

STATEMENT OF ENVIRONMENTAL EFFECTS

**FOR THE PROPOSED DEMOLITION OF AN EXISTING DWELLING AND ASSOCIATED
STRUCTURES AND THE CONSTRUCTION OF A NEW DWELLING AND LANDSCAPING**

LOCATED AT

23 CHELMSFORD AVENUE, BANKSTOWN

FOR

MINH TRAN & ARCHISOUL ARCHITECTS



**Prepared
June 2025**

Table of Contents

1.0 INTRODUCTION	3
2.0 PROPERTY DESCRIPTION	3
3.0 SITE DESCRIPTION	4
4.0 SURROUNDING ENVIRONMENT	9
5.0 PROPOSED DEVELOPMENT	10
6.0 ZONING AND DEVELOPMENT CONTROLS	12
6.1 STATE ENVIRONMENTAL PLANNING POLICY (BIODIVERSITY AND CONSERVATION) 2021	12
6.2 STATE ENVIRONMENTAL PLANNING POLICY (RESILIENCE AND HAZARDS) 2021	12
6.3 STATE ENVIRONMENTAL PLANNING POLICY (SUSTAINABLE BUILDINGS) 2022	12
6.4 CANTERBURY BANKSTOWN LOCAL ENVIRONMENTAL PLAN 2023	13
7.0 MATTERS FOR CONSIDERATION UNDER SECTION 4.15 OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979	33
7.1 THE PROVISIONS OF ANY ENVIRONMENTAL PLANNING INSTRUMENT	33
7.2 ANY PROPOSED INSTRUMENT THAT IS OR HAS BEEN THE SUBJECT OF PUBLIC CONSULTATION UNDER THIS ACT AND THAT HAS BEEN NOTIFIED TO THE CONSENT AUTHORITY (UNLESS THE SECRETARY HAS NOTIFIED THE CONSENT AUTHORITY THAT THE MAKING OF THE PROPOSED INSTRUMENT HAS BEEN DEFERRED INDEFINITELY OR HAS NOT BEEN APPROVED), AND	33
7.3 ANY DEVELOPMENT CONTROL PLAN	33
7.4 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.	33
7.5 THE REGULATIONS (TO THE EXTENT THAT THEY PRESCRIBE MATTERS FOR THE PURPOSES OF THIS PARAGRAPH),	33
7.6 THE LIKELY IMPACTS OF THAT DEVELOPMENT, INCLUDING ENVIRONMENTAL IMPACTS ON BOTH THE NATURAL AND BUILT ENVIRONMENTS, AND THE SOCIAL AND ECONOMIC IMPACTS IN THE LOCALITY.....	34
7.7 THE SUITABILITY OF THE SITE FOR THE DEVELOPMENT	34
7.8 ANY SUBMISSIONS MADE IN ACCORDANCE WITH THIS ACT OR THE REGULATIONS	34
7.9 THE PUBLIC INTEREST	34
8.0 CONCLUSION	35

1.0 Introduction

This Statement of Environmental Effects accompanies details prepared on behalf of Minh Tran by Archisoul Architects, Project No. 2271, Drawing No's DA01 – DA 18, Revision 01 dated 3 June 2025 to detail the proposed demolition of an existing dwelling and associated structures and the construction of a new dwelling including a detached double garage at **23 Chelmsford Avenue, Bankstown**.

A previous Development Application under DA-212/2025 which sort consent for:

“Demolition of existing on-site structures and construction of a two storey dwelling with double garage” was lodged with Council and withdrawn on 30 April 2025.

The revised plans which accompany this proposal have been prepared to address the matters previously raised by Council in its assessment of DA – 212/2025.

This sought consent for Statement describes the subject site and the surrounding area, together with the relevant planning controls and policies relating to the site and the type of development proposed. As a result of this assessment, it is concluded that the development of the site in the manner proposed is considered to be acceptable and is worthy of the support of the Council.

In preparation of this document, consideration has been given to the following:

- *The Environmental Planning and Assessment Act, 1979 as amended (EP&A Act)*
- *The Environmental Planning and Assessment Regulation 2021*
- *State Environmental Planning Policy (Biodiversity and Conservation) 2021*
- *State Environmental Planning Policy (Resilience and Hazards) 2021*
- *State Environmental Planning Policy (Sustainable Buildings) 2022*
- *Canterbury Bankstown Local Environmental Plan 2023 (LEP)*
- *Canterbury Bankstown Development Control Plan 2023 (DCP)*

2.0 Property Description

The subject site is described as 23 Chelmsford Avenue, Bankstown, being Lot 1, within Deposited Plan 18358, and is zoned R4 High Density Residential under the Canterbury Bankstown Local Environmental Plan 2023.

The site is identified as Class 5 Acid Sulfate Soils. This matter will be discussed in further detail within this report.

The site is also mapped within a flood planning area. This matter will be discussed in further detail within this report.

The site is not noted as being affected by any hazards.

