

# STATEMENT OF ENVIRONMENTAL EFFECTS 14 VALLEY ROAD PADSTOW HEIGHTS

**Proposal:** Alterations and additions to existing dwelling

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**Revision:** C

**Client:** DS 407

**Note:**

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## 1. Executive Summary

This Statement of Environmental Effects has been prepared for submission to the city of Canterbury Bankstown Council (CBC) for a development that is proposing the “*alterations and additions to existing dwelling and tree removal and replacement of external front stairs*”. The development site is identified as 14 Valley Road Padstow Heights, legally identified as Lot 13 DP 227490.

The subject site is zoned R2 Low Density Residential pursuant to the Canterbury Bankstown Local Environmental Plan (CBLEP) 2023. This Statement of Environmental Effects provides a detailed assessment against the relevant development standards and the relevant development guidelines that are applicable to the site in accordance with the provisions of the Environmental Planning and Assessment Act 1979 (EP&A Act).

## 2. Site and Locality

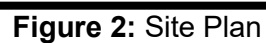
The subject site identified as 14 Valley Road Padstow Heights, legally identified as Lot 13 DP 227490. The site is currently benefited from a detached dwelling. The site is a slightly irregular shaped allotment with a site area of 594.4m<sup>2</sup>, with an arced frontage of 18.21m along Valley Road a northern side boundary of 45.79m a southern boundary of 42.985m and a rear western boundary of 9.145m. The site has a significant slope from the rear of the site to the front towards Valley Road by approximately 14.45m.

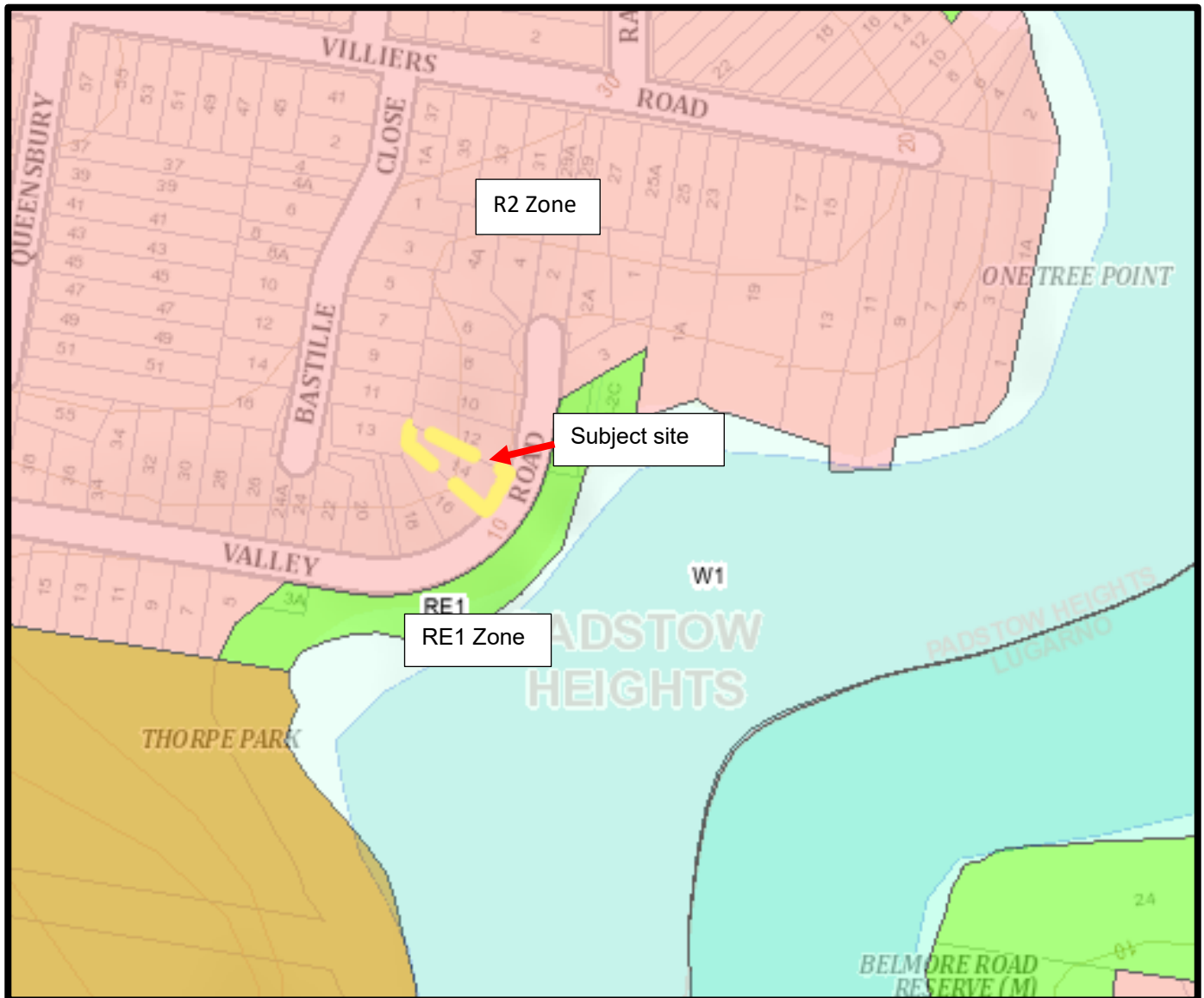
The surrounding locality is primarily characterised by a low-density residential environment. The properties within the surrounding locality of the subject site consist of detached dwellings of single, double and three storey construction. The predominant topography across the immediate locality is steep, with most dwellings within the immediate locality having a streetscape appearance of 3 storeys fronting Valley Road. The site is located west of an RE1 zoned site, which adjoins the Georges River, across Valley Road.

