



FOWLER

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OUR PASSION.

Statement of Environmental Effect

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Prepared by Fowler Homes

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Supporting Documents

Document	Prepared By
Architectural Plans	Fowler Homes
Survey Plan	Aspect Development & Survey
Landscape Plan	Ecodesign
Hydraulic Plan	Engineering Studio
Waste Management Plan	Fowler Homes
BASIX & NatHERS	Frys Energywise & Building Energy Consultants
Traffic & Parking Impact Assessment	Common Sense Management Consultancy

Introduction

General

This Statement of Environmental Effects ('SEE') has been prepared by Fowler Homes for the owner of the property. This Statement is to accompany a development application to Canterbury Bankstown Council, seeking development consent for a construction of a double storey dwelling and detached secondary dwelling at 59 Lucas road, East Hills 2213 – Lot 2 DP 23623.

The Statement of Environmental Effects has been prepared and considered the provisions in accordance with the Environmental Planning and Assessment Act 1979 (EP&A Act).

The purpose of the SEE is to provide a detailed description of the proposed development and its context. Specifically, to assess the proposal against the applicable planning controls and assess the potential environmental impacts measures.

The proposal is permissible with consent and is consistent with the zoning requirements, the proposed development is generally compliant with Local Environmental Plan and Development Control Plan. The proposal responds appropriately to the character and streetscape of the immediate neighbourhood and results in no unreasonable impacts to its surroundings.

The development seeks an architectural appearance and forms that respond to the surrounding context and is in the public interest.

Site Analysis & Context

Site Analysis

The subject site is legally known as Lot 2 DP 23623. The subject site is located north-east of Henry Lawson Drive, south of Panania train station and west of Picnic Point Road.

The site is a regular lot. The site has a total area of approximately 891.8m², the front and rear boundary consists of 14.63m in length and 60.96m length to the side boundaries.

Based on the Survey Plan provided, the site is sloping to north-west, where the highest RL of the site being approximately RL 10.10m and lowest point of the site being approximately RL 8.6m. A detailed Survey by a Registered Surveyor outlining boundary lengths and RL's has been submitted with the DA application.

There is an existing dwelling, detached garage, carport and shed to be demolished by Client. Separate approval to be obtained by Client.



Figure 1. 59 Lucas Road East Hills 2213
Source: Aspect Development & Survey Ltd Pty

Environmental Constraints

Flooding

The land, or part of the land, is within the probable maximum flood (PMF) and may be within the flood planning area (FPA).

The land, or part of the land, is subject to flood related development controls.

You are advised to refer to the following:

- The relevant Development Control Plan (noted in Section 1.2 of this certificate) for further information on Council's approach to Flood Risk Management, and
- Frequently Asked Questions and details on the study relevant to your catchment area are available at Council's Floodplain Management webpage (<https://cb.city/flooding>).

Land Slip

No.

Tidal Inundation

No.

Subsidence

No.

Acid Sulfate Soils

The land is affected by the Acid Sulfate Soils Assessment Guidelines and Acid Sulfate Soils Planning Guidelines adopted by the Department of Planning and Environment and the NSW Office of Environment & Heritage and notified to the Council that restricts the development of the land because of the likelihood of acid sulfate soils.

Contamination

No.

Proposed Development

This development proposal seeks consent for the construction of the double storey dwelling.

The new dwelling house proposed on Lot 2 will contain:

Ground Floor:

Double garage, home cinema, guest bed with robe, powder, linen, games room, family, dining, kitchen, butler's pantry, laundry, patio and outdoor retreat.

First Floor:

Master suite with walk in robe, retreat and ensuite, bedroom with walk in robe and ensuite, 2 bedrooms with walk in robe and shared 2-way bath, leisure, walk in linen and balcony.

Assessment of Environmental Impacts

In accordance with Section 4.15 of the Environmental Planning and Assessment Act 1979 (EP&A Act) the proposal has been made in conjunction with the relevant planning instruments are as follows:

State Environmental Planning Policy (Sustainable Building) 2022

SEPP (Sustainable building) 2022 aims to ensure consistent assessment of sustainable residential development.

A BASIX certificate has been prepared and submitted with the development application. The certificate confirms that the proposed development will meet the NSW government's requirements for sustainability consistent with the aim of the SEPP (Sustainable Building) 2022.

State Environmental Planning Policy No. 55 (Resilience and Hazards) 2021 – Remediation of Land

SEPP (Resilience and Hazards) 2021 applies to all land and aims to promote the remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspect of the environment.

