

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

Modification to an approved development for
Demolition of Existing Structures and Construction
of an Attached Dual Occupancy with Inground
Swimming Pools, Front Fence and Torrens Title
Subdivision

Lot: 91 DP: 35201
9 Phillip Street, Panania
New South Wales, 2213

Canterbury-Bankstown Council



0402 422 745

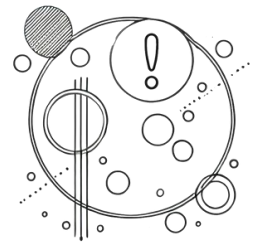


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About the Author

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	
1 Landscape proposals are to retain existing trees, where possible. This may be achieved by: i) minimising changes to existing ground levels; ii) confining building works where appropriate to pre-existing building footprints.	The development proposes the removal of selected trees supported by an arborist who has no objections to their removal.

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

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Table of Contents

Introduction.....	1
Site Location and Analysis.....	1
Planning History.....	2
The Proposal.....	3
Environmental Planning and Assessment Act 1979.....	4
Section 4.55 of the Environmental Planning & Assessment (EP&A) Act 1979	6
Section 4.15 of the Environmental Planning & Assessment (EP&A) Act 1979	9
(a) – the provisions of—	9
(i) – Provisions of any environmental planning instrument	9
State Environmental Planning Policies	9
Canterbury-Bankstown Local Environmental Plan 2023	9
(ii) – Provisions of any draft environmental planning instrument	13
(iii) – Provisions of any development control plan.....	14
Canterbury-Bankstown Development Control Plan 2023	14
Chapter 2 – Site Considerations	15
Chapter 5 – Residential Accommodation – 5.1 Former Bankstown LGA	16
Chapter 3 – General Requirements	22
(iiiia) – Provisions of any planning agreement	28
(iv) – Provisions of the Environmental Planning and Assessment Regulation 2001 (EP&A Regulation 2001)	28
(b) – the likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality	28
(c) – the suitability of the site for the development	30
(d) – any submissions made in accordance with the EP&A Act or EP&A Regulation	31
(e) – the public interest	31
Conclusion	32

Revision

24/04/2025 – Issued to Designer – FINAL

Introduction

This Modified Statement of Environmental Effects has been prepared to accompany an application for a modification to the Consent (DA-882/2018) approved by Canterbury-Bankstown Council on 19 March 2019 for the Demolition of Existing Structures and Construction of an Attached Dual Occupancy with Inground Swimming Pools, Front Fence and Torrens Title Subdivision at the subject site, 9 Phillip Street, Panania in accordance with Section 4.55(2) 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: 91 DP: 35201 (9 Phillip Street, Panania) is a corner allotment with a total area of 605.25m² and a primary frontage to Phillip Street and secondary frontage to Clifford Street. The site has a gradient from the front to the rear of the site of 1.5m (RL 20.83 – RL 22.33). The proposed site currently contains the partially constructed dual occupancy.

The front of the site includes overhead power lines that run the length of Phillip Street and Clifford Street. The site is not identified as a heritage item, adjoining or adjacent a heritage item or within a heritage conservation area. The site is not identified as being bushfire prone land but is flood affected. The site is not identified as having any environmental constraints.



Figure 1. 9 Phillip Street, Panania (SIX Maps)

Planning History

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

Determined prior 2000.	BA-1686/1996 – PERGOLA AND BARBEQUE AREA.
Determined prior 2000.	BA-1514/1997 – REAR ADDITION + CARPORT.
Determined 8 April 2003.	CC-238/2003 – New Front and Side Fence.
Determined 8 April 2003.	DA-354/2003 – New Front and Side Fence.
Determined 19 March 2019.	DA-882/2018 – Demolition of Existing Structures and Construction of an Attached Dual Occupancy with Inground Swimming Pools, Front Fence and Torrens Title Subdivision.

This application relates to DA-882/2018 and subsequent applications.

