



Application Pursuant to Clause 4.15 of  
The Environmental Planning and Assessment  
Act 1979

Statement of Environmental Effects in support of the demolition of an  
existing structure, removal of two trees and development of a  
proposed detached dual occupancy followed by Torrens Title  
subdivision

71 Dutton Street, Bankstown, NSW 2200

|              |             |
|--------------|-------------|
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| Project No:  | 24324       |
| Date:        | 24/04/2025  |
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| Title                              | Version | Prepared By | Checked by | Date     |
|------------------------------------|---------|-------------|------------|----------|
| Statement of Environmental Effects | V1      | Fran Davies | EE         | May 2025 |

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## 1 EXECUTIVE SUMMARY

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### 1.1 INTRODUCTION

This Statement of Environmental Effects (SEE) is to accompany the plans lodged as part of the development proposal to City of Canterbury-Bankstown for the demolition of an existing structure, removal of two trees and development of a proposed detached dual occupancy followed by Torrens Title subdivision, at 71 Dutton Street, Bankstown.

The statement addresses the relevant elements of Clause 4.15 of the Environmental Planning and Assessment Act 1979, together with relevant State Environmental Planning Policies and Regional Environmental Plans, the Regulations and local plans and policies.

### 1.2 LEGISLATIVE REQUIREMENTS

The site is located in the City of Canterbury-Bankstown Local Government Area (LGA) within the R2 Low Density Residential Zone. The following state and local legislative controls are relevant to the proposal:

- State Environmental Planning Policy Resilience and Hazards 2021
- State Environmental Planning Policy – Sustainable Buildings 2022
- State Environmental Planning Policy –Transport and Infrastructure 2021
- Canterbury-Bankstown Local Environmental Plan 2023

### 1.3 NON-LEGISLATIVE REQUIREMENTS

The following non-legislative control is applicable to the development:

- Canterbury-Bankstown Development Control Plan 2023

### 1.4 CONCLUSION

It is our professional opinion that the proposal is consistent with the relevant controls, their underlying objectives, together with the plans and policies at both local and state levels. The proposal offers a high-quality, flexible, contemporary residential development outcome. The proposed detached dual occupancy will provide for and contribute to the established residential streetscapes in the immediate locality.

We recommend the proposal for your approval, subject to standard conditions of consent.

## 2 SITE SUMMARY

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### 2.1 SITE ATTRIBUTES

|  |  |
|--|--|
| Address of Site:                         | 71 Dutton Street, Bankstown  |
| Local Government:                        | City of Canterbury-Bankstown   |
| Local Environmental Plan:                | Canterbury-Bankstown Local Environmental Plan 2023                                       |
| Development Control Plan:                | Canterbury-Bankstown Development Control Plan 2023                                       |
| Zone:                                    | R2 – Low Density Residential   |
| Brief Description / Purpose of Proposal: | Development of a proposed detached dual occupancy followed by Torrens Title subdivision. |

## 2.2 SITE DESCRIPTION

The site is legally known as Lot A in Deposited Plan 402398 and is commonly referred to as 71 Dutton Street, Bankstown. The subject site is a corner allotment, regular in shape, with a frontage of 20.12m to Dutton Street and 41.86m to Glassop Street. These measurements equate to an overall site area of 842.1 m<sup>2</sup>. The topography slopes by approximately 4m from West to East and is generally level from North to south. There are 3 trees on site that are 8m or lower. There are a number of trees within the road reserve fronting the property and a bus stop at Glassop Street.