Under Chapter 4 of SEPP (Resilience and Hazards) it requires the consent authority to consider if the land is contaminated, it is satisfied that the land is suitable for in its contaminated state for the purpose for which the development is proposed to be carried out.

State Environmental Planning Policy (Housing) 2021

SEPP (Housing) applies to the state to ensure new housing development provides residents with a reasonable level of amenity and minimising adverse climate and environmental impacts of new housing developments.

The proposed plan is consistent with the relevant clauses which applies to the land and proposed development.

State Environmental Planning Policy (Biodiversity and Conservation) 2021

SEPP (Biodiversity and Conservation) aims to protect the biodiversity values of trees and other vegetation in non-rural areas of the State, and to preserve the amenity on non-rural areas of the State through the preservation of trees and other vegetation.

It is not permitted for clearing or the removal of vegetation or trees in a non-rural area of the State which 'Part 2.3 Land to which Chapter applies' without the authority conferred by a permit granted by the council.

However, if the proposed development requires the removal of trees or other vegetation. The obligation of the builder that will clear the trees or vegetation will comply with before or after the clearing is carried out.

Canterbury-Bankstown Local Environmental Plan 2023

The site is subject to the provisions of Canterbury-Bankstown Local Environmental Plan 2023. The proposed development is consistent with the controls relevant to the land under the LEP, as outlined below.



Clause 2.1 – Zoning of land to which Plan applies

The subject site is zoned as R2 Low Density Residential.

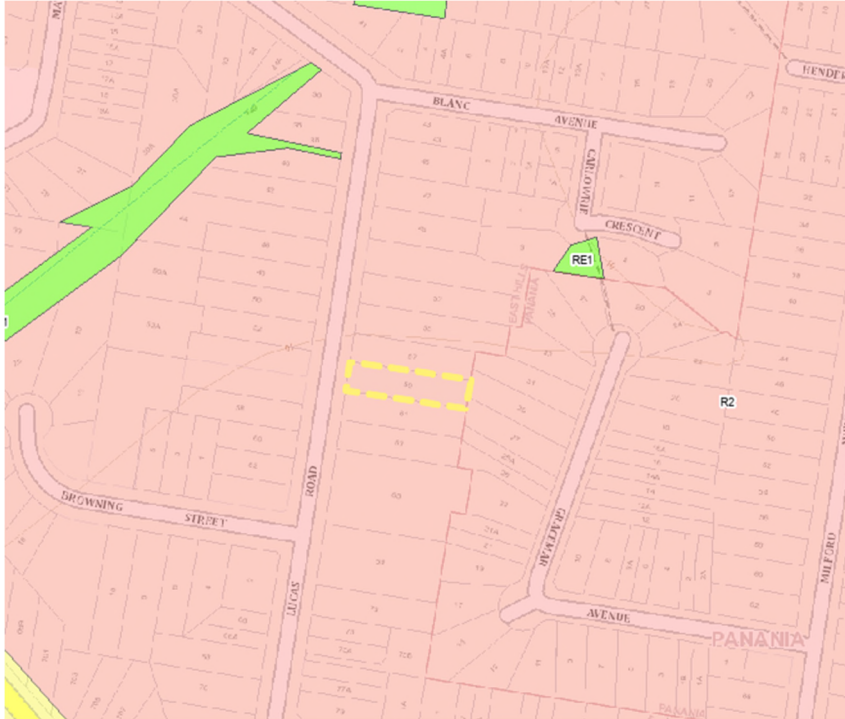


Figure 2. 59 Lucas Road East Hills 2213

Source: Planning Portal

Clause 2.3 – Zone objectives and Land Use Table

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

The proposed development on this site is listed as a permissible use within the R2 Low Density Residential. Therefore, the proposal of a double storey dwelling and detached secondary dwelling is permissible on site with development consent.