The Proposal

The modification proposes the following changes:

1. New retaining wall to western boundary for Lot 1 and 2
2. Re design of the ground and first floor plan of each dwelling
3. Re design of the front facades of each dwelling
4. Re design of Lot 1 pool; Removal of Lot 2 pool
5. Re design of Torrens Title Subdivision

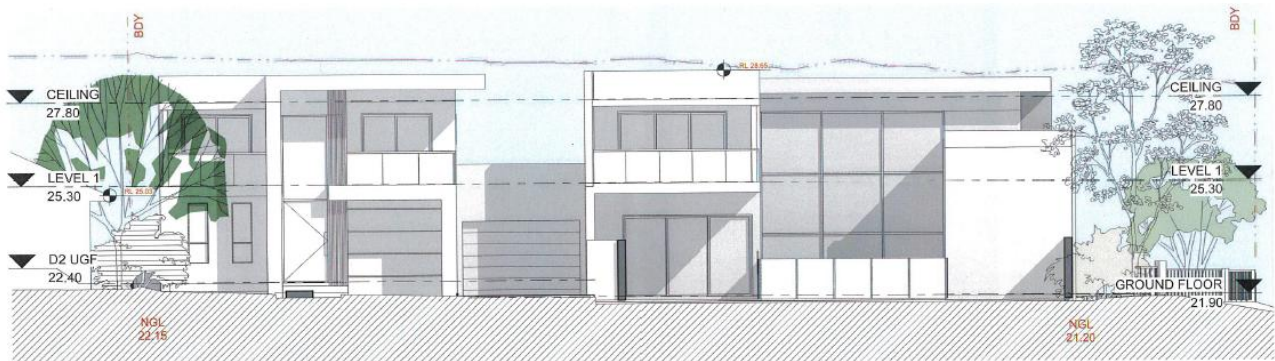


Figure 2. Approved Eastern Elevation (CK design)

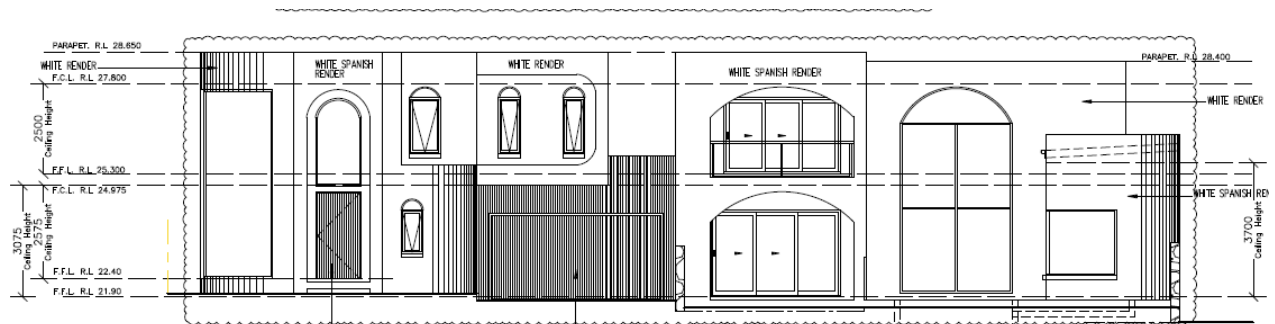


Figure 3. Proposed Eastern Elevation (Inkon Plans)

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 maintains 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

(2) Other modifications

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 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-882/2018 relates.
- The original development to which Development Consent No. DA-882/2018 was granted is described as “Demolition of Existing Structures and Construction of an Attached Dual Occupancy with Inground Swimming Pools, Front Fence and Torrens Title Subdivision”. 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.

(b) it has consulted with the relevant Minister, public authority or approval body (within the meaning of Division 4.8) in respect of a condition imposed as a requirement of a concurrence to the consent or in accordance with the general terms of an approval proposed to be granted by the approval body and that Minister, authority or body has not, within 21 days after being consulted, objected to the modification of that consent, and

Comment: Concurrence was not required for the original application.

(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. The consent authority must also take into consideration the reasons given by the consent authority for the grant of the consent that is sought to be modified.

Comment: Refer to assessment below.

(4) The modification of a development consent in accordance with this section is taken not to be the granting of development consent under this Part, but a reference in this or any other Act to a development consent includes a reference to a development consent as so modified.