3.0 Site Description

The site is located on the north-eastern side of Chelmsford Avenue, on the corner of Chelmsford and Northam Avenue. The site is rectangular in shape with a frontage to Chelmsford Avenue of 10.555m (plus 3.39m splayed south-western corner) and a western and eastern side boundary length of 38.85m and 41.515m respectively. The site has a total area of 502.4m².

The site is relatively flat with stormwater draining to Northam Avenue street verge. An open water concrete creek line, Salt Pan Creek, is located directly to the north-east of the site.

The property is currently occupied by a single storey fibro dwelling house, with a studio/secondary dwelling. Driveway access is currently available to the site via Birch Street. Driveway access for the is from Northam Avenue via an existing crossover and driveway. The site's recreational areas, including lawns and gardens are located in the front, southern yards and rear north-east portion of the site.

The site is currently serviced by all utilities, which will continue to provide for the requirements of the new dwelling.

The details of the site are included in the Survey Plan prepared by Natasi & Associates, Project No 43140 dated 5 June 2024.

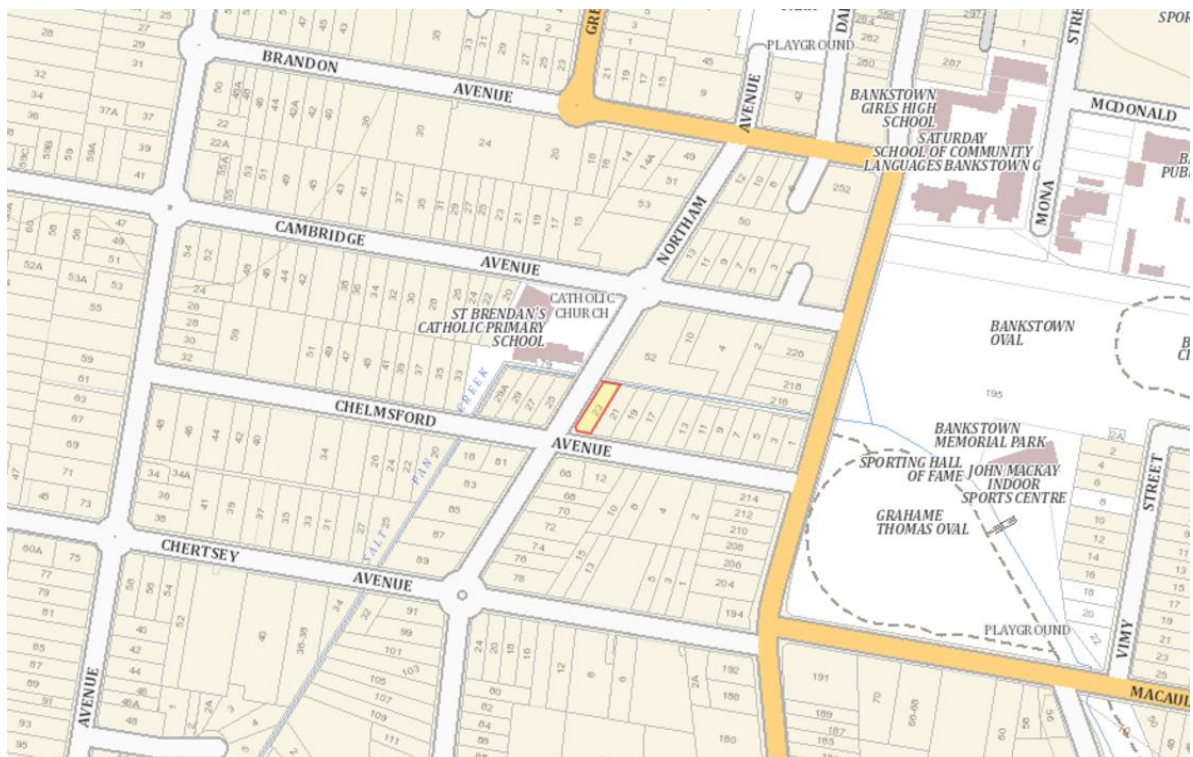


Fig 1: Location plan of subject site
(Source: Six Maps)



Fig 2: View of the subject site, looking north-east from the Chelmsford Avenue/Northam Avenue intersection



Fig 3: View of the neighbouring dwelling to the east at No 21 Chelmsford Avenue



Fig 4: View of the subject premises, looking east from Northam Avenue



Fig 5: View of the subject premises, looking south-west along the Northam Avenue frontage



Fig 6: View of the subject premises, looking east along the rear, Salt Pan Creek boundary



Fig 7: View of St Brendan's Catholic Church, located to the north-east of the subject premises



Fig 8: View of St Brendan's Catholic Primary School, located to the north-west of the subject premises



Fig 9: View of the existing development opposite the site on the western side of the intersection of Chelmsford Avenue & Northam Avenue, looking south-west

4.0 Surrounding Environment

The surrounding and adjoining properties are residential dwellings and are generally one and two storeys in height with swimming pools and other ancillary secondary structures common place.

The site and surrounds are characterised by the residential nature of the locality. Within close proximity to the site is St Brendan's Catholic Primary School and Catholic Church. Grahame Thomas oval and Bankstown oval are also located nearby, as well as Bankstown City Gardens.