Clause	Standard	Compliance
4.3 Height of buildings	9m	7.660m
4.4 Floor Space Ratio (FSR)	0.5:1 445.9m ²	47.78% 426.09m ²
5.10 Heritage Conservation	(1) Objectives The objectives of this clause are as follows— (a) to conserve the environmental heritage of Campbelltown, (b) to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views, (c) to conserve archaeological sites, (d) to conserve Aboriginal objects and Aboriginal places of heritage significance.	N/A
5.11 Bush fire hazard reduction	Bush fire hazard reduction work authorised by the Rural Fires Act 1997 may be carried out on any land without development consent.	N/A
5.21 Flood planning	(1) The objectives of this clause are as follows— (a) to minimise the flood risk to life and property associated with the use of land, (b) to allow development on land that is compatible with the flood function and behaviour on	Affected. Development proposal to be consistent with flood report requirement.



	the land, taking into account projected changes as a result of climate change, (c) to avoid adverse or cumulative impacts on flood behaviour and the environment, (d) to enable the safe occupation and efficient evacuation of people in the event of a flood.	
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Canterbury-Bankstown Development Control Plan 2023

The proposed development generally complies with the planning controls set out in the DCP. It is considered the development responds well to its surroundings and streetscape characteristics detailed in the development control plan.

In the case, where a development control has not been met or achieved, an argument has been provided to demonstrate the proposal still achieves a satisfactory level of compliance and no adverse impacts on surrounding context.

A summary of the proposed development against the DCP is detailed in the table below:

Controls	Proposed
Dwelling Houses	
Storey limit Two storeys	Two storeys Complies.
Fill: 1m maximum	325mm Complies.
Street setbacks The minimum setback for a building wall to the primary street frontage is: (a) 5.5m for the first storey (i.e. the ground floor); and (b) 6.5m for the second storey.	Ground floor/first floor: 7.841m Complies.
Side setback Wall height less than or equal to 7m: 0.9m minimum Wall height greater than 7m: 1.5m	GF: 1020mm FF: 1500mm Complies.
Private open space Minimum 80m ² Minimum width 5m throughout	POS: 274.20 Complies
Access to sunlight At least one living area must receive a minimum three hours of sunlight between 8.00am and 4.00pm at the mid-winter solstice. Council may allow light wells and skylights to supplement this access to sunlight	Proposed dwelling games room, dining and family will receive a minimum of three hours of sunlight between 8:00am and 4:00pm.



<p>provided these building elements are not the primary source of sunlight to the living areas.</p> <p>At least one living area of a dwelling on an adjoining site must receive a minimum three hours of sunlight between 8.00am and 4.00pm at the mid-winter solstice. Where this requirement cannot be met, the development must not result with additional overshadowing on the affected living areas of the dwelling.</p> <p>A minimum 50% of the private open space required for the dwelling house and a minimum 50% of the private open space of a dwelling on an adjoining site must receive at least three hours of sunlight between 9.00am and 5.00pm at the equinox. Where this requirement cannot be met for a dwelling on an adjoining site, the development must not result with additional overshadowing on the affected private open space.</p> <p>Development should avoid overshadowing any existing solar hot water system, photovoltaic panel or other solar collector on the site and neighbouring sites.</p>	<p>Adjoining dwellings living area will receive more than three hours of sunlight between 8:00am and 4:00pm.</p> <p>Proposed double storey dwelling and detached secondary dwelling will not overshadow more than 50% of the private open space for the dwelling house and adjoining dwelling.</p> <p>Adjoining dwelling no. 61's solar panel will receive minor overshadowing to the ground floor roof solar panels but will receive more than 3 hours of sunlight between 8am and 4pm. The solar panels on the first-floor roof will not be affected as the roof levels are quite consistent, therefore, no concern of overshadowing is required.</p>
<p>Visual Privacy</p> <p>Where development proposes a window that directly looks into the living area or bedroom window of an existing dwelling, the development must:</p> <ul style="list-style-type: none">(a) offset the windows between dwellings to minimise overlooking; or(b) provide the window with a minimum sill height of 1.5m above floor level; or(c) ensure the window cannot open and has obscure glazing to a minimum height of 1.5m above floor level; or(d) use another form of screening to the satisfaction of Council. <p>Where development proposes a window that directly looks into the private open space of an existing</p>	<p>Proposed window sizes and location complies with visual privacy. The proposed windows will not look directly into adjoining dwellings living area or bedroom windows and private open space. Where windows proposed to the side of the dwelling, will have a sill height of more than 1.5m above floor level.</p>