Comment: Noted.

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. An additional tree is proposed for removal along the Clifford Street frontage.

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 provided with 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.

Canterbury-Bankstown Local Environmental Plan 2023

2.1 – 2.3 Zoning

Zone is R2 Low Density Residential. The development (Demolition of Existing Structures and Construction of an Attached Dual Occupancy with Inground Swimming Pools, Front Fence and Torrens Title Subdivision) has been approved as a permissible use with consent (DA-

882/2018). 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 proposed use.

2.6 Subdivision—consent requirements

(1) Land to which this Plan applies may be subdivided, but only with development consent.

The modification seeks to change the approved subdivision from Lot 1: 354.67sqm, Lot 2: 250.55sqm to Lot 1: 345.45sqm, Lot 2: 259.70sqm

2.7 Demolition requires development consent

The demolition of a building or work may be carried out only with development consent.

The modification does not seek to change the approved demolition.

4.1A Minimum lot sizes and special provisions for dual occupancies

(2) Development consent must not be granted to development for the purposes of dual occupancies on a lot in Zone R2 in Area 1 unless—

(a) the lot is at least—

(i) for dual occupancies (attached)—500m², and

(ii) for dual occupancies (detached)—700m², and

(b) the width of the lot at the front building line is at least—

(i) for dual occupancies (attached)—15m, and

(ii) for dual occupancies (detached)—20m, and

(c) each dwelling will have a frontage to a road.

(3) Development consent must not be granted to the subdivision of a dual occupancy in Zone R2 in Area 1 unless each resulting lot will be at least—

(a) for dual occupancies (attached)—250m², and

(b) for dual occupancies (detached)—350m².

(4) Development consent must not be granted to development for the purposes of dual occupancies on a lot in Area 2 unless—

(a) the lot is at least 600m², and

(b) the width of the lot at the front building line is at least 15m, and

(c) each dwelling will have a frontage to a road.

(5) Development consent must not be granted to the subdivision of a dual occupancy on a lot in Area 2 unless—

(a) each resulting lot will be at least 300m², and

(b) there will be 1 dwelling on each lot created.

The lot is in Zone R2 Low Density Residential in Area 1. The development is for the modification of an approved attached dual occupancy. The site has an area of more than 500sqm. The width of the lot is more than 15m and each dwelling will have a frontage to a road. The modification does not propose a change to the lot sizes approved in DA-882/2018. (Approved – Lot 1: 354.67sqm, Lot 2: 250.55sqm; Proposed – Lot 1: 345.48sqm, Lot 2: 259.70sqm)

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.

(2C) The maximum wall height for a dwelling house or dual occupancy in Zone R2 in Area 1 is 7m.

The lot is in Zone R2 Low Density Residential in Area 1. The maximum building height permitted for this site is 9m. The modification exceed a maximum height of 9m or a maximum wall height of 7 metres.

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 floor area permitted for this site is 0.5:1. The development proposes a maximum FSR of 0.4987:1 (301.84sqm) before subdivision. The development complies with FSR after subdivision as follows:

	Area	GFA	FSR
Lot 1	345.48	172.55	0.49:1
Lot 2	259.70	129.29	0.49:1

5.10 Heritage conservation

The site is not identified as a heritage item, adjoining or 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-882/2018.

6.1 Acid sulfate soils

The site is not identified as being affected by 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 management 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.*

Refer to amended stormwater plan. Stormwater collected from the nominated roof area in the BASIX is to be drained to the rainwater tank provided with the overflow to be connected into the stormwater infrastructure. Invert levels to discharge points to be confirmed on site. All impervious areas will be drained to the easement. The proposed development will not adversely affect the existing drainage pattern and/or soil stability. There will be no impact on the amenity of the adjoining properties. 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.