The subject site is located in an R2 Low Density zone. The development provides for a design that is consistent with objectives of the R2 zone and provides a suitably designed development that is consistent with the future character of the area.



**Figure 1:** Aerial view of the site identified as 14 Valley Road Padstow Heights





**Figure 3:** Zoning Map of the area - (Source NSW e-planning portal)

### 3. Proposed Development

The proposed development consists of:

*“Alterations and additions to existing dwelling and tree removal and removal and replacement of external front stairs”.* A detailed description is provided below.

- The additions to the dwelling are isolated to the front of the site and are 2 storeys in height. The front additions are well below the height of the existing dwelling.
- The proposal involves the demolition of existing external stairs coming off Valley Road, and replacement with a suitably constructed external staircase leading to the dwelling. The staircase is located along the southern boundary of the site.
- The staircase leads to the ground floor additions of the dwelling.
- The ground floor additions comprise of a new decking area fronting Valley Road. The new decking area is partially roofed with a timber framed roof. The remaining ground floor includes the provision of a new lounge room, powder room and laundry, along the northern elevation of the site. The ground floor also includes an internal stairwell that leads to a new lower ground floor addition, located beneath the proposed ground floor additions.
- The new lower ground floor comprises of 2 new bedrooms, with a balcony off the 2 bedrooms fronting Valley Road. The lower ground floor consists of a bathroom.