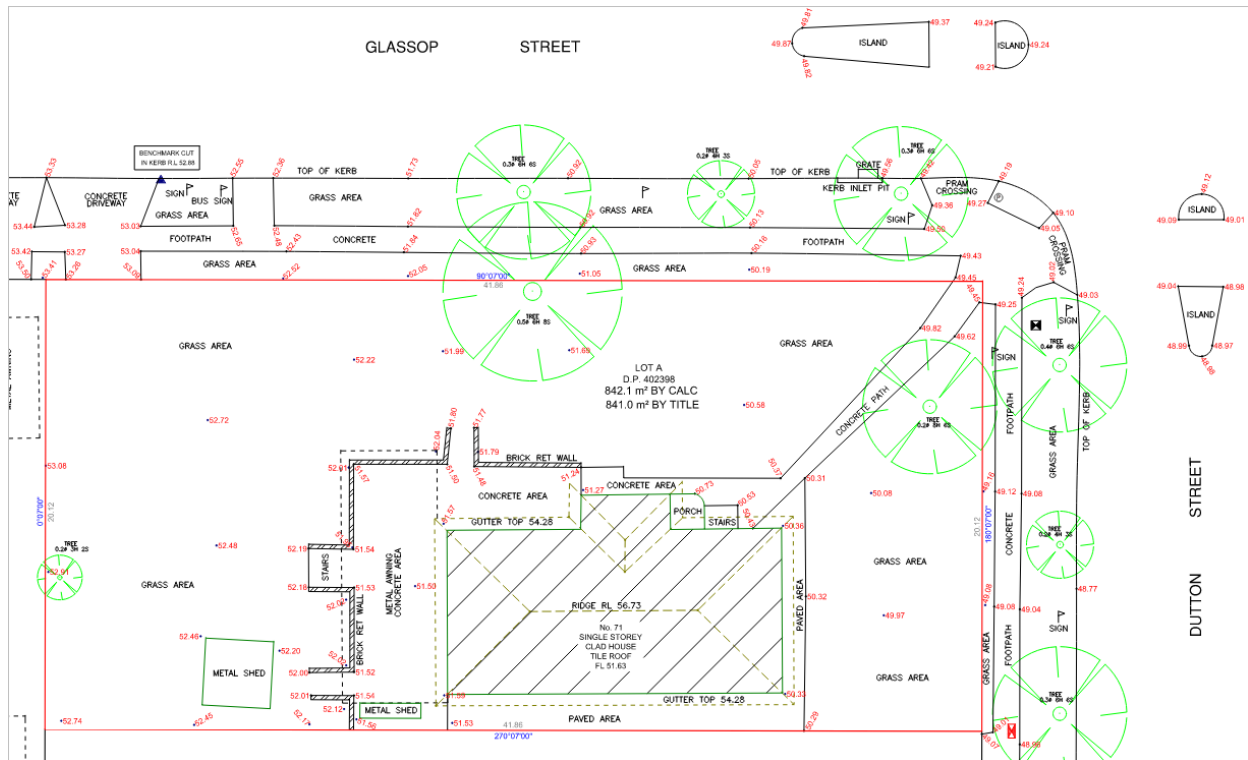


Figure 1: Site Survey

Source: Masri Survey Group Pty Ltd

The subject allotment is currently occupied by a dwelling house and two small sheds. The current pedestrian access to the property is via a concrete path from the North-Eastern corner and the vehicle access is from Glassop Street.