6.9 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 maintains the requirement for essential 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

2.1 Site Analysis	
<p>1.1 Development for the following purposes must submit a site analysis plan:</p> <ul style="list-style-type: none"> (a) attached dwellings (b) boarding houses (c) manor houses (d) multi dwelling housing (e) multi dwelling housing (terraces) (f) residential flat buildings (g) serviced apartments (h) shop top housing (i) housing estates (j) mixed use development containing dwellings (k) Torrens Title subdivision that proposes three or more lots. 	<p>The development is for the modification of an approved attached dual occupancy.</p>
Chapter 2.2 - Flood Risk Management	
<p>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-882/2018.</p>	
Chapter 2.3 - Tree Management	
<p><u>Works requiring a permit</u></p> <p>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.</p> <p>2.2 Development consent is required to remove any tree:</p> <ul style="list-style-type: none"> (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. 	<p>The modification does not propose the removal of any significant trees on the site. An additional tree is proposed for removal along the Cliffor Street frontage.</p> <p>As above.</p>
Chapter 2.4 - Pipeline Corridors	
<p>The site is not identified as being within or near a pipeline corridor.</p>	

Chapter 5 – Residential Accommodation – 5.1 Former Bankstown LGA

Section 4 – Dual Occupancies	
Subdivision	
4.1 For development that establishes a dual occupancy and a secondary dwelling on the same allotment, the two dwellings forming the dual occupancy may be subdivided provided the minimum lot size is 450m ² per dwelling.	The modification does not propose the subdivision of a secondary dwelling.
Storey limit (not including basements)	
4.2 The storey limit for dual occupancies is two storeys.	The modification maintains a maximum two (2) storeys.
4.3 The siting of dual occupancies, 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 modification is compatible with the existing slope and contours of the site and adjoining sites. Development that involves elevated platforms on columns; or excessive or unnecessary terracing, rock excavation, retaining walls or reclamation is not proposed.
4.4 Any reconstituted ground level on the site must not exceed a height of 600mm above the ground level (existing) of an adjoining site except where: (a) the dual occupancy is required to be raised to achieve a suitable freeboard in accordance with Chapter 2.2 of this DCP; or (b) the fill is contained within the ground floor perimeter of the dual occupancy to a height no greater than 1 metre above the ground level (existing) of the site.	Not proposed.
Setback restrictions	
4.5 The erection of dual occupancies 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.
Street setbacks	
4.6 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 modification proposes a front setback of >5.5m.
4.7 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 maintains a setback of >3m to the building walls and >5.5m to Lot 2 garage.
Side setbacks	
4.8 For the portion of the building wall that has a wall height less than or equal to 7 metres, the	The modification maintains a side setback of 0.9m. The modification proposes a wall height of

minimum setback to the side boundary of the site is 0.9 metre. Council may increase the minimum setback to reduce any impact on the amenity of an adjoining dwelling or to avoid the drip line of a tree on an adjoining site.	less than 7m.
4.9 For the portion of the building wall that has a wall height greater than 7 metres, the minimum setback to the side boundary of the site is 1.5 metres.	As above.
4.10 The minimum setback between a dual occupancy and the side boundary must be clear of obstacles such as a hot water unit, waste storage area, storage shed and the like.	As above.
4.11 The basement level must not project beyond the ground floor perimeter of the dual occupancy.	N/A. No basement proposed in the modification.
Private open space	
4.12 Dual occupancies must provide a minimum 80m ² of private open space per dwelling behind the front building line. This may be in the form of a single area or a sum of areas per dwelling provided the minimum width of each area is 5 metres throughout.	The modification seeks to change the approved POS: Unit 1: 91.22 sqm Unit 2: 87.17 sqm The POS are provided as a sum of areas and each of the POS have a minimum dimension of 5 metres throughout
Access to sunlight	
4.13 At least one living area of each dwelling 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.	The modification maintains suitable solar access to the living areas.
4.14 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.	The modification maintains the solar access to the adjoining dwellings.
4.15 A minimum 50% of the private open space required for each dwelling 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.	The modification maintains the solar access to the POS.