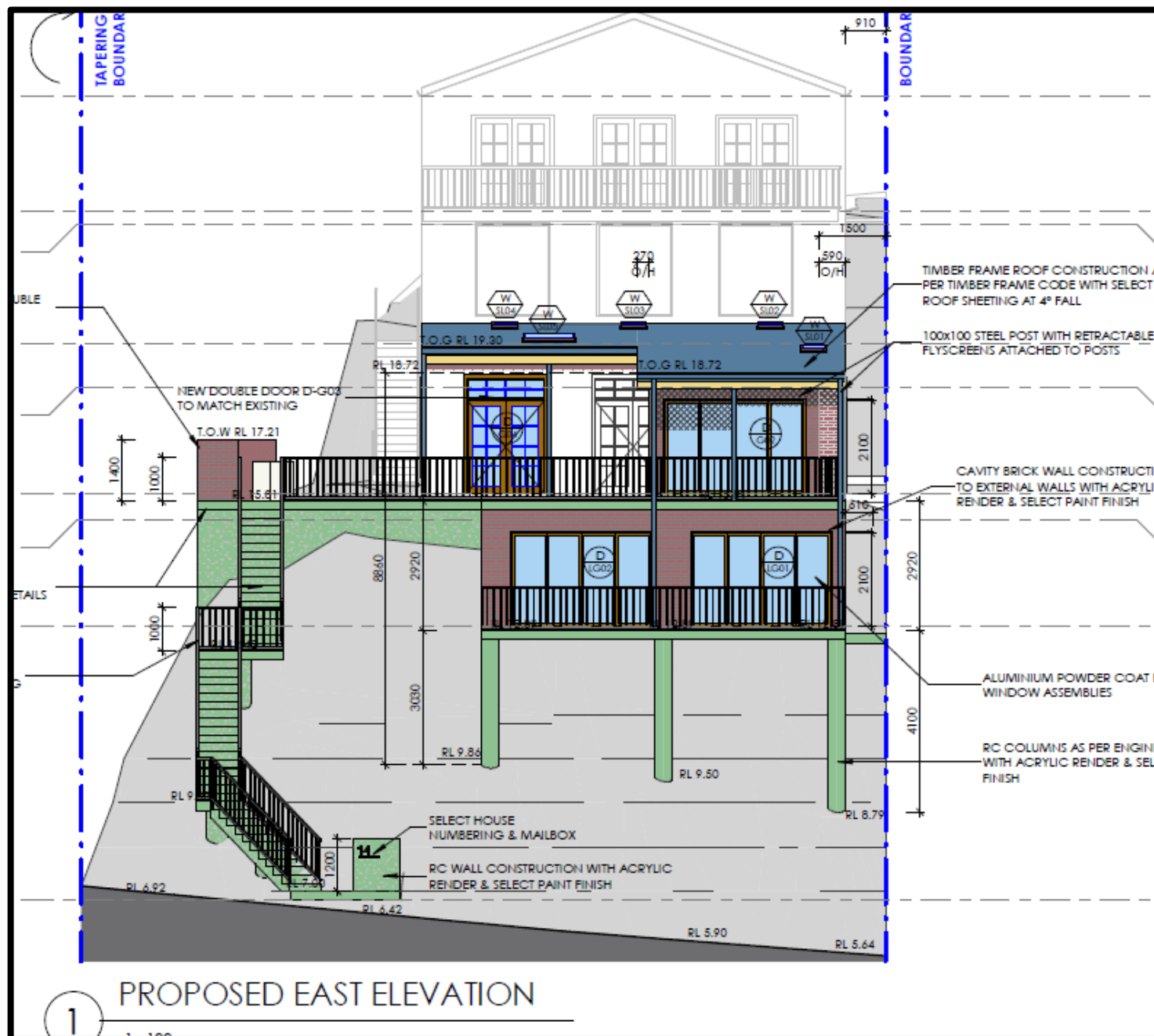
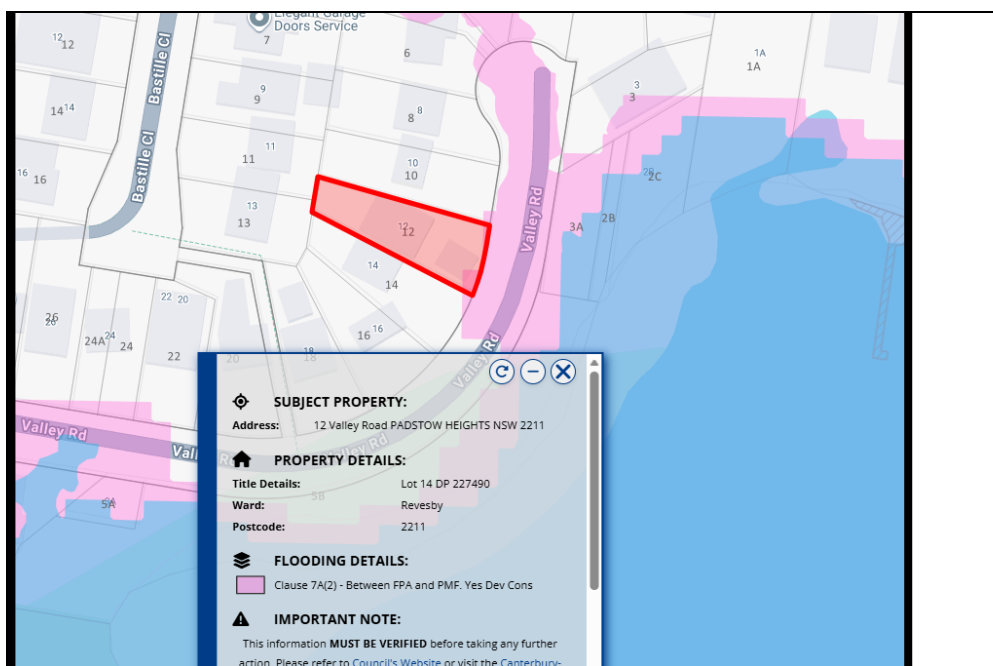


Figure 4: Proposed Front elevations

#### 4. Site Constraints

| Site Constraint | Yes/No                                                                                                                                                                                                                                                                                                                                                         |
|-----------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Bushfire        | <p>Yes – The subject site is identified as bushfire prone. The application is accompanied by a bushfire assessment prepared by Bushfire Consulting Services. The recommendations of the assessment will be adopted in the design. The assessment has made the following recommendations and conclusions.</p> <p><i>This report consists of a bush fire</i></p> |

|                            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
|----------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                            | <p>assessment for the proposed residential development of additions and alterations at Lot 13 DP 227490, 14 Valley Road Padstow Heights. The report concludes that the proposed development is on designated bushfire prone land and the legislative requirements for development in bushfire prone areas are applicable.</p> <p>This report has considered all the elements of bushfire attack and finds that the development has a Bushfire Attack Level of BAL 40 to the southeast, southwest and northwest and BAL 29 to the northeast. The development satisfies the Objectives and Performance requirements of 'Planning for Bush Fire Protection' 2019, subject to implementation of the recommendations made by this report.</p> <p>Notwithstanding the precautions adopted, it should always be remembered that bushfires burn under a wide range of conditions and an element of risk, no matter how small, always remains and although the standard is designed to improve the performance of such buildings, there can be no guarantee because of the variable nature of bushfires that any one building will withstand bushfire attack on every occasion.</p> <p>This report is a bush fire assessment that provides the required information to assist local Council in determining compliance in accordance with Planning for Bush Fire Protection and AS3959-2018. The local Council is the final consenting authority, and the construction of the building must comply with the recommendations included in the Council's conditions of consent.</p> |
| Flooding                   | <p>Yes – A minor element of the front of the allotment is identified as being located between a flood planning area and the PMF. A Stormwater Systems Report (SSR) has been obtained for the site, and the SSR has concluded that no flood study is required. Please refer to the flood mapping of council identified below.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| <u>Sites Flood Mapping</u> |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |



**Figure 5: Flood Mapping (CBC Planning Maps)**

As indicated in the image above, only a minor portion of the site along Valley Road is identified as flood affected. The proposed works are located outside the flood zone and are located at a height that will not create a detrimental impact with flood waters.

|                                                          |                                                                                                                                                                                                                                                                                                    |
|----------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Heritage Items                                           | No                                                                                                                                                                                                                                                                                                 |
| Aboriginal heritage                                      | No                                                                                                                                                                                                                                                                                                 |
| Environmentally Significant Land                         | No                                                                                                                                                                                                                                                                                                 |
| Threatened Species/ Flora/ Habitat/ Critical Communities | No                                                                                                                                                                                                                                                                                                 |
| Acid Sulphate Soils                                      | Yes – The site is located within Class 5 Acid Sulfate Soils. Minimal excavation works are proposed with the development, which is unlikely to disturb the Acid Sulfate Soils.                                                                                                                      |
| Flight Paths                                             | No                                                                                                                                                                                                                                                                                                 |
| Railway Noise                                            | No                                                                                                                                                                                                                                                                                                 |
| Road Noise/ Classified Road                              | No                                                                                                                                                                                                                                                                                                 |
| Coastal Wetlands                                         | Yes – The site is located within a Coastal Wetlands Area. The subject development is for minor additions to the front of the existing dwelling, which is unlikely to affect the Coastal environment. A detailed assessment against the relevant provisions of the relevant SEPP is provided below. |

## 5. Section 4.15 Planning Assessment

The following planning instruments have been considered in the planning assessment of the subject Development Proposal

- (a) State Environmental Planning Policy (Biodiversity and Conservation) 2021 – Chapter 6, Waterway Catchments
- (b) State Environmental Planning Policy (Resilience and Hazards) 2021
  - Chapter 2 Coastal management
  - Chapter 4 Remediation of land
- (c) State Environmental Planning Policy (Sustainable Buildings) 2022
- (d) Canterbury Bankstown Local Environmental Plan (CBLEP) 2023
- (e) Canterbury Bankstown Development Control Plan (CBDCP) 2023
  - Chapter 5.1 – Residential Accommodation – Former Bankstown LGA.

(a) **State Environmental Planning Policy (Biodiversity and Conservation) 2021 – Chapter 6, Waterway Catchment**

The subject land is located within the Georges River Catchments and as such State Environmental Planning Policy (Biodiversity and Conservation) 2021 – Chapter 6, Waterway Catchment applies to the application. The SEPP generally aims to maintain and improve the water quality and river flows of the Georges River and its tributaries.

The proposed development involves a subdivision and construction of a dual occupancy and is unlikely to have a detrimental impact on the environmental quality of the Georges River Catchment and thus is consistent with the relevant objectives of the SEPP.

(b) **State Environmental Planning Policy (Resilience and Hazards) 2021**

**Chapter 2 – Coastal Management**

Chapter 2 aims to integrate and co-ordinated approach to land use planning in coastal zones in a manner consistent with the objects of the *Coastal Management Act 2016*, including the management objectives for each coastal management area, by—

- (a) *managing development in the coastal zone and protecting the environmental assets of the coast, and*
- (b) *establishing a framework for land use planning to guide decision-making in the coastal zone, and*
- (c) *mapping the 4 coastal management areas that comprise the NSW coastal zone for the purpose of the definitions in the [Coastal Management Act 2016](#).*