Figure 2: Street View

Source: es.au

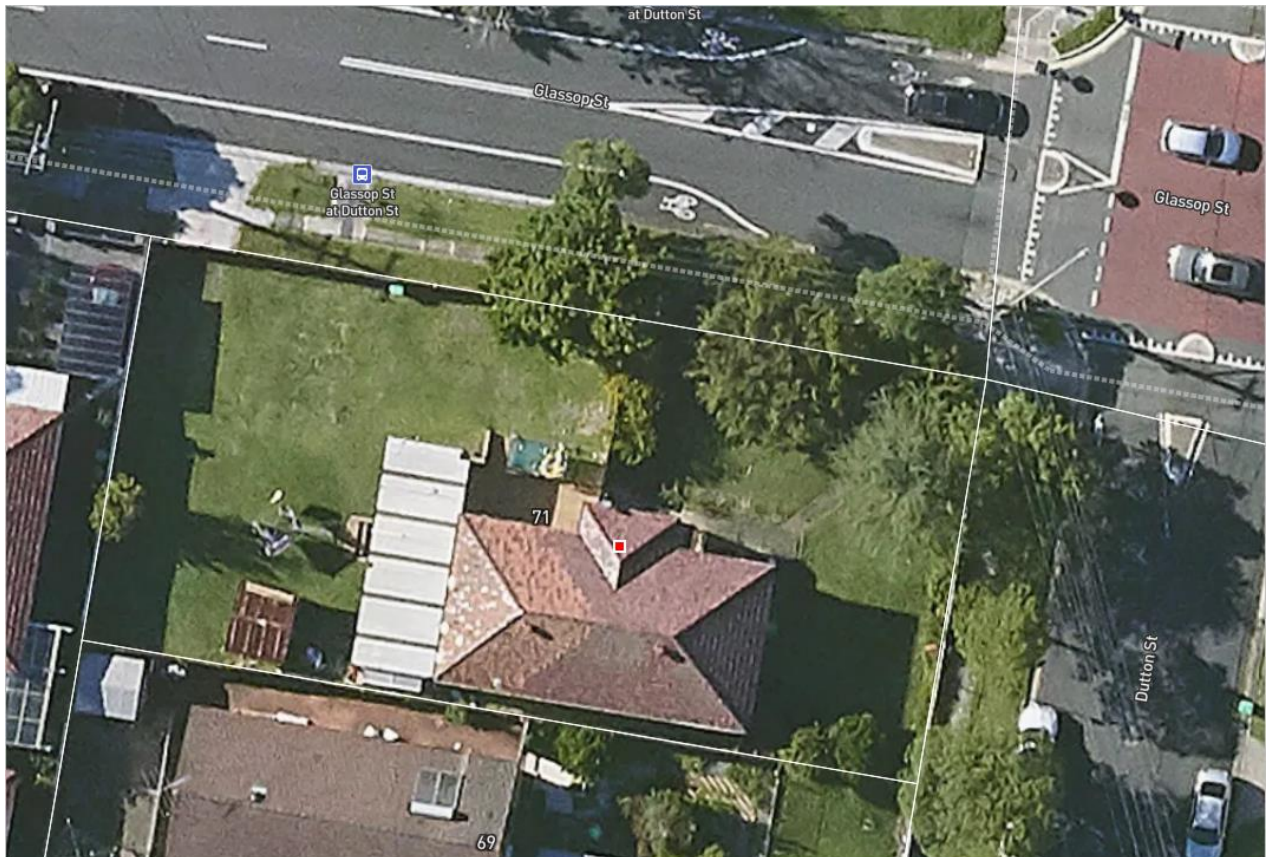


Figure 3: Aerial View

Source: Metromap

### 2.2.1 Site Surrounds

Reviewing the surrounds, the locality is characterised by a mixture of low density and high density residential developments.

#### Primary Road View (Dutton Street)

The developments along Dutton Street to the south are characterised by a variety of low density residential development and higher density aged care facilities. The lots directly adjoining the subject site are dwelling houses, with the Lebanese Muslim Association (LMA) Aged Care Centre further along at 65 Dutton Street.





Figure 4: Street View

Source: es.au

East View (opposite Dutton Street)

The developments opposite the site are characterised by a variety of low to mid density residential development, consisting of dwelling houses and town houses.



Figure 5: Street View

Source: es.au



### Secondary Road View (Glassop Street)

The developments along Glassop Street to the west are characterised by a variety of low to mid density residential development, consisting of dwelling houses and town houses.



Figure 6: Street View

Source: Google Street View

### North View (opposite Glassop Street)

The developments directly opposite the site to the north are characterised by mainly low density residential development. The area to the north of Glassop Street is zoned R4 High Density Residential. This area mainly consists of dwelling houses and semi-detached dwellings, however, there are a number of higher density town house developments.