4.16 Development should avoid overshadowing any existing solar hot water system, photovoltaic panel or other solar collector on the site and neighbouring sites.	As above.
Visual privacy	
4.17 Where development proposes a window that directly looks into the living area or bedroom window of an existing dwelling, the development must: (a) offset the windows between dwellings to minimise overlooking; or (b) provide the window with a minimum sill height of 1.5 metres above floor level; or (c) ensure the window cannot open and has obscure glazing to a minimum height of 1.5 metres above floor level; or (d) use another form of screening to the satisfaction of Council.	The modification seeks to: - <i>Re design of the ground and first floor plan of each dwelling.</i> The windows proposed on the upper floor are appropriate for the room to which they relate and do not create an overlooking nuisance.
4.18 Where development proposes a window that directly looks into the private open space of an existing dwelling, the window does not require screening where: (a) the window is to a bedroom, bathroom, toilet, laundry, storage room, or other non-habitable room; or (b) the window has a minimum sill height of 1.5 metres above floor level; or (c) the window has translucent glazing to a minimum height of 1.5 metres above floor level; or (d) the window is designed to prevent overlooking of more than 50% of the private open space of a lower-level or adjoining dwelling.	The modification does not propose windows that directly looks into the private open space of an existing dwelling.
4.19 Council may allow dual occupancies 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: (a) does not have an external staircase; and (b) does not exceed a width of 1.5 metres throughout; and (c) incorporates a form of screening to the satisfaction of Council such as partially recessing the balcony into the building.	Not proposed.
4.20 Council does not allow dual occupancies to have roof-top balconies and the like.	No roof-top balconies and the like are existing or proposed in the modification.
Building design	
4.21 Development for the purpose of dual occupancies must demolish all existing	The modification does not seek to change the approved demolition of existing structures on the

<p>dwellings (not including any heritage items) on the site.</p>	<p>site.</p>
<p>4.22 The design of dual occupancies must ensure:</p> <p>(a) the street facade of dual occupancies (attached) adopt an asymmetrical design to provide each dwelling with an individual identity when viewed from the street; or</p> <p>(b) the street facade of dual occupancies (attached) or dual occupancies (detached) incorporate architectural elements that are compatible with the asymmetrical appearance of neighbouring dwelling houses, particularly where a pattern is established by a group of adjoining dwelling houses; and</p> <p>(c) the front porch and one or more living area or bedroom windows to each dwelling face the street; and</p> <p>(d) the garage, driveway and front fence do not dominate the front of the building and front yard; and</p> <p>(e) the two dwellings on a corner site each face a different frontage.</p>	<p>The modification seeks to:</p> <ul style="list-style-type: none"> - <i>Re design of the front facades of each dwelling.</i> <p>The modification maintains:</p> <p>(a) the street facade as an asymmetrical design to provide each dwelling with an individual identity when viewed from the street;</p> <p>(b) the street facade of the dual occupancy incorporates architectural elements that are compatible with the asymmetrical appearance of neighbouring dwelling houses, and</p> <p>(c) a front porch and living area or bedroom windows to each dwelling that face the street; and</p> <p>(d) the garage and driveway do not dominate the front of the building and front yard; and</p> <p>(e) the two dwellings each face a different frontage.</p>
<p>4.23 The maximum roof pitch for dual occupancies is 35 degrees.</p>	<p>N/A. The modification maintains a flat roof.</p>
<p>4.24 Council may allow dual occupancies 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>	<p>N/A. The modification does not propose an attic.</p>
<p>4.25 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>	<p>N/A. The modification does not propose dormers.</p>
<p>4.26 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</p>	<p>The site is not located in the foreshore protection area.</p>

