outbuildings or swimming pools. N/A
2.15 Building services		
		The proposed modifications do not include or require any new building services. N/A