<p>dwelling, the window does not require screening where:</p> <p>(a) the window is to a bedroom, bathroom, toilet, laundry, storage room, or other non-habitable room; or</p> <p>(b) the window has a minimum sill height of 1.5m above floor level; or</p> <p>(c) the window has translucent glazing to a minimum height of 1.5m above floor level; or</p> <p>(d) the window is designed to prevent overlooking of more than 50% of the private open space of a lower-level or adjoining dwelling.</p>	
<p>Building design</p> <p>The maximum roof pitch for dwelling houses is 35 degrees.</p>	<p>7 degrees</p> <p>Complies.</p>
<p>Building design (car parking)</p> <p>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 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>Proposed garage behind the building line.</p> <p>Garage setback: 8.933m</p> <p>Complies.</p>
<p>Landscape</p> <p>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 dwelling house</p> <p>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 dwelling house and the primary street frontage; and</p> <p>(b) a minimum 45% of the area between the dwelling house and the secondary street frontage; and</p> <p>(c) plant at least one 75 litre tree between the dwelling house and the primary street frontage (refer to the</p>	<p>Please refer to landscape plan prepared by Ecodesign.</p>



Landscape Guide for a list of suitable trees in Canterbury-Bankstown); and (d) for development in the foreshore protection area (refer to map in Appendix 1), plant native trees with a mature height greater than 12m adjacent to the waterbody.	
Secondary Dwellings	
Lot size (minimum) 450m ²	891.80m ² Complies.
Site Cover Council must not consent to development for the purpose of secondary dwellings unless: (a) the total floor area of the principal dwelling and the secondary dwelling is no more than the maximum floor area allowed for a dwelling house on the land under an environmental planning instrument; and (b) the total floor area of the secondary dwelling is no more than 60m ² or, if a greater floor area is permitted in respect of a secondary dwelling on the land under an environmental planning instrument, that greater floor area.	a) 425.86m ² b) 59.67m ² Complies.
Storey limit (not including basements) The storey limit for detached secondary dwellings is single storey and the maximum wall height is 3m.	Single storey Proposed 3.4m Non-compliant. A minor non-compliance to secondary dwelling wall height to comply with arborist advice. To raise the floor level to ensure that there is not cut in the encroachment to ensure that there is no impact to the adjoining rear tree. The proposed detached secondary dwelling has been carefully sited and designed to not affect adjoining dwellings privacy and overshadowing. Minimised windows and sizes to the side to ensure that there is no privacy concern to adjoining dwelling. Therefore, achieves secondary dwelling objectives and should gain the support of Council's approval.
Fill Any reconstituted ground level on the site within the ground floor perimeter of secondary dwellings must	375mm



<p>not exceed a height of 1m above the ground level (existing). For the purposes of this clause, the ground floor perimeter includes the front porch.</p> <p>Any reconstituted ground level on the site outside of the ground floor perimeter of secondary dwellings must not exceed a height of 600mm above the ground level (existing) of an adjoining site. For the purposes of this clause, the ground floor perimeter includes the front porch.</p>	<p>Complies.</p>
<p>Side and rear setbacks</p> <p>For the portion of the building wall that has a wall height less than or equal to 7m, the minimum setback to the side and rear boundaries of the site is 0.9m.</p>	<p>Side: 1500mm Rear: 6004mm</p> <p>Complies.</p>
<p>Private open space</p> <p>Secondary dwellings must not result in the principal dwelling on the site having less than the required landscaped area and private open space.</p>	<p>Secondary dwellings will not result in the principal dwelling on the site having less than the required landscaped area and private open space.</p>
<p>Access to sunlight</p> <p>At least one living area must receive a minimum three hours of sunlight between 8.00am and 4.00pm at the mid-winter solstice. Council may allow light wells and skylights to supplement this access to sunlight provided these building elements are not the primary source of sunlight to the living areas.</p> <p>At least one living area of a dwelling on an adjoining site must receive a minimum three hours of sunlight between 8.00am and 4.00pm at the mid-winter solstice. Where this requirement cannot be met, the development must not result with additional overshadowing on the affected living areas of the dwelling.</p> <p>A minimum 50% of the private open space required for the principal dwelling on the site and a minimum 50% of the private open space of a dwelling on an adjoining site must receive at least three hours of sunlight between 9.00am and 5.00pm at the equinox. Where this requirement cannot be met for a dwelling on an adjoining site, the development must not result with additional overshadowing on the affected private open space.</p>	<p>The proposed secondary dwelling will receive a minimum three hours of sunlight between 8:00am and 4:00pm at the mid-winter solstice. Adjoining dwelling will not be overshadowed by the proposed detached secondary dwelling. Adjoining dwellings living area and private open space will receive at least 3 hours of sunlight between 9.00am and 5.00pm at the equinox.</p>
<p>Visual privacy</p> <p>Where development proposes a window that directly looks into the living area or bedroom window of an existing dwelling, the development must:</p>	<p>Proposed detached secondary dwelling windows will not directly look into the living area or bedroom</p>