brown).	
Building design (car parking)	
<p>4.27 Development on land bounded by Birdwood Road, Bellevue Avenue and Rex Road in Georges Hall must:</p> <p>(a) comply with the road pattern shown in Appendix 2; and</p> <p>(b) ensure vehicle access from Balmoral Crescent to land at 107–113 Rex Road in Georges Hall is provided for no more than 10 dwellings as shown in Appendix 3.</p>	<p>The site is not land bounded by Birdwood Road, Bellevue Avenue and Rex Road in Georges Hall.</p>
<p>4.28 Development must locate the car parking spaces behind the front building line with at least one covered car parking space for weather protection. Despite this clause, Council may allow one car parking space per dwelling to locate forward of the front building line provided:</p> <p>(a) the car parking space forward of the front building line is uncovered and located in a stacked arrangement on the driveway in front of the covered car parking space; and</p> <p>(b) the covered car parking space is setback a minimum 6 metres from the primary and secondary street frontages.</p>	<p>The modification does not seek to change the location of the approved parking for each of the dwellings. The modification seeks to propose an attached double garage behind the building line of each dwelling and sufficient space for a hard stand in front of each of the garages.</p> <p>(a) The uncovered spaces are located in a stacked arrangement on the driveway in front of the covered car parking space; and</p> <p>(b) the covered car parking space is setback in excess of 6 metres from the primary and secondary street frontages.</p>
<p>4.29 Where development proposes a garage with up to two car parking spaces facing the street, Council must ensure the garage architecturally integrates with the development and does not dominate the street facade. Council does not permit internal stacked or tandem garages.</p>	<p>The modification ensures the garage garages are architecturally integrated with the development an</p>
<p>4.30 Where development proposes a garage with more than two car parking spaces facing the street, Council must consider the architectural merit of the development and may allow the garage provided:</p> <p>(a) the building is at least two storeys in height, and</p> <p>(b) the garage is architecturally integrated with the upper storey by:</p> <p>(i) ensuring the garage does not project more than 3 metres forward of the upper storey street facade; and</p> <p>(ii) designing a covered balcony, rooms or other architectural features of the upper storey to extend over the garage roof.</p> <p>This clause prevails where there is a numerical inconsistency with another clause in this</p>	<p>N/A. The modification does not propose garages with more than two car parking spaces.</p>

chapter of the DCP.	
Landscape	
<p>4.31 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 dual occupancy.</p>	<p>The modification requires the removal of an additional tree along Clifford Street prior to construction.</p>
<p>4.32 Development must landscape the following areas on the site by way of trees and shrubs with preference given to native vegetation endemic to Canterbury-Bankstown (refer to the Landscape Guide for a list of suitable species):</p> <p>(a) a minimum 45% of the area between the dual occupancy and the primary street frontage; and</p> <p>(b) a minimum 45% of the area between the dual occupancy and the secondary street frontage; and</p> <p>(c) plant at least one 75 litre tree between the dual occupancy and the primary street frontage (refer to the Landscape Guide for a list of suitable trees in CanterburyBankstown); and</p> <p>(d) for development in the foreshore protection area (refer to map in Appendix 1), plant native trees with a mature height greater than 12 metres adjacent to the waterbody.</p>	<p>The modification maintains landscape area of:</p> <p>(a) a minimum 45% of the area between the dual occupancy and the primary street frontage; and</p> <p>(b) a minimum 45% of the area between the dual occupancy and the secondary street frontage; and</p> <p>(c) space for at least one 75 litre tree between the dual occupancy and the primary street frontage.</p>
SECTION 11–LIVABLE HOUSING	
<p>11.1 Development must comply with the following requirements:</p> <p>Dual occupancies and semi-detached dwelling</p> <p>New dual occupancy dwellings are to provide:</p> <ul style="list-style-type: none"> • capability for a safe and continuous path of travel from the street or car parking area into the dwelling; • internal doors with a clearance of 820mm and corridors with a clearance of 1000mm, that facilitate comfortable unimpeded movement between spaces; • a toilet at the ground floor level; • a bathroom that contains a hobless shower recess; • reinforced walls around the toilet, shower and bath to support safe installation of grabrails at a later date; • stairways that are designed with handrails and safe access. 	<p>The development has been designed to include the appropriate requirements for Livable housing.</p>

<p>The above dimensions and clearances are to be demonstrated on a floor plan.</p> <p>Should the National Construction Code apply livable housing design requirements to class 1a buildings in NSW, at least one dwelling must achieve the Gold Standard; and the second dwelling must achieve the Silver Standard of the Livable Housing Design Guidelines.</p>	
SECTION 14-SITE FACILITIES	
<p><u>Building design (utilities and building services)</u></p> <p>14.1 The location and design of utilities and building services (such as plant rooms, hydrants, equipment and the like) must be shown on the plans.</p> <p>14.2 Utilities and building services are to be integrated into the building design and concealed from public view.</p>	<p>Standard utilities are proposed.</p>
<p><u>Building design (substations)</u></p> <p>14.3 The location and design of substations must be shown on the plans.</p> <p>14.4 Substations should locate underground. Where not possible, substations are to be integrated into the building design and concealed from public view. 14.5 Substations must not locate forward of the front building line.</p>	<p>A substation is not required / proposed.</p>