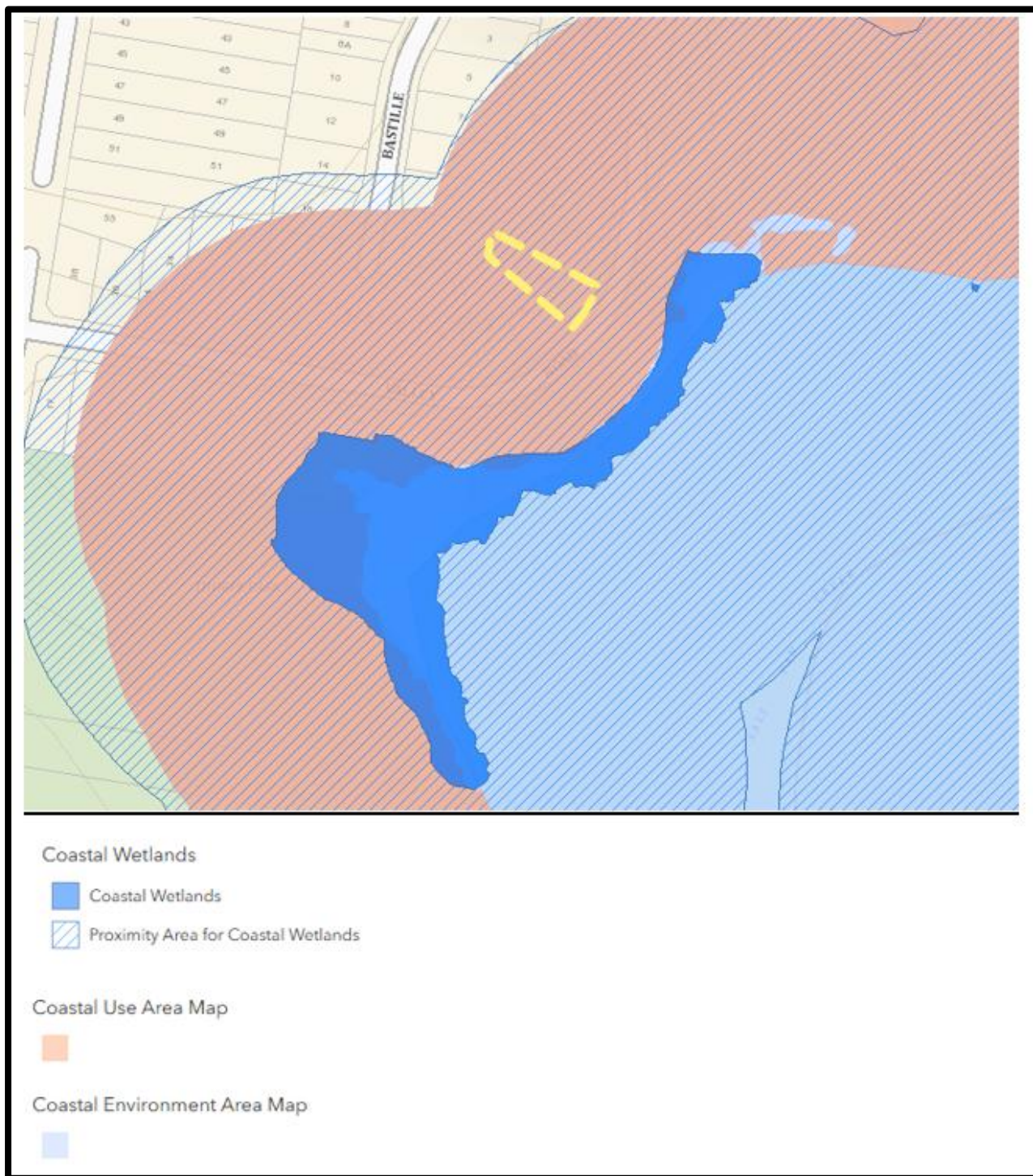
The SEPP applies to coastal zones as defined under *Coastal Management Act 2016*. The subject site has been identified as being located in the area identified within the Coastal Proximity Area Map, Coastal Use Area Map and Coastal Environment Area Map. The development is therefore subject to the provisions of Division 1, Clause 2.8 “*Development on land in proximity to coastal wetlands or littoral rainforest*”, Division 3, Clause 2.10 “*Development on land within the coastal environment area* and Division 4, Clause 2.11 “*Coastal use area*”.

The following table below provides commentary against the relevant development standards contained in Division 1, Division 3 and Division 4.

| Clause 2.8                                                                                                                                                                   | Comment                                                                                                                                                                                  |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| (1) <i>Development consent must not be granted to development on land identified as “proximity area for coastal wetlands” or “proximity area for littoral rainforest” on</i> | The proposed development is of a residential nature and does not involve works that would significantly alter landform, drainage patterns or vegetation in a manner that would adversely |

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p><i>the Coastal Wetlands and Littoral Rainforests Area Map unless the consent authority is satisfied that the proposed development will not significantly impact on—</i></p> <p>(a) <i>the biophysical, hydrological or ecological integrity of the adjacent coastal wetland or littoral rainforest, or</i></p> <p>(b) <i>the quantity and quality of surface and ground water flows to and from the adjacent coastal wetland or littoral rainforest.</i></p> <p>(2) <i>This section does not apply to land that is identified as “coastal wetlands” or “littoral rainforest” on the Coastal Wetlands and Littoral Rainforests Area Map.</i></p>               | <p>affect the coastal wetland. Accordingly, the development is unlikely to result in any significant impact on the biophysical, hydrological or ecological integrity of the nearby coastal wetland, nor will it affect the quantity or quality of surface or groundwater flows to and from these areas.</p>                                                                                                                                                                                                                                                                                                                                                                                           |
| <b>Clause 2.10</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | <b>Comment</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| <p>(2) <i>Development consent must not be granted to development on land to which this section applies unless the consent authority is satisfied that—</i></p> <p>(a) <i>the development is designed, sited and will be managed to avoid an adverse impact referred to in subsection (1), or</i></p> <p>(b) <i>if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or</i></p> <p>(c) <i>if that impact cannot be minimized—the development will be managed to mitigate that impact.</i></p>                                                                                              | <p>The proposal is primarily for the alterations and additions of the existing an existing dwelling. The development does not have any significant impact on the values of the coastal environment, marine vegetation and fauna and access to the foreshore.</p> <p>The natural gradient of the land slopes towards the east to Valley Road boundary noting no artificial flow is created on the subject site for mitigating the impacts.</p> <p>The development does not propose significant cut noting the natural ground is considered acceptable.</p> <p>Therefore, the proposed works are considered acceptable noting the subject site will significantly impact upon the use of surf zone.</p> |
| <b>Clause 2.11</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | <b>Comment</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| <p>(1) <i>Development consent must not be granted to development on land that is within the coastal use area unless the consent authority—</i></p> <p>(a) <i>has considered whether the proposed development is likely to cause an adverse impact on the following—</i></p> <p>(i) <i>existing, safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,</i></p> <p>(ii) <i>overshadowing, wind funneling and the loss of views from public places to foreshores,</i></p> <p>(iii) <i>the visual amenity and scenic qualities of the coast, including coastal headlands,</i></p> | <p>The proposed development does not hinder or impact the safe access for the disabled persons through the public spaces noting no public space adjoins the property.</p> <p>The proposed works do not result in an undue impact to the loss of views or unduly overshadow or cause wind funneling to public space along the foreshore.</p> <p>The development also being a low scale residential development is neither considered to adversely impact the visual amenity or scenic qualities of the coast nor result in adverse impact to Aboriginal culture or Environmental Heritage.</p>                                                                                                         |