Figure 7: Street View

Source: es.au

### 3 RELEVANT SITE HISTORY

The subject allotment has been subject to the following works and applications:

A review of Council records indicates that there are no past development or applications relevant to the subject allotment.

### 4 PROPOSED WORKS

The applicant seeks approval for the proposed works which entail the following:

- Demolition of the existing structures on site;
- Removal of two trees, including one street tree and one tree on site;
- Erection of a two-storey, detached dual occupancy with basement and swimming pool; and
- Torrens title subdivision of the detached dual occupancy.

### 5 HEADS OF CONSIDERATION AND EVALUATION

#### 5.1 ENVIRONMENTAL PLANNING INSTRUMENTS

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

A BASIX certificate has been provided indicating the proposal achieves the appropriate energy targets. No further assessment is required.

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

#### CHAPTER 4 REMEDIATION OF LAND

The State Environmental Planning Policy requires consideration as to whether land is contaminated. A review of Council records and an inspection of site attributes indicates that the site has been used for residential purposes and zoned for residential purposes for a significant period.

In this regard, the works will not result in risks being posed in terms of contamination of land and thus no further consideration is required under the provisions of the SEPP. A review of the site indicates there is no evidence contamination on site or within the wider locality. The area is well established, and the land is suitable for the continuation of the proposed residential land use. No further assessment with regards to contamination is required.

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

The relevant elements of the policy are outlined within the table below:

| CHAPTER 2 INFRASTRUCTURE   |                |
|--|----------------|
| 2.48 Determination of development applications—other development   |                |
| (1) This section applies to a development application (or an application for modification of a consent) for development comprising or involving any of the following:  |                |
| <ul style="list-style-type: none"> <li>(a) the penetration of ground within 2m of an underground electricity power line or an electricity distribution pole or within 10m of any part of an electricity tower,</li> <li>(b) development carried out: <ul style="list-style-type: none"> <li>(i) within or immediately adjacent to an easement for electricity purposes (whether or not the electricity infrastructure exists), or</li> </ul> </li> </ul> | Not applicable |
|  | Not applicable |



|  |  |
|--|--|
| (ii) immediately adjacent to an electricity substation, or   | Not Applicable   |
| (iii) within 5m of an exposed overhead electricity power line,   | Not Applicable   |
| (c) installation of a swimming pool any part of which is:  |  |
| (i) within 30m of a structure supporting an overhead electricity transmission line, measured horizontally from the top of the pool to the bottom of the structure at ground level, or  | Not Applicable   |
| (ii) within 5m of an overhead electricity power line, measured vertically upwards from the top of the pool,  | Not Applicable   |
| (d) development involving or requiring the placement of power lines underground, unless an agreement with respect to the placement underground of power lines is in force between the electricity supply authority and the council for the land concerned. | Not applicable   |
| (3) Subsection (2) does not apply to development specified in subsection (1)(b) if the development involves only one or more of the following:   | The works are for a new detached dual occupancy. The proposal must be assessed against the Policy. |
| (a) internal alterations to a building,  |  |
| (b) a change of use of an existing building,   |  |
| (c) a change to the hours of operation specified in the development consent,   |  |
| (d) a subdivision that does not involve construction work.   |  |

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

##### PART 1 - PRELIMINARY

The proposal is subject to the provisions Canterbury-Bankstown Local Environmental Plan 2023. The proposals response to the relevant objectives of the Plan are as follows:

##### Clause 1.2 Aims of the Plan

The particular aims of this Plan are as follows:

##### Aim

(2) The particular aims of this Plan are as follows—

- (a) manage growth in a way that contributes to the sustainability of Canterbury-Bankstown,
- (d) to provide development opportunities that are compatible with the desired future character and amenity of Canterbury-Bankstown,
- (f) to provide a range of residential accommodation to meet the changing needs of the population,
- (j) to achieve good urban design in terms of site layouts, building form, streetscape, architectural roof features and public and private safety,

##### Comment

The proposal increases the availability and variety of low-density residential development within the Bankstown LGA and continues to allow the site to contribute to the available housing stock within the LGA. The proposed development is sited in an appropriate location and the high-quality design enhances the existing streetscape. Below illustrates the relevant clauses that apply to the subject site.