Chapter 3 – General Requirements

3.1 – Development Engineering Standards	
Section 3 – Stormwater drainage systems	
<p><u>Development impacted by stormwater systems</u></p> <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</p>	<p>Refer to amended stormwater plan. Stormwater collected from the nominated roof area in the BASIX is to be drained to the rainwater tank provided with the overflow to be connected into the stormwater infrastructure. Invert levels to discharge points to be confirmed on site. All impervious areas will be drained to the easement. The proposed development will not adversely affect the existing drainage pattern and/or soil stability. There will be no impact on the amenity of the adjoining properties. All works</p>

<p>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>	<p>can be undertaken using standard engineering practices. Erosion and sediment controls will be installed.</p>
<p><u>Disposal of stormwater runoff</u></p> <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 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>	<p>As above.</p>
<p>3.2 – Parking</p>	
<p>Section 2 – Off-Street Parking Rates</p>	
<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</p>	<p>Required: 2 car spaces Provided: 2 car spaces</p> <p>N/A. Car parking is provided in accordance with the above clause.</p>

<p>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 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>	<p>N/A. The site is located within R2 Low Density Residential. The development is for an attached dual occupancy.</p> <p>Noted.</p> <p>N/A</p> <p>The development is for the modification of an approved attached dual occupancy.</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		
<u>All residential development types</u>		
3.1 Council or its contractors are solely to	The modification maintains appropriate waste	

<p>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 line to accommodate all allocated bins.</p> <p>3.4 The location of the bin storage area must not adversely impact on the streetscape, building design or amenity of dwellings.</p> <p>3.5 The location of the bin storage area should ensure this area:</p> <p>(a) is screened or cannot be viewed from the public domain; and</p> <p>(b) is away from windows of habitable rooms to reduce adverse amenity impacts associated with noise, odour and traffic.</p> <p>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.</p> <p>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 1m² per dwelling.</p> <p>3.8 Dwellings are to have access to an adequately sized on-site storage area to store</p>	<p>management for the development.</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 available to the side of the dwelling for the storage of waste bins.</p> <p>The location of the bin storage area does not adversely impact on the streetscape, building presentation or amenity of occupants and adjoining dwellings.</p> <p>The location of the bin storage area ensures this area:</p> <p>(a) is screened or cannot be viewed from the public domain; and</p> <p>(b) is away from windows of habitable rooms to reduce adverse amenity impacts associated with noise and odour</p> <p>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</p> <p>Noted.</p> <p>Sufficient storage is provided.</p>
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bulky waste awaiting collection.	
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.
3.4 – Sustainable Development	
Section 2 – Water conservation	
2.1 Proposals for new development with a gross floor area less than 5,000m ² and proposals for extensions to existing developments below 5,000m ² seeking to expand by 50% or more of the existing floor area must comply with Requirement W1.	The development is for the modification of an approved attached dual occupancy, with a gross floor area of less than 5,000m ² . Refer to BASIX for water conservation measures.
2.2 Proposals for new development or extensions with a floor area greater than or equal to 5,000m ² of gross floor area must comply with Requirements W1 and W2.	N/A
Section 3 – Energy minimisation	
3.1 Proposals for new development where the total gross floor area is below 5,000m ² ; and extensions to existing uses below 5,000m ² that involve an increase in 50% or more of the existing gross floor area must comply with Requirements E1 and E2.	The development is for the modification of an approved attached dual occupancy, with a gross floor area of less than 5,000m ² . Refer to BASIX for water conservation measures.
3.7 – Landscape	
Section 2 – Landscape design	
<u>Existing vegetation and natural features</u>	
2.1 New landscaping is to complement the existing street landscaping and improve the quality of the streetscape.	The landscaping complements the existing street landscaping and quality of the streetscape.
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.	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.
<u>Design and location of landscape</u>	
2.3 The landscape design is to contribute to and take advantage of the site characteristics.	The proposed landscape design contributes to and takes advantage of the site characteristics.
2.4 The landscape design is to improve the	As above.