|                                                                                                                         |  |
|-------------------------------------------------------------------------------------------------------------------------|--|
| <p>(iv) Aboriginal cultural heritage, practices and places,</p> <p>(v) cultural and built environment heritage, and</p> |  |
|-------------------------------------------------------------------------------------------------------------------------|--|



**Figure 6:** Coastal Mapping (Source NSW e-planning portal)

#### **Chapter 4, Remediation of Land**

In accordance with Clause 4.6(1) Council must not consent to the carrying out of any development on land unless it has considered whether the land is contaminated, and if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out.

Due to the existing and surrounding residential uses there is nothing to indicate that the site would be affected by soil contamination. The site has been used for residential purposes for a prolonged and extended period of time, therefore would unlikely contain contaminated land.

With consideration to the above mentioned points there is no sufficient evidence to suggest that the land is contaminated and therefore a land contamination assessment is not considered to be necessary at this stage. Based on the conclusions above it is considered that the site is suitable for the proposed development and land use and has adequately addressed Clause 4.6(1) of the SEPP.

(c) **State Environmental Planning Policy (Sustainable Buildings) 2022**

Chapter 2 – Standards for Residential Development - BASIX

BASIX Certificates have been provided for the proposal. The BASIX certificates demonstrate that the development has incorporated sufficient energy and water saving protocols to demonstrate satisfactory compliance with the BASIX SEPP.

(d) **Canterbury Bankstown Local Environmental Plan (CBLEP) 2023**

(i) **Zoning**

The subject site is zoned R2-Low Density Residential, pursuant to the CBLEP 2023.



**Figure 7: Zoning Map of the area - (Source NSW e-planning portal)**

## (ii) Permissibility

The development proposes the “alterations and additions to existing dwelling and tree removal and removal and replacement of external front stairs”.

The proposal involves the alterations and additions to an existing dwelling. This element of the proposal is best defined as a “dwelling house”. Dwelling houses are permissible with consent in the R2 Zone, as indicated in the extract from the CBLEP 2023 below.

### 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*

Having regard to the above, the development is permissible, pursuant to the applicable EPI and can be proposed.

### (iii) Objectives of the Zone

The objectives of the zone are as follows:

- *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.*

**Comment:** The development is consistent with the applicable objectives of the R2 zone in that it is providing for a development that will facilitate for the housing needs of the community in a low-density residential environment. The proposal contributes to the variety of housing types within the future surrounding low-density environment.

The proposal has been designed to ensure a high level of residential amenity is maintained for surrounding residents and potential future residents of the proposed development. The development has been designed to be of a bulk and scale that is consistent with the existing and future character of the area.

The proposal has been designed to limit any detrimental impacts on the surrounding built environment, by providing a design that does not create a detrimental impact in terms of privacy and overshadowing on adjoining properties. The secondary dwelling has been built towards the rear of the site, and is built in accordance with the site constraints,

### (iv) Summary of the Development Standards Applicable under the CBLEP 2023

| Development Provision            | Requirement   | Proposed                                                                                                                |
|----------------------------------|---------------|-------------------------------------------------------------------------------------------------------------------------|
| 4.3 (2A) (a) Height of Buildings | Max Height 9m | Satisfactory on merit.<br>Height of building is 9.6m at the corner of the northern elevation (Refer to Clause 4.6)      |
| 4.3(2C) Wall Height              | Maximum 7m    | Satisfactory on merit.<br>Height of Wall is maximum 9.6m. at the corner of the northern elevation (Refer to Clause 4.6) |
| 4.4 Floor Space Ratio            | Max FSR 0.5:1 | Complies<br>The overall FSR of proposed dwelling is 0.46:1 (270.1m <sup>2</sup> )                                       |