Fig 10: Aerial photograph of subject site
(Source: Google Maps)

5.0 Proposed Development

The proposal seeks to provide for demolition of the existing dwelling and the current structures onsite and the construction of a new two storey dwelling and associated landscaping.

The new works comprise:

Ground Floor

- New dwelling to provide for an entry with foyer and with pedestrian access from Chelmsford Avenue, kitchen/pantry, dining area, library/storage area, laundry with separate WC, home office/study, main bedroom with ensuite, bathroom, stairs to first floor, rear deck area with BBQ

First Floor

- Three bedrooms, guest bedroom with ensuite, sauna/ice bath area, living room with media/study area, internal access stairs and rear balcony

External Works

- Double garage with driveway access from Northam Avenue
- Landscaping

The new dwelling represents a high-quality architectural design solution that will provide a significant enhancement to the amenity and usability of the site and provide a new family dwelling that responds to the site's topography.

The resultant development is highly articulated, with skillful use of glazed window openings, parapet roof form and materiality variations to break down the apparent size of the new dwelling and reduce the bulk and scale of the dwelling.

The articulated side boundary setbacks maintain the rhythm of development and building setbacks within the street and provides appropriately for spatial separation, deep soil landscape opportunity, privacy, solar access and view sharing.

The internal design and arrangement will afford exceptional amenity to future occupants of the dwelling without unreasonably compromising the amenity of surrounding residential properties or the foreshore scenic attributes of the precinct.

The proposed external finishes have been detailed on the External Finishes Schedule (Sheet DA 17) and comprise of timber wall panel cladding and FC sheeting, metal sheet wall and roofing and aluminum screens which complement surrounding development.

The proposed landscape plantings will further assist in maintaining the privacy and amenity of both the subject and neighbouring properties and will soften the visual impact of the resultant development.

The proposal results in the following development indices:

Site Area:	502.4m ² (by survey)
Maximum Building Height	26m
Proposed Building Height	7.2m (RL 21.7 m)
Maximum FSR	2.3:1
Proposed FSR	0.483:1 (242.85m ²)

6.0 Zoning and Development Controls

6.1 State Environmental Planning Policy (Biodiversity and Conservation) 2021

Chapter 2 Vegetation in non-rural areas

Chapter 2 of the State Environmental Planning Policy (Biodiversity and Conservation) 2021 (the Biodiversity & Conservation SEPP) contains planning controls for the removal of vegetation on the land within non-rural areas of the State. The policy aims to protect the biodiversity values of trees and other vegetation in non-rural areas of the State and to preserve the amenity of nonrural areas of the State through the preservation of trees and other vegetation.

All trees onsite are to be retained onsite. Additional landscape planting can be incorporated as part of the works as required by Council.

No further consideration under the SEPP is required.

6.2 State Environmental Planning Policy (Resilience and Hazards) 2021

SEPP (Resilience and Hazards) 2021 and in particular Clause 4.6(1) suggests that a consent authority must not grant consent to the carrying out of any development on land unless it has considered whether the land is contaminated.

Given the history of residential use of the land, the site is not considered to be subject to contamination and further investigation is not required at this stage.

6.3 State Environmental Planning Policy (Sustainable Buildings) 2022

In accordance with the provisions of the SEPP, a BASIX Certificate is submitted with the application and confirms that the proposal will comply with the water, thermal comfort, and energy efficiency requirements of the policy.

6.4 Canterbury Bankstown Local Environmental Plan 2023

The subject site is zoned R4 High Density Residential under the Bankstown LEP 2023. The proposal seeks to provide for the demolition of an existing dwelling and construction of a new low scale single residential dwelling house and associated landscaping.



Fig 11: Extract of Bankstown Local Environmental Plan 2015 – Zoning Map

The development of and use of the land for residential purposes within the R4 High Density Residential zone is consistent with the zone objectives, which are noted as:

- *To provide for the housing needs of the community within a high density residential environment.*
- *To provide a variety of housing types within a high density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To minimise conflict between land uses within this zone and land uses within adjoining zones.*
- *To allow for increased residential density in accessible locations to maximise public transport patronage and encourage walking and cycling.*
- *To promote a high standard of urban design and local amenity.*

It is considered that the proposed new development will be consistent with the zone objectives and the desired future character of the surrounding locality for the following reasons:

- The proposal will be consistent with and complement the existing varied residential development within the locality.

- The proposed development respects the scale and form of other new development in the vicinity and therefore complements the locality.
- The setbacks are compatible with the existing surrounding development.
- The proposal does not have any significant impact on the existing landscaped area, solar access, amenity, or long distance views.

Clause 4.3 – Height of Buildings provides controls relating to the height of buildings.

The dictionary supplement to the LEP notes building height to be:

- a) in relation to the height of a building in metres—the vertical distance from ground level (existing) to the highest point of the building, or*
- (b) in relation to the RL of a building—the vertical distance from the Australian Height Datum to the highest point of the building, including plant and lift overruns, but excluding communication devices, antennae, satellite dishes, masts, flagpoles, chimneys, flues and the like.*

The building height limit for development in this portion of Bankstown is 26m. The proposed works present a height of up to approximately 7.69m (RL 22.050m) above existing ground level and therefore readily complies with the maximum height control.