<p>quality of the streetscape and communal open spaces by:</p> <ul style="list-style-type: none"> (a) providing appropriate shade from trees or structures; (b) defining accessible and attractive routes through the communal open space and between buildings; (c) providing screens and buffers that contribute to privacy, casual surveillance, urban design and environmental protection, where relevant; (d) improving the microclimate of communal open spaces and hard paved areas; (e) locating plants appropriately in relation to their size including mature size; (f) softening the visual and physical impact of hard paved areas and building mass with 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>2.5 The landscape of setbacks and deep soil zones must:</p> <ul style="list-style-type: none"> (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>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:</p> <ul style="list-style-type: none"> (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 	<p>N/A. The site has no trees for retention.</p> <p>Sufficient space is available to the front and rear of the site for planting of canopy trees if required.</p>

<p>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>Noted.</p>
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(iii) – 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

Context & Setting

The development site currently contains residential dwelling. The surrounding area is characterized by similar sized lots and developments. The proposed development is expected to be consistent with existing development on the lot and adjoining lots.

Access, Transport and Traffic

The site has frontage to Phillip Street and Clifford Street. The development is not expected to result in significant additional vehicle movements with the current road network being suitably designed for the current road construction.

Public Domain

A contribution under the S.7.12 contribution plan is payable given the proposed development type.

Utilities

The development includes the augmentation or upgrading of essential services required for the development.

Heritage

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

Other Land Resources

The development seeks a residential use on the land.

Water

The development site has provision of Council's water services to the development site.

Soils

There is no previous history of usage on the site that could potentially lead to a risk in site contamination. It is considered that the sites soils are adequate for the development.

Air and microclimate

The proposed development is considered to have minimal impact on the existing microclimate in the area.

Flora and fauna

The development site is not expected to contain any critical habitats or threatened or endangered ecological communities. The development does not prevent access of any species to the site and does not require the removal of any remnant vegetation. The development will retain vegetation to the allotment boundaries. The lot does not appear on the NSW Biodiversity Values Map as a lot identified as containing areas of biodiversity value.

Waste

Minimal waste will be generated from the operation of the development. Waste from the development may be managed on site.

Energy

The modification maintains eco-friendly practices such as rainwater harvesting and suitable water and energy rated fittings.

Noise & vibration

The development will not result in any noise and vibration with the exception of the construction phase. Council's standard hours of operation will be imposed during construction works.

Natural hazards

The site is not identified as being subject to bushfire or flooding.

Technological hazards

Previously addressed throughout the report – natural hazards, soils, etc.

Safety, security & crime prevention

The modification will not result in any decrease in safety, security and prevention of crime in the surrounding area. The new development on the site will provide an increase in passive surveillance of the surrounding environment.

Social & Economic impact in the locality

The development will have a positive social impact on the surrounding area. The

development will be consistent with development on the existing and adjoining allotments.

Site design and internal design

The proposed development will be located with adequate setbacks from all lot boundaries.

Construction

Any construction works must be compliant with the Building Code of Australia.

Cumulative impacts

The proposed modification is considered to be compliant with surrounding land uses and approval of the application is not expected to result in any unacceptable land use conflicts. Pertinent matters have been addressed in detail in this report, which demonstrates that the development is consistent with applicable planning legislation.

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

The site is considered suitable for the proposed development.

Lot: 91 DP: 35201 (9 Phillip Street, Panania) is a corner allotment with a total area of 605.25m² and a primary frontage to Phillip Street and secondary frontage to Clifford Street. The site has a gradient from the front to the rear of the site of 1.5m (RL 20.83 – RL 22.33). The proposed site currently contains the partially constructed dual occupancy.

The development proposes the Demolition of Existing Structures and Construction of an Attached Dual Occupancy with Inground Swimming Pools, Front Fence and Torrens Title Subdivision.

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 Phillip Street and Clifford Street. The site is not identified as a heritage item, adjoining or adjacent a heritage item or within a heritage conservation area. The site is not identified as being bushfire prone land but is 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,



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