### (e) Canterbury Bankstown Development Control Plan (CBDCP) 2023

An assessment against the applicable guidelines of the CBDP 2023, specifically Chapter 5, Part 5.1 – Former Bankstown LGA, section 2 – Dwelling Houses is provided below

| CBDP 2023 – Part 5.1 – Former Bankstown LGA |                                                                                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
|---------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Section 2 –Dwelling Houses                  |                                                                                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| Control                                     | Required                                                                                                                                                                                                                                                                                                                   | Complies                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| Storey Limit                                |                                                                                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| 2.1 – Storey Limit                          | The storey limit for dwelling houses is two storeys.                                                                                                                                                                                                                                                                       | Yes – Proposed additions do not exceed 2 storeys.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| 2.2 – Siting                                | 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. | Satisfactory – Whilst the development is elevated on columns, the proposed additions are designed to minimise the impacts on the existing rock outcrops and existing natural features of the site. The additions are a minor element and addition to the existing dwelling. The elevated nature of dwellings are consistent with the existing streetscape. The proposed design does not create adverse privacy impacts on adjoining properties. The location of the additions is designed to provide appropriate access to the dwelling from Valley Road. The proposed additions maintain a compliant setback off Valley Road, and are of a height that is well below the height of the existing dwelling. |
| Fill                                        |                                                                                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| 2.3 – 2.4 – Reconstituted Ground Level      | Any reconstituted ground level on the site within the ground floor perimeter of dwelling houses must not                                                                                                                                                                                                                   | N/A –                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |

|                                                              |                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                   |
|--------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                                              | <p>exceed a height of 1m above the ground level (existing). For 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 dwelling houses must not exceed a height of 600mm above the ground level (existing) of an adjoining site. For this clause, the ground floor perimeter includes the front porch.</p> | N/A                                                                                                                                                                               |
| <b>Setback Restriction</b>                                   |                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                   |
| 2.5 – Setback from animal boarding or training establishment | The erection of dwelling houses is prohibited within 9m of an existing animal boarding or training establishment.                                                                                                                                                                                                                                                                                                | N/A                                                                                                                                                                               |
| <b>Street setbacks</b>                                       |                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                   |
| 2.6 – Primary Setback                                        | <p>a) 5.5m to first storey (i.e., ground floor)</p> <p>b) 6.5m to second storey</p>                                                                                                                                                                                                                                                                                                                              | <p>Yes – Proposed additions are a minimum 5.5m from Valley Road to lower ground floor</p> <p>Yes – Proposed additions are a minimum 7m from Valley Road to lower ground floor</p> |
| 2.7 – Secondary frontage                                     | <p>a) 3m to building wall</p> <p>b) 5.5m to garage or carport</p>                                                                                                                                                                                                                                                                                                                                                | N/A                                                                                                                                                                               |
| <b>Side and Rear Setbacks</b>                                |                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                   |
| 2.8 – For building wall <7m                                  | 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 of the site                                                                                                                                                                                                                                                                       | <p>Yes –</p> <p>A side setback of 0.91m is provided along the northern boundary and a Nil setback along the southern</p>                                                          |

|                                       |                                                                                                                                                                                                                                                                                                                   |                                                                                                                                                                                       |
|---------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                       | is 0.9m.                                                                                                                                                                                                                                                                                                          | boundary, where the wall height is less than 7m                                                                                                                                       |
| 2.9 – For building wall >7m           | 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. 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. | Yes –<br><br>A side setback of 1.5m is provided along the northern boundary where the wall heights exceed 7m, at the lounge room                                                      |
| <b>Private Open Space</b>             |                                                                                                                                                                                                                                                                                                                   |                                                                                                                                                                                       |
| 2.10 – Private Open Space             | Dwelling houses must provide a minimum 80m <sup>2</sup> 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.                                                                                | No change to the existing POS at the rear of the site.                                                                                                                                |
| <b>Access to sunlight</b>             |                                                                                                                                                                                                                                                                                                                   |                                                                                                                                                                                       |
| 2.11 – Living Area                    | At least one living area of must receive a minimum 3 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.       | Yes – The living rooms on the ground floor at the northern elevation of the dwelling have openings to the north and east to enable sufficient sunlight to penetrate the living areas. |
| 2.12 – Living Area adjoining dwelling | At least one living area of a dwelling on an adjoining allotment must receive a                                                                                                                                                                                                                                   | Yes – Solar Access to adjoining dwelling is maintained                                                                                                                                |

