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Statement of Environmental Effects Section 4.55 Modification Application to DA-357/2020

Council: Canterbury-Bankstown City Council

Application Number: DA-357/2020

Approved Development: Demolition of existing structures, construction of a two-storey attached dual occupancy development, each containing a secondary dwelling, Torrens title subdivision.

Property Address: **17 Starr Avenue, Padstow NSW 2211**
Lot: Lot 7 DP 30072

Attention: Manager, Development Department

Dear Sir/Madam,

This Statement of Environmental Effects has been prepared in support of a Section 4.55 Modification Application seeking approval to amend Development Consent DA-357/2020.

The proposed modification involves minor amendments to the building façade and the rear section. These changes have been made while the new owner constructing the duplex to simplify the approved form, improve constructability, and enhance the overall appearance and functionality of the development.

In addition, the rear design has been modified to better accommodate the approved balcony structures and provide a more practical construction outcome.

The proposed amendments are minor in nature and do not alter the approved development's scale, bulk, floor area, height, or overall building footprint. The modifications remain consistent with the relevant provisions of the applicable Development Control Plan (DCP) and Local Environmental Plan (LEP).

Furthermore, the proposed changes will not result in any additional adverse environmental impacts and will not negatively affect the amenity of adjoining properties or the surrounding neighborhood. The development will continue to operate in accordance with the objectives and intent of the original consent.

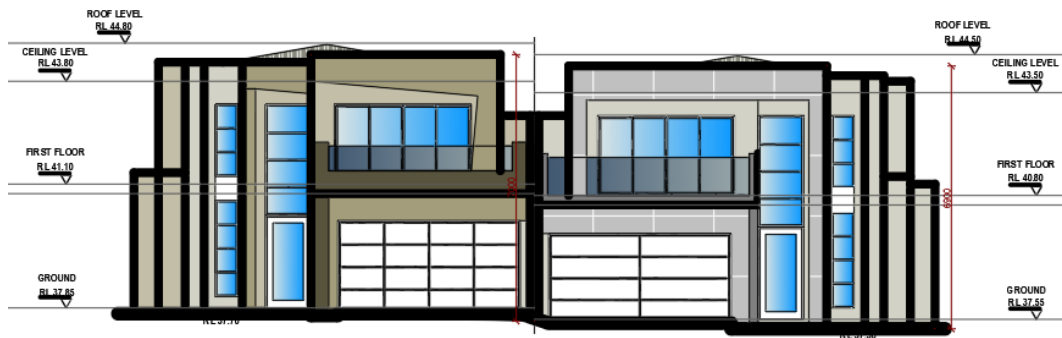
Modifications area

- Change the façade

Façade has been simplified for construction reasons but no changes to the heights or envelope. The changes are limited to the parapet shape, entry door and face bricks