Fig 12: Extract of Bankstown Local Environmental Plan 2015- Height Map

Clause 4.4 – Floor Space Ratio

The site is noted as being subject to a maximum floor space ratio of 2.3:1. The FSR of the development is 0.483:1 (242.85m²) and maintains compliance with this control.

Clause 5.10 relates to Heritage Conservation

Upon reference to Schedule 5 in relation to local, State or Regional items of heritage significance including conservation areas, it was revealed that the subject property was not identified as having heritage significance.

Clause 5.21 relates to Flood Planning

The site has been identified within Council's flood planning area as per the 10.7 Certificate.

A Development Application Flood Review has been prepared by Taylor Consulting Engineers, dated 12 February 2025 to address the provisions of this Clause.

The report suggests that the new habitable areas of the dwelling should be constructed to a minimum floor level of RL 15.50 AHD which is above the 100 year flood level (RL 15.00 AHD) plus a free board.

The proposed ground floor level of the dwelling achieves the minimum recommended level of RL 15.50 AHD.

The proposed dwelling has a suitable floor level to ensure minimal damage in the event of a flood. The dwelling will not unreasonably impact upon flood functions and behaviours and will not increase affectation on other properties.

The dwelling is of an intended scale and incorporates a raised floor level to reasonably minimise risk in the event of a flood.

Clause 6.1 relates to Acid Sulfate Soils

The site is identified as being within the Acid Sulfate Soils Area (Class 5). The minor residential nature of the proposed works, and limited excavation will not affect the water table. Accordingly, no further investigation is deemed necessary in this instance.

Clause 6.2 relates to earthworks.

The proposal will not require any substantial excavation of the site to accommodate the development. Earthworks are proposed for the development footings. The proposed 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.

The works will be carried out in accordance with the directions of the Consulting Structural Engineer. 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.

Clause 6.3 relates to Stormwater Management

The site is affected by 100 year Flood event (1%). The design and floor level has been designed according to advice from the Development Application Flood Review prepared by Taylor Consulting, dated 12 February 2025.

A Stormwater Drainage Plan has been prepared by Hyve Designs, Job No 24217 dated 6 June 2025 which directs collected roof orders to the street gutter in Northam Avenue.

Stormwater collected from the nominated roof area 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 stormwater management system.

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.

Clause 6.10 relates to Essential services

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

- the supply of water,
- the supply of electricity,
- the disposal and management of sewage,
- stormwater drainage or on-site conservation,
- suitable vehicular access.

The sites will retain the normal services which are available for the existing and future dwellings.

There are no other clauses of the CBLEP 2023 that are considered to be relevant to the proposed development.

6.5 Canterbury-Bankstown Development Control Plan 2023

The Canterbury-Bankstown Development Control Plan and in particular Chapter 5 Residential Accommodation, Part 5.1 former Bankstown LGA, Section 2 applies to dwelling houses and includes the proposed construction of a new dwelling. While the site is zoned R4 High Density Residential under the Bankstown LEP 2023, the proposal seeks to provide for the construction of a new low scale single residential dwelling house and associated landscaping.

As a result, the proposed dwelling has been assessed against the requirements for the typical residential dwelling, not a high density residential building.

The following clauses are considered to be applicable to the proposed development:

Canterbury-Bankstown Development Control Plan 2023		
Control	Provision	Compliance
Chapter 3 General Requirements		
Chapter 3.2 - Parking		
Section 2 – Off-Street Parking Rates	Dwelling houses: 2 Spaces	Complies The proposal provides two (2) off-street car spaces within the new garage.
Section 3 – Design and Layout	<p><u>Access driveway width and design</u> The location of driveways to properties should allow the shortest, most direct access over the nature strip from the road.</p> <p>The appropriate driveway width is dependent on the type of parking facility, whether entry and exit points are combined or separate, the frontage road type and the number of parking spaces served by the access facility.</p> <p>Driveway widths for existing dwellings and extensions to the existing properties are assessed on their merits.</p>	Complies A new driveway is proposed providing an efficient and safe access to the proposed new double garage.
Chapter 3.3 – Waste Management		
Section 3 – Residential Development	<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 nominated collection point and bin storage area must not adversely impact on</p>	Bin storage is provided within the double garage.