## PART 2 – PERMITTED OR PROHIBITED DEVELOPMENT

The Canterbury-Bankstown LEP 2023 identifies the land use as a:

- *Dual occupancy (detached) – means 2 dwellings on one lot of land, but does not include a secondary dwelling.*

The LEP lists the land use as:

- *Dual occupancies* are permissible with development consent within Zone R2 – Low Density Residential.

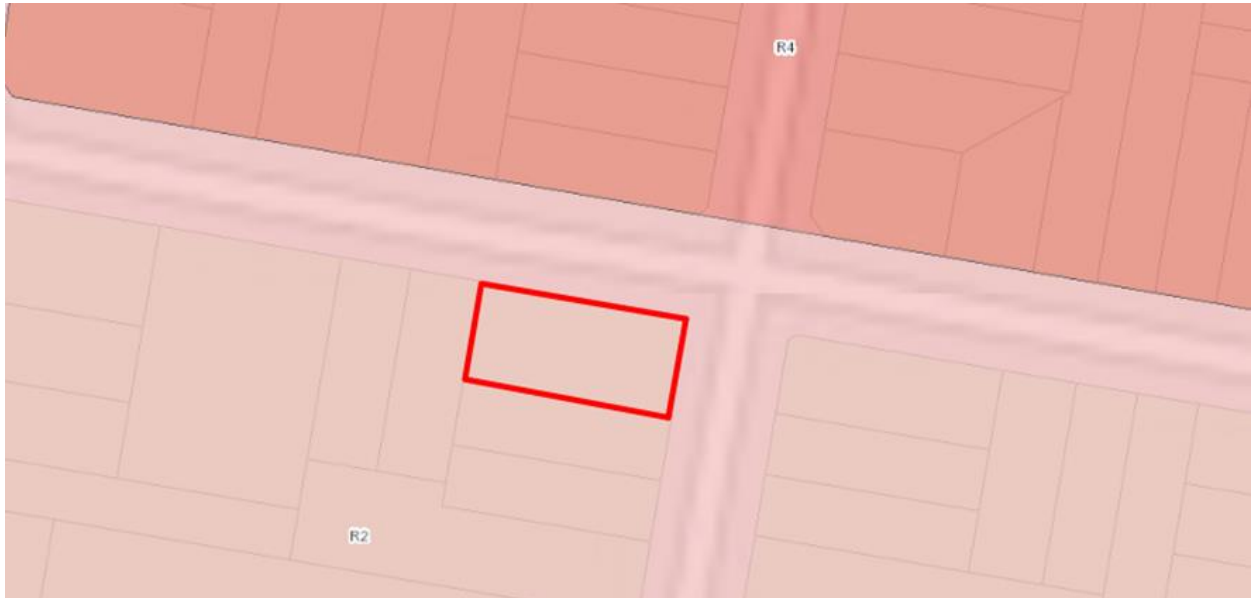


Figure 7: Zone Map

Source: Canterbury-Bankstown LEP 2023

### Relevant Objectives of zone

#### **Zone R2 Low Density Residential**

##### **1 Objectives of zone**

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

##### **2 Permitted without consent**

*Home occupations*

##### **3 Permitted with consent**

*Bed and breakfast accommodation; Building identification signs; Business identification signs; Car parks; Centre-based child care facilities; Community facilities; Dual occupancies; Dwelling houses; Early education and care facilities; Environmental facilities; Environmental protection works; Exhibition homes; Flood mitigation works; Group homes; Health consulting rooms; Home businesses; Oyster aquaculture; Places of public worship; Pond-based aquaculture; Recreation areas; Respite day care centres; Roads; Secondary dwellings; Semi-detached dwellings; Tank-based aquaculture*