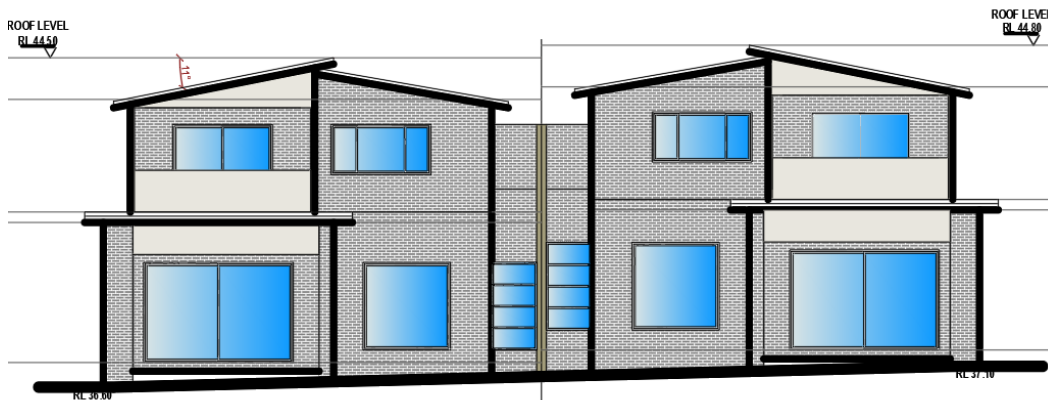
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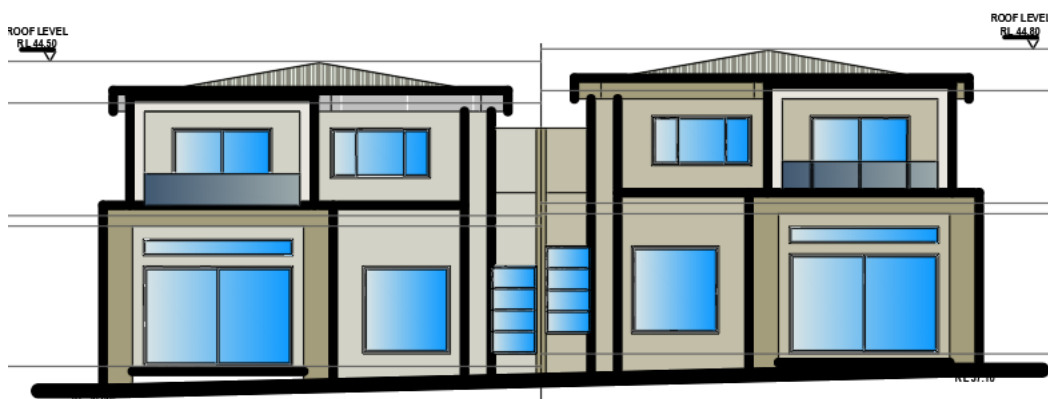
Approved

- Changes to the rear

Limited to the roof as parapet was not the preferred construction method and face bricks



Constructed



Approved

Building controls

The building floor space ratio, envelope and alignments of the new dual occupancy Duplex have been designed to comply with the council development control plan and local environmental plan requirements.

SECTION 4–DUAL OCCUPANCIES

Subdivision		
4.1 For development that establishes a dual occupancy and a secondary dwelling on the same allotment, the two dwellings forming the dual occupancy may be subdivided provided the minimum lot size is 450m ² per dwelling.	Each lot area = 1308.4 m ²	Comply
Storey limit (not including basements) 4.2 The storey limit for dual occupancies is two storeys.	Two story constructed	Comply
4.3 The siting of dual occupancies, and landscape works must be compatible with the existing slope and contours of the site and any adjoining sites. Council does not allow any development that involves elevated platforms on columns; or excessive or unnecessary terracing, rock excavation, retaining walls or reclamation.	dual occupancy following the NGL and guided by the flood advice	Comply
4.4 Any reconstituted ground level on the site must not exceed a height of 600mm above the ground level (existing) of an adjoining site except where: the dual occupancy is required to be raised to achieve a suitable freeboard in accordance with Chapter 2.2 of this DCP; or the fill is contained within the ground floor perimeter of the dual occupancy to a height no greater than 1 metre above the ground level (existing) of the site.	Development is within 600mm in most parts to comply with flood requirements	Comply
Setback restrictions 4.5 The erection of dual occupancies is prohibited within 9 metres of an existing animal boarding or training establishment.	Property is not close to any	Comply
4.6 The minimum setback for a building wall to the primary street frontage is: (a) 5.5 metres for the first storey (i.e. the ground floor); and (b) 6.5 metres for the second storey.	9.0m is minimum setback	Comply
4.7 The minimum setback to the secondary street frontage is: (a) 3 metres for a building wall; and (b) 5.5 metres for a garage or carport that is attached to the building wall.	N/A	Comply
Side setbacks 4.8 For the portion of the building wall that has a wall height less than or equal to 7 metres, the minimum setback to the side boundary of the site is 0.9 metre. Council may increase the minimum setback to reduce any impact on the amenity	side setback = 0.9m	Comply