Canterbury-Bankstown Development Control Plan 2023		
Control	Provision	Compliance
	<p>the streetscape, building design or amenity of dwellings.</p> <p>3.5 The location of the bin storage area should ensure this area: (a) is screened or cannot be viewed from the public domain; and (b) is away from windows of habitable rooms to reduce adverse amenity impacts associated with noise, odour and traffic.</p> <p>3.9 Development must comply with the requirements of the applicable Waste Design for New Developments Guide.</p>	
Chapter 3.4 – Sustainable Development		
Water Management Section 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.	A BASIX Certificate is submitted with the application and confirms that the proposal will comply with water, thermal comfort, and energy efficiency requirements.
Section 2.3	All taps, showerheads, toilet suites (cisterns, urinals) used in the development must be rated to at least 4 stars under the National Water Efficient Labelling and Standards (WELS) Scheme	A BASIX Certificate is submitted with the application and confirms that the proposal will comply with water, thermal comfort, and energy efficiency requirements.
Energy Minimisation Section 3	<p>3.1 Proposals for new development where the total gross floor area is below 5,000m²; and extensions to existing uses below 5,000m² that involve an increase in 50% or more of the existing gross floor area must comply with Requirements E1 and E2.</p> <p>Requirement E1: Energy efficient building design</p> <p>3.2 The design and orientation of buildings must maximise solar access and natural lighting by:</p>	<p>The new dwelling has been logically positioned on the corner site.</p> <p>A suitable variety of glazed windows and door openings have been incorporated to allow for appropriate sunlight and air flow.</p>

Canterbury-Bankstown Development Control Plan 2023		
Control	Provision	Compliance
	<p>(a) Orientating the building so that its longest side is on the east west axis (where possible).</p> <p>(b) Maximising the number of windows on the northern face of the building and minimising glazed areas on the eastern and western walls of the building (i.e. providing for most of the glazed areas on the northern face of the building).</p> <p>(c) Fitting warehouses with skylights to 10% of the roof area.</p> <p>(d) Considering and including where feasible the following features: skylights, clerestory windows, light wells, light tubes, atriums and similar features.</p> <p>Requirement E2: Energy efficient hot water systems 3.3 Development must incorporate a hot water heating system that is energy rated to at least 4 stars. The preferred system is either a gas boosted solar system, or a 5 star gas system, with appropriate insulation to the tank and pipes.</p>	<p>The dwelling provides suitable solar access to the private open space areas and high use living areas of the proposed dwelling throughout the day.</p> <p>A BASIX certificate accompanies the application</p>
Chapter 3.7 - Landscape		
Section 2 – Landscape Design	<p>Existing vegetation and natural features</p> <p>2.1 New landscaping is to complement the existing street landscaping and improve the quality of the streetscape.</p> <p>2.2 Development, including alterations and additions, is to minimise earthworks (cut and fill) in order to conserve site soil. Where excavation is necessary, the reuse of excavated soil on site is encouraged.</p> <p>Design and location of landscape</p> <p>2.3 The landscape design is to contribute to and take advantage of the site characteristics.</p> <p>2.4 The landscape design is to improve the quality of the streetscape and communal open spaces by:</p> <p>(a) providing appropriate shade from trees or structures;</p> <p>(b) defining accessible and attractive routes through</p>	<p>The new dwelling landscaping area has been effectively integrated within the landform, through retaining sufficient deep soil areas in the primary and secondary front setback.</p> <p>The proposal will not result in any unreasonable impact on light, solar access, views or privacy. This is as a result of the sufficient orientation and separation of the proposed dwelling.</p> <p>The proposal is also supported with a</p>

Canterbury-Bankstown Development Control Plan 2023		
Control	Provision	Compliance
	<p>the communal open space and between buildings;</p> <p>(c) providing screens and buffers that contribute to privacy, casual surveillance, urban design and environmental protection, where relevant;</p> <p>(d) improving the microclimate of communal open spaces and hard paved areas;</p> <p>(e) locating plants appropriately in relation to their size including mature size;</p> <p>(f) softening the visual and physical impact of hard paved areas and building mass with landscaping that is appropriate in scale;</p> <p>(g) including suitably sized trees, shrubs and groundcovers to aid climate control by providing shade in summer and sunlight in winter.</p> <p>2.5 The landscape of setbacks and deep soil zones must:</p> <p>(a) provide sufficient depth of soil to enable the growth of mature trees;</p> <p>(b) use a combination of groundcovers, shrubs and trees;</p> <p>(c) use shrubs that do not obstruct sightlines between the site and the public domain; and</p> <p>(d) where buffer or screen planting is required, use continuous evergreen planting consisting of shrubs and trees to screen the structure, maintain privacy and function as an environmental buffer.</p> <p>Trees</p> <p>2.6 Development must consider the retention of existing trees, including street 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> <p>(a) Canopy trees are to be of a minimum 75 litre pot size.</p> <p>(b) Use deciduous trees in small open spaces, such as courtyards, to improve solar access and control of microclimate.</p> <p>(c) Place evergreen trees well away from the building to allow the winter sun access.</p>	<p>comprehensive Landscape Plan prepared by Contour Landscape Architecture and dated 26 May 2025 which provides for the managed replanting of the site maximising water infiltration.</p> <p>A variety of native landscape plantings will be incorporated, not only to screen and soften the built form but to also provide privacy for the occupants and aid climate control by providing vital shade and sunlight where appropriate.</p> <p>The proposal is therefore considered to be in keeping with the desired outcomes of this clause.</p>