#### 4 Prohibited

Any development not specified in item 2 or 3

##### Comment

The site is located in the R2 low density residential zone where dual occupancies are permissible. It is a low-impact residential development designed for two households. The building mass and scale is compatible with the surrounding development and avoids adverse effects, including regarding overshadowing, traffic and privacy. The proposed development is sited in an appropriate location and enhances the existing streetscape.

| PART 4 - BUILT FORM CONTROLS (LEP) |            |            |  |          |
|------------------------------------|------------|------------|--|----------|
| Control                            | Required   | Provided   | Comment  | Complies |
| Minimum Site Area                  | 700 sqm    | 842.10 sqm |  | Yes      |
| Maximum Building Height            | 9m         | 7m         |  | Yes      |
| Maximum Wall Height                | 7m         | 7m         |  | Yes      |
| Maximum Gross Floor Area           | 421.05 sqm | 420.98sqm  | Dwelling 1 = 211.93 sqm<br>Dwelling 2 = 209.05 sqm | Yes      |
| Maximum Floor Space Ratio          | 0.5:1      | 0.5:1      | Dwelling 1 = 0.50:1<br>Dwelling 2 = 0.49:1         | Yes      |

#### PART 5 MISCELLANEOUS PROVISIONS

There are no additional miscellaneous provisions relevant to the subject proposal.

#### PART 6 – ADDITIONAL LOCAL PROVISIONS

There are no additional local provisions relevant to the subject proposal.

#### 5.2 Proposed (Draft) Environmental Planning Instruments

There are no Draft Environmental Planning Instruments being formulated at strategic level or on exhibition at the time of preparing this report. Therefore, there are no draft controls relating to the proposal.

No further investigation is required in this regard.

#### 5.3 Development Control Plans

##### 5.3.1 Canterbury-Bankstown Development Control Plan

| DEVELOPMENT CONTROL TABLE (DCP)   |  |  |         |          |
|---|--|--|---------|----------|
| Control   | Required   | Provided   | Comment | Complies |
| Chapter 5 – Residential Accommodation, Chapter 5.1 – former Bankstown LGA |  |  |         |          |
| Primary Front setback   | First storey = 5.5m<br>Second storey = 6.5m                  | First storey = 5.90m<br>Second storey = 6.63m          |         | Yes      |
| Secondary Front setback   | Building wall = 3m   | First storey = 3.44m<br>Second storey = 5.50m          |         | Yes      |
| Side Setback  | 0.9m up to 7m wall height                                    | South boundary = 1.02m<br>West boundary = 1.12m        |         | Yes      |
| Landscaping   | Primary road frontage = 45%<br>Secondary road frontage = 45% | Primary road = 58.35%<br>Secondary road = 79.85%       |         | Yes      |
| Impervious Area   |  | 495.16 sqm or 0.59:1                                   |         | Yes      |
| Private Open Space  | 80sqm per dwelling, 5m width                                 | Dwelling 1 = 82.48sqm<br>Dwelling 2 = 82.82sqm         |         | Yes      |
| Chapter 3 - Parking   |  |  |         |          |
| Parking   | 2 car spaces per 3 or more bedrooms                          | Dwelling 1 = 2 car spaces<br>Dwelling 2 = 2 car spaces |         | Yes      |



## 6 ADDITIONAL CONSIDERATIONS

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### Visual Privacy

The proposed dual occupancy has been designed to eliminate any possibilities for the invasion of privacy. The building has been designed to follow the sloping terrain. The first-floor habitable room windows have been allocated to avoid directly overlooking at windows of adjoining properties. Privacy measures have been proposed to the first-floor windows and balconies to eliminate the overlooking impacts to private open space of neighbouring properties.

### Acoustic Privacy

The proposal does not include a change of use and any resultant noise from the site as a result of the proposal will be commensurate with that of the existing dwelling and a residential use. The minor intensification, from one dwelling to two dwellings, aligns with what is anticipated and permissible under the existing planning controls. No further investigation is required in this regard.