|                            |                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                             |
|----------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                            | minimum 3 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.                                                                                                                                                                                                              |                                                                                                                                                                                                                                                             |
| 2.13 – Solar access to POS | 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 allotment must receive at least 3 hours of sunlight between 9.00am and 5.00pm at the equinox. Where this requirement cannot be met for a dwelling on an adjoining allotment, the development must not result with additional overshadowing on the affected private open space. | Yes – Solar Access to adjoining dwelling POS is maintained                                                                                                                                                                                                  |
| 2.14 – Solar Panels        | Development should avoid overshadowing any existing solar hot water system, photovoltaic panel or other solar collector on the site and neighbouring sites.                                                                                                                                                                                                                                                                                      | Yes – Proposed additions do not overshadow any solar panels                                                                                                                                                                                                 |
| <b>Visual Privacy</b>      |                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                             |
| 2.15 – Window Location     | Where development proposes a window that directly looks into the living area or bedroom window of an existing dwelling, the development must:<br><br>(a) offset the windows between dwellings to minimise overlooking; or<br><br>(b) provide the window with                                                                                                                                                                                     | Yes –<br><br>The location of the windows along the side elevations to the south are well set off from the southern adjoining properties to alleviate privacy impacts. The windows to the north are designed with high sills to alleviate privacy impacts on |

|                                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                                                                                                                                                                           |
|------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                          | <p>a minimum sill height of 1.5 metres above floor level; or</p> <p>(c) ensure the window cannot open and has obscure glazing to a minimum height of 1.5 metres above floor level; or</p> <p>(d) use another form of screening to the satisfaction of Council.</p>                                                                                                                                                                                                                                                                                                                                                     | adjoining properties                                                                                                                                                                      |
| 2.16 – Windows directly looking into POS | <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 1.5 metres above floor level; or</p> <p>(c) the window has translucent glazing to a minimum height of 1.5 metres 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> | Yes – Location of windows satisfactory                                                                                                                                                    |
| 2.17 – Side and rear balconies           | 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:                                                                                                                                                                                                                                                                                                                                                                                                                                        | Satisfactory – Front elevated deck located predominately fronting Valley Road. The balcony is appropriately screened from the southern boundary to alleviate privacy impacts on adjoining |

|                                    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                               |
|------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------|
|                                    | <p>(a) does not have an external staircase; and</p> <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>                                                                                                                                                                                                                                                                                                                           | southern property.                            |
| 2.18 – Roof-top balconies          | Council does not allow dwelling houses to have roof-top balconies and the like.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | N/A                                           |
| <b>Building Design</b>             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                               |
| 2.19 – Roof Pitch                  | The maximum roof pitch for dwelling houses is 35 degrees.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | Yes – Roof pitch does not exceed 4 degrees    |
| <b>Building Design Car Parking</b> |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                               |
| 2.24 – Location of car spaces      | <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</p> <p>(b) the covered car parking space; and the covered car parking space is setback a minimum 6 metres from the primary and secondary street</p> | N/A – No change to sites parking arrangements |

|                                |                                                                                                                                                                                                                      |                                                                                                                                                                                                                                                                                  |
|--------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                | frontages.                                                                                                                                                                                                           |                                                                                                                                                                                                                                                                                  |
| <b>Landscaping</b>             |                                                                                                                                                                                                                      |                                                                                                                                                                                                                                                                                  |
| 3.27 – Retention of Vegetation | 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. | Yes – Development is proposing the removal of 2 trees through the development. The application is accompanied by an Arborist Report, prepared by Arbor Express. The 2 trees identified for removal have been identified as having TPZ encroachments with the proposed additions. |

**(f) Section 4.15(1)(a)(iii) –Any Planning Agreement or Draft Planning Agreement**

There is no planning agreement or draft planning agreement applying to the site.

**(g) Section 4.15(1)(a)(iv) –The Regulations**

The applicable provisions of the *Environmental Planning and Assessment Regulation 2021* has been considered in the assessment of this application and it is considered the proposal is consistent with the EP&A Regulation 2021.

**(h) Section 4.15(1)(b) – The Likely Impacts of the Development**

It is considered that the proposal will have limited impacts on the existing and future character of the locality. The proposal provides for a development that will easily cater for a suitable residential development that will not compromise the amenity of the surrounding locality. The proposal provides for a suitable lot size and has demonstrated it can accommodate a built form and dwelling design that is consistent with the objectives and intent of the current development standards under the CBLEP 2023 and relevant guidelines of the CBDP 2023.

**(i) Section 4.15(1)(c) – The Suitability of the Site for the Development**

The subject development is permissible in the zone and the proposal satisfies the key planning controls for site as detailed above and is generally considered to be suitable for the site.

**6. Conclusion**

The application has been assessed against the relevant provisions of the EP&A Act 1979, applicable development standards of the CBDP 2023 and relevant guidelines of the CBDP 2023. It is considered the development proposing the *alterations and additions to existing dwelling and tree removal and removal and replacement of external front stairs* at 14 Valley Road Padstow Heights, legally identified as Lot 13 DP 227490, is a suitable form of development consistent with the development standards applicable to the site and is a development form that is consistent with the existing and future character of the area.

The proposal provides for a development that is consistent with the prevailing subdivision pattern and predominant building form in the immediate locality and is consistent with the objectives of the R2 – Low Density zone applicable to the site.