Canterbury-Bankstown Development Control Plan 2023		
Control	Provision	Compliance
	<p>(d) Select trees that do not inhibit airflow.</p> <p>(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>	
Section 3 – Biodiversity	<p>3.1 Development must retain, protect and enhance indigenous/native vegetation and natural site features and incorporate it into the landscape design.</p> <p>3.2 Development must create a buffer zone to adjoining bushland and use indigenous planting in the buffer zone.</p> <p>3.3 Development must manage habitat values by reinforcing biodiversity links.</p> <p>3.4 The landscape design may consider using the following features to encourage native wildlife:</p> <ol style="list-style-type: none"> 1 Trees and shrubs native to the area can provide nectar and seeds – an important food for native birds. 2 Prickly shrubs and dense hedges protect bird nests from predators such as cats. 3 Leaf litter and bark provide feeding areas for small animals such as frogs and lizards. 4 Small ponds provide water and habitat. 5 Hollow logs provide shelter for small marsupials and lizards. 6 Small caves and crevices serve as burrows and nesting sites for small animals. 7 Where structurally sound, tree hollows provide nesting holes essential for birds and possums. 8 Strong, healthy tree limbs provide habitat for tree dwellers and allow safe movement through the canopy. 9 Tree branches provide safe perching places for birds. 10 Rocks provide shelter, shade and sun bathing 	<p>The proposed development requires the removal of two small trees. The proposal does not impact on vegetation on neighbouring properties or the surrounding public domain.</p> <p>Replacement planting is to be incorporated as part of the works, with landscaping as indicated by the Landscape Plan prepared by Contour Landscape Architecture, dated 26 May 2025 submitted as part of this application, demonstrating the increase in biodiversity value of the site.</p>

Canterbury-Bankstown Development Control Plan 2023			
Control	Provision	Compliance	
	opportunities for small animals.		
Chapter 4 – Heritage			
8.4.3 – Heritage Conservation Areas	Subject site is not within any heritage conservation area, is not identified as a heritage item and is not within the vicinity of any heritage items.	Yes	
Chapter 5 Residential Accommodation			
Control	Required	Proposed	Compliance
5.1 Former Bankstown LGA			
Section 2 - Dwelling Houses			
Storey limit	<p>2.1 The storey limit for dwelling houses is two storeys.</p> <p>2.2 The siting of dwelling houses 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.</p>	<p>Two storey dwelling proposed.</p> <p>The site ground floor levels are set at RL 15.5m to ensure the floor levels are above the appropriate flooding planning level.</p>	Yes
Setback restrictions	2.5 The erection of dwelling houses is prohibited within 9m of an existing animal boarding or training establishment.	N/A	N/A
Street setbacks	2.6 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	Primary front setback complies with the 5.5m requirement for the ground floor and 6.5m for the first floor level.	Yes – on merit (see discussion below)

Canterbury-Bankstown Development Control Plan 2023			
Control	Provision		Compliance
	<p>(b) 6.5m for the second storey.</p> <p>2.7 The minimum setback to the secondary street frontage is:</p> <p>(a) 3m for a building wall; and</p> <p>(b) 5.5m for a garage or carport that is attached to the building wall.</p>	<p>The proposal complies with the required minimum of 3.5m setback to the secondary front setback and presents a minor breach of the 5.5 m setback to North Avenue with the garage standing to within 5.129 m of the street</p> <p>The garage achieves a 6 m internal link which provides for the required car length and some opportunity for storage around the cars.</p> <p>As the garage is sufficiently setback from the secondary street frontage (6m), is not visually identifiable from nearby dwelling houses due to the adjoining stormwater channel or from the secondary street view, it is considered to be a logical position as no unreasonable solar, or amenity impacts are anticipated to occur.</p>	
Side / Rear setbacks	<p>2.8 For the portion of the building wall that has a wall height less than or equal to 7m, the minimum setback to the side boundary and rear of the site is 0.9m.</p> <p>2.9 For the portion of the building wall that has a wall height greater than 7m, the minimum setback to the side boundary of the site is 1.5m.</p>	<p>With the parapet style roof, elements of the first floor are marginally above the 7m setback control, however, the building fully complies with the side setback requirements of 900 mm for elements of less than 7m in height, which in this instance is only for the ground floor service/storage space on the south-eastern</p>	Yes

Canterbury-Bankstown Development Control Plan 2023			
Control	Provision		Compliance
	Council may vary this requirement where a second storey addition to an existing dwelling house demonstrates it must use the ground floor walls for structural support.	side, with all other side setbacks for the dwelling complying with the 1.5m setback control. The proposal includes a rear setback of 2.473m which is largely similar to the existing minimum garage setback to the north-west boundary adjoining the open stormwater channel.	
Private Open Space	2.11 Dwelling houses must provide a minimum 80m ² of private open space behind the front building line. This may be in the form of a single area or a sum of areas provided the minimum width of each area is 5m throughout.	Multiple areas of private open space will be provided, with the decking area in the north east to provide an appropriate dimensions and location in order to achieve compliance with the control.	Yes
Access to sunlight	2.12 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. 2.13 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	The site provides suitable solar access to private open space and living areas of the proposed dwelling throughout the day. Suitable solar access to the dwelling is provided given the orientation of the site. In this instance, an appropriate outcome is achieved. 3hrs available to 50% of POS areas of proposed dwelling. 3hrs solar access to the private open space of the	Yes