<p>(a) offset the windows between dwellings to minimise overlooking; or</p> <p>(b) provide the window with a minimum sill height of 1.5m above floor level; or</p> <p>(c) ensure the window cannot open and has obscure glazing to a minimum height of 1.5m above floor level; or</p> <p>(d) use another form of screening to the satisfaction of Council.</p> <p>Where development proposes a window that directly looks into the private open space of an existing dwelling, the window does not require screening where:</p> <p>(a) the window is to a bedroom, bathroom, toilet, laundry, storage room, or other non-habitable room; or</p> <p>(b) the window has a minimum sill height of 1.5m above floor level; or</p> <p>(c) the window has translucent glazing to a minimum height of 1.5m above floor level; or</p> <p>(d) the window is designed to prevent overlooking of more than 50% of the private open space of a lower-level or adjoining dwelling.</p>	<p>window and private open space of an existing dwelling.</p>
<p>Building design</p> <p>The maximum roof pitch for detached secondary dwellings is 25 degrees. An attic or basement is not permitted as part of the dwelling.</p>	<p>Proposed 25 degrees.</p> <p>Complies.</p>
<p>Building design (car parking)</p> <p>Secondary dwellings must not result in the principal dwelling on the site having less than the required car parking spaces.</p>	<p>Secondary dwellings will not result in the principal dwelling on the site having less than the required car parking spaces..</p>
<p>Landscape</p> <p>Development must retain and protect any significant trees on the site and adjoining sites. To achieve this clause, the development may require a design alteration or a reduction in the size of the secondary dwelling.</p>	<p>Please refer to landscape plan prepared by Ecodesign.</p>

4.15 Evaluation

(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. Any environmental planning instrument, and**
- ii. Any development control plan, and**
- iii. Any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, and**
- iv. The regulations (to the extent that they prescribe matters for the purposes of this paragraph)**

The proposed two storey dwelling have shown compliance with the clauses in Canterbury Bankstown Local Environmental Plan 2023.

- The development is within low density residential zone, therefore it is permitted for a double storey dwelling house.
- The proposed development has been designed not be over the FSR allowed, the development have been shown to be suitable to the character of the street and site. Therefore, achieving the balance between the landscaping a built form in residential area
- The proposed development complies with the maximum building height and minimises any overshadowing of adjoining dwellings.

The proposed development complies with Canterbury Bankstown clauses as per the table above for residential dwellings.

(b) The likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,

Overall, the development proposal is considered to have minimal impact on the environment, as follow:

- The scale of the proposal is considered to be appropriate and compatible with the adjacent building, character of the area and the objectives of the zone.
- There will not be any breach of privacy to adjoining residence.
- The building elements to the façade will not dominate the existing character of the area and will have a positive contribution to Lucas Road. Therefore, the proposed development will be in the public's interest and will have minimal social and economic impacts.
- During the construction stage of the development, builders will have the standard precautions to retain waste and sediments to erode and flow outside of the contemporary construction fence onto the public or private property.

(c) The suitability of the site for the development,

The proposed development is considered suitable for the site as it meets the standard of the LEP and guidelines of the DCP.

(d) Any submission made in accordance with this Act or the regulations,

The development will be subjected to Council's Notification Policy.

(e) *The public interest.*

The proposed development will have the public's interest in terms of maintaining the characteristic of the area. Without significant or adverse impacts on the land and neighbouring site.

Conclusion

The Statement of Environmental Effects (SEE) considers the requirements and requests of the Council. The development proposal of a new single/double storey has been designed against the relevant controls in the LEP & DCP. This is considered to be appropriate for the subject site for the following reasons:

- The development has been carefully designed to avoid any impacts to the environment. Sediments control and maintenance pit to be located to the rear of the site.
- The built area complies with the environmental planning instrument clauses and shown to benefit the character of the street and site.
- Variety of materials and colour selection achieves DCP controls and shows to be compatible with the natural characteristics and colours of the area.

The impact of the proposed development has been assessed under the provisions of Section 4.15 of the EP&A Act and that the proposal achieves the objectives and is found to be satisfactory.

The assessment of this site is therefore considered to be satisfactory, as it has achieved minimal environmental, social, and economic impacts on the surroundings. The development proposal is considered to be in the public interest and worthy of Council's support.