### Bulk and Scale

The proposal will be a visual improvement to the existing development site and surrounding areas. The development has been designed to align with the relevant planning controls and will, therefore, be of a bulk and scale that is anticipated for this area. The high-quality design of the dual occupancy complements the existing streetscape and minimises any adverse effects arising from the bulk and scale.

### Shadows

Shadow diagrams have been provided to demonstrate that the proposal meets the solar access requirements.

## 6.1 PLANNING AGREEMENTS

There are currently no Draft Planning Agreements or Planning Agreements applicable to the development. No further investigation is required in this regard.

## 6.2 THE REGULATIONS

### 6.2.1 Clause 36 and 91

Were Council to require additional information, consideration must be given to the number of days taken in this assessment in light of this clause within the Regulation. No additional information has been requested at the time of writing of the statement.

### 6.2.2 Clause 62

The consent authority is to consider the upgrading of a building (including fire safety upgrade of development). This matter may be addressed via a condition of consent.

### 6.2.3 Clause 69

The consent authority is to consider AS 2601 – 1991: The Demolition of Structures. This matter may be addressed via a condition of consent.

## 6.3 SITE SUITABILITY

### 6.3.1 Environmental

The assessment of the proposal has shown that any adverse environmental impacts resulting from the works will be negligible. Regard is shown for the natural environment in terms of on-site management of stormwater and drainage, with appropriate measures incorporated into the overall design that operate in concert with the areas of landscaping provided by the site layout.

The built environment will be enhanced by the upgraded site allowing for the more economical use of the available resource, without impacting or dominating the area in terms of built form. The proposal satisfies the requirements of both the natural and built environments.

### 6.3.2 Social

The proposal adds to housing diversity, allowing for a more diverse accommodation typology within the appropriate zone, being R2 - Low Density Residential. This allows a more diverse population cross section to “settle and stay” within the Canterbury-Bankstown LGA. The increased choice of housing in this area provided by the proposal increases the longevity of the site whilst allowing residents an upgraded modern alternative.

The dwelling will continue to utilise local services available to the occupants of dwellings in terms of housing. The proposal adds to the available housing stock within the area and provides opportunities for more varied dwelling choice. The proposal will allow the occupants to “age in place” and remain in occupation. The proposal is consistent with the social requirements in this regard.

### 6.3.3 Economic

The provision of appropriately serviced housing opportunities within this appropriately zoned locality, contributes to the easing of housing affordability pressure on potential homeowners whilst showing regard for the requirements of Zone R2 – Low Density Residential.

Maintaining resident numbers in this zone will add to the economic stability of the area by allowing for residents to live in a locality that is economically vibrant. The site is in close proximity to local services and within reasonable distance to local business and upgraded infrastructure. All of these entities will benefit from the employment and economic input provided by the future residents.

## 6.4 SUBMISSIONS

There are no submissions relating to the proposal from the community or the consent authorities at this stage of the proposal process. No further investigation is required in this regard.

## 6.5 THE PUBLIC INTEREST

The public interest is serviced by the accommodating of an upgraded dwelling in a manner that adds to housing stock and site longevity. The dwelling remains consistent with other dwellings in the street and remains consistent with the streetscape character and built form as existing. The proposal is clearly within the public interest.

## 7 CONCLUSIONS AND RECOMMENDATIONS

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The project, located within suburban Bankstown, offers a high-quality, flexible, contemporary, residential outcome which provides for and contributes to the housing diversity in this residential precinct comprised of a varied and eclectic mix of types of dwellings.

The proposal has demonstrated consistency with the underlying objectives of the controls and general compliance with the numerical standards contained within both State and Local policies and plans. The proposal shows regard for Section 4.15 of the Act, shows regard for all heads of consideration including site suitability, economic, social and environmental impacts and the public interest.