Canterbury-Bankstown Development Control Plan 2023			
Control	Provision		Compliance
	<p>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>2.14 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 over-shadowing on the affected private open space.</p> <p>2.15 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 is capable of being provided throughout the day.</p> <p>Proposed dwelling not anticipated to overshadow any existing solar panels.</p>	
Visual privacy	<p>2.16 Where development proposes a window that directly looks into the living area or bedroom window of an existing dwelling, the development must:</p> <p>(a) offset the windows between dwellings to minimise overlooking; or</p>	<p>Windows are suitably setback, offset and orientated from living and private open space areas to ensure privacy is retained.</p> <p>Upper floor windows suitably orientated to overlook the dual front</p>	Yes

Canterbury-Bankstown Development Control Plan 2023			
Control	Provision	Compliance	
	<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>2.17 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>2.18 Council may allow dwelling houses to have an upper floor side or rear balcony solely where the balcony is not accessible from a living area or hallway, and the balcony design:</p> <p>(a) does not have an external staircase; and</p>	<p>setbacks, with the north-eastern side windows having a variety of sill heights and sizes minimised as much as possible whilst maintaining appropriate solar access for rooms.</p> <p>Elevated balcony areas have also been orientated to the rear setback to minimise amenity and privacy impacts.</p> <p>N/A – No roof top balcony proposed as part of this development.</p>	

Canterbury-Bankstown Development Control Plan 2023			
Control	Provision	Compliance	
	<p>(b) does not exceed a width of 1.5m throughout; and</p> <p>(c) incorporates a form of screening to the satisfaction of Council such as partially recessing the balcony into the building.</p> <p>2.19 Council does not allow dwelling houses to have roof-top balconies and the like.</p>		
Building design	<p>2.20 The maximum roof pitch for dwelling houses is 35 degrees.</p> <p>2.21 Council may allow dwelling houses 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>2.22 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 2m; and</p> <p>(d) the number of dormers must not dominate the roof plane.</p>	<p>2° roof pitch proposed.</p> <p>N/A</p> <p>N/A</p> <p>N/A</p>	Yes

Canterbury-Bankstown Development Control Plan 2023			
Control	Provision	Compliance	
	2.23 Development in the foreshore protection area (refer to map in Appendix 1) must use non-reflective materials that are compatible with the natural characteristics and colours of the area (such as olive green, grey and dark brown).		
Building Design (car parking)	2.24 Development on land bounded by Birdwood Road, Bellevue Avenue and Rex Road in Georges Hall must: (a) comply with the road pattern shown in Appendix 2; and (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.	N/A	N/A
	2.25 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: (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;	A double garage will be provided, with access from the secondary frontage of Northam Avenue. The garage is to be located 5.129m from the secondary frontage with a maximum width of 6.07m to the façade facing the street. The garage is located behind the building line of the dwelling house, adjoining the open stormwater channel to ensure there is no visual or amenity impact.	Yes

Canterbury-Bankstown Development Control Plan 2023			
Control	Provision	Compliance	
	<p>and</p> <p>(b) the covered car parking space is setback a minimum 6 metres from the primary and secondary street frontages.</p> <p>2.26 Despite clause 2.25, Council may consider a single carport forward of the front building line of an existing Dwelling house solely where:</p> <p>(a) there is no existing garage on the site;</p> <p>(b) there is no side or rear vehicle access to the site;</p> <p>(c) the site does not contain a heritage item or is not within a heritage conservation area or local character area;</p> <p>(d) the site is in the vicinity of existing, approved carports on adjacent sites that are forward of the front building line;</p> <p>(e) the maximum width of the single carport is 3m;</p> <p>(f) it is of a simple posted design, with no side panel infill;</p> <p>(g) there is no solid panel lift or roller shutter door proposed;</p> <p>(h) the carport is setback a minimum 1m from the primary and secondary street frontages;</p> <p>(i) the carport achieves a high quality design and has a roof design that is compatible with the dwelling house.</p> <p>2.27 Where development</p>	Garage integrated within	Yes

Canterbury-Bankstown Development Control Plan 2023			
Control	Provision	Compliance	
	<p>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.</p> <p>2.28 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 chapter of the DCP.</p>	dwelling and appropriate articulation of front façade ensures garage is not a dominant feature.	
Landscape	2.29 Development must retain and protect any significant trees on the site	No significant tree removal required as part of the works.	Yes

Canterbury-Bankstown Development Control Plan 2023			
Control	Provision		Compliance
	<p>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>2.30 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 Landscape Guide for a list of suitable trees in Canterbury-Bankstown); 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 12m adjacent to the waterbody.</p>	<p>All existing trees onsite are to remain.</p> <p>An area >45% is provided as landscaped area between the south-east front boundary and the leading wall of the dwelling house, with compliant landscape area also provided in the secondary frontage.</p> <p>A robust landscaping plan has been prepared by Contour Landscape Architecture that demonstrates a variety of native planting species, including ground cover, shrubs, small/medium trees species endemic to Canterbury-Bankstown.</p>	

Front Setback

The DCP requires the front setback of the ground floor to be 5.5m and the first floor of a dwelling to be setback a minimum 6.5m from the boundary, the proposed first floor has two small areas sited within the required 6.5m setback.

The proposed dwelling does not present an excessive visual bulk to the street, with protruding elements and articulation being provided to ensure the dwelling is an attractive addition to the street.

The high quality design of the dwelling, and articulation provided to the front façade will ensure the dwelling maintains the building form and design of the streetscape.

Landscaping within the front yard will ensure the dwelling is softened from the street.

The dwelling will not appear out of character and will not dominate the streetscape and protects privacy and sunlight to adjacent dwellings.

The proposed variation forward will not have any impacts upon the amenity of adjoining properties and will not have any impact upon privacy or overlooking.

It is considered that the siting of the proposed dwelling will not have any detrimental impact upon the character of the surrounding streetscape as the character of the streetscape will be maintained.

Overall Siting and Design

The proposed two storey dwelling will be compatible in terms of height, bulk and scale with surrounding developments within the area. The siting of the dwelling provides generous boundary setbacks, contributing to spatial separation and openness.

The articulated design of the dwelling will limit the impact on the adjacent properties in terms of bulk, privacy and overshadowing and will not dominate any perceived views enjoyed by others.

The two front façades are appropriately articulated and contains a variety of roof forms and elements and a central entry feature. In this way, the proposal provides a clear definition of the entry and provides varied shadow lines due to the different construction elements and finishes.

7.0 Matters for Consideration under Section 4.15 of The Environmental Planning and Assessment Act, 1979

7.1 The provisions of any environmental planning instrument

The proposal is subject to the provisions of the Canterbury-Bankstown Local Environmental Plan 2023 and the relevant supporting Council policies. It is considered that the provisions of this environmental planning instrument have been satisfactorily addressed within this report and that the proposal achieves compliance with its provisions.

There are no other environmental planning instruments applying to the site.

7.2 Any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and

There are no draft instruments applying to the land.

There are no Draft instruments to be considered in relation to the proposal.

7.3 Any development control plan

The development has been designed to generally comply with the requirements of Council's Canterbury-Bankstown Development Control Plan.

It is considered that the proposed design respects the desired character objectives of the DCP in that it supports and enhances the existing residential character of the area and is compatible with the existing uses in the vicinity.

The development respects the streetscape character objectives of the DCP and will provide a cohesive development for the site which will make a positive contribution to the area.

7.4 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.

No matters of relevance are raised in regard to the proposed development.

7.5 The regulations (to the extent that they prescribe matters for the purposes of this paragraph),

No matters of relevance are raised in regard to the proposed development.

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

It is considered that the proposal, which seeks approval for the demolition of the existing structures and construction of a new dwelling is reasonable.

The development will maintain a favourable bulk and scale relationship with other development in the vicinity. It is considered that the resultant development is compatible with and will complement the character of the area. There is no significant vegetation to be removed and the proposal will comply with Council's landscaped area requirements.

The proposal is considered to be well designed having regard to the relevant provisions of the Council's LEP and Council's Codes and Policies.

7.7 The suitability of the site for the development

The subject land is currently zoned R4 High Density Residential under the Canterbury-Bankstown Local Environmental Plan 2023 and is considered suitable for the proposed development.

The subject site does not exhibit any significant constraint to the construction of the proposed dwellings.

7.8 Any submissions made in accordance with this Act or the regulations

This is a matter for Council in the consideration of this proposal.

7.9 The Public Interest

The proposal will not impact upon the environment, the character of the locality or upon the amenity of adjoining properties and is therefore considered not to be contrary to the public interest.

8.0 Conclusion

The proposal seeks to provide for the demolition of existing structures onsite and construction of a new residential dwelling house and associated landscaping.

The proposal is a site-specific design response which takes advantage of the property's superior locational attributes whilst respecting the characteristics of the site and the amenity of adjoining development.

The outcome is a modernised dwelling of exceptional design quality which displays a highly articulated building form which appropriately responds to the sites geometry and the constraints imposed by the siting and design of adjoining development in relation to privacy, solar access and views.

The building height is comparable to surrounding dwellings with floor space appropriately distributed across the site. The building displays a complimentary and compatible building form when compared to other development located along this section of Chelmsford and Northam Avenue and within the site's visual catchment generally.

The articulated side boundary setbacks maintain the rhythm of development and building setbacks within the street and provide appropriately for spatial separation, deep soil landscape opportunity, privacy, solar access and view sharing.

The internal design and arrangement will afford exceptional amenity and functionality to future occupants without unreasonably compromising the amenity of surrounding residential properties or the foreshore scenic attributes of the precinct.

As the proposed development will not have any significant impact on the environment, scenic quality of the area or the amenity of the adjoining allotments, the issue of Development Consent under the delegation of Council is requested.

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