of an adjoining dwelling or to avoid the drip line of a tree on an adjoining site.		
4.9 For the portion of the building wall that has a wall height greater than 7 metres, the minimum setback to the side boundary of the site is 1.5 metres.	Maximum height = 6.9m	Comply
4.10 The minimum setback between a dual occupancy and the side boundary must be clear of obstacles such as a hot water unit, waste storage area, storage shed and the like.	No obstructions proposed	Comply
4.11 The basement level must not project beyond the ground floor perimeter of the dual occupancy.	N/A	Comply
Private open space 4.12 Dual occupancies must provide a minimum 80m2 of private open space per dwelling behind the front building line. This may be in the form of a single area or a sum of areas per dwelling provided the minimum width of each area is 5 metres throughout.	POS more than 80m2 for each unit	Comply
Access to sunlight 4.13 At least one living area of each dwelling must receive a minimum three hours of sunlight between 8.00am and 4.00pm at the mid-winter solstice. Council may allow light wells and skylights to supplement this access to sunlight provided these building elements are not the primary source of sunlight to the living areas.	living area will receive more sunlight	Comply
4.14 At least one living area of a dwelling on an adjoining site must receive a minimum three hours of sunlight between 8.00am and 4.00pm at the mid-winter solstice. Where this requirement cannot be met, the development must not result with additional overshadowing on the affected living areas of the dwelling.	Adjoining will receive from rear	Comply
4.15 A minimum 50% of the private open space required for each dwelling and a minimum 50% of the private open space of a dwelling on an adjoining site must receive at least three hours of sunlight between 9.00am and 5.00pm at the equinox. Where this requirement cannot be met for a dwelling on an adjoining site, the development must not result with additional overshadowing on the affected private open space.	More than 50% receive more than 3hrs	Comply
4.15 A minimum 50% of the private open space required for each dwelling and a minimum 50% of the private open space of a dwelling on an adjoining site must receive at least three hours of sunlight between 9.00am and 5.00pm at the equinox. Where this requirement cannot be met for a dwelling on an adjoining site, the development must not result with additional overshadowing on the affected private open space.	More than 50% receive more than 3hrs	Comply
Visual privacy 4.17 Where development proposes a window that directly looks into the living area or bedroom window of an existing dwelling, the development must: (a) offset the windows between dwellings to minimise overlooking; or (b) provide the window with a minimum sill height of 1.5 metres above floor level; or	Windows comply	Comply

(c) ensure the window cannot open and has obscure glazing to a minimum height of 1.5 metres above floor level; or (d) use another form of screening to the satisfaction of Council.		
4.18 Where development proposes a window that directly looks into the private open space of an existing dwelling, the window does not require screening where: (a) the window is to a bedroom, bathroom, toilet, laundry, storage room, or other non-habitable room; or (b) the window has a minimum sill height of 1.5 metres above floor level; or (c) the window has translucent glazing to a minimum height of 1.5 metres above floor level; or (d) the window is designed to prevent overlooking of more than 50% of the private open space of a lower-level or adjoining dwelling.	Widows complying	Comply
4.19 Council may allow dual occupancies to have an upper floor side or rear balcony solely where the balcony is not accessible from a living area or hallway, and the balcony design: (a) does not have an external staircase; and (b) does not exceed a width of 1.5 metres throughout; and (c) incorporates a form of screening to the satisfaction of Council such as partially recessing the balcony into the building.	A 1.5m balcony with privacy screens	Comply
4.20 Council does not allow dual occupancies to have roof-top balconies and the like.	N/A	Comply
Building design 4.21 Development for the purpose of dual occupancies must demolish all existing dwellings (not including any heritage items) on the site.	Demolition completed as per approved plan	Comply
4.22 The design of dual occupancies must ensure: (a) the street facade of dual occupancies (attached) adopt an asymmetrical design to provide each dwelling with an individual identity when viewed from the street; or (b) the street facade of dual occupancies (attached) or dual occupancies (detached) incorporate architectural elements that are compatible with the asymmetrical appearance of neighbouring dwelling houses, particularly where a pattern is established by a group of adjoining dwelling houses; and (c) the front porch and one or more living area or bedroom windows to each dwelling face the street; and (d) the garage, driveway and front fence do not dominate the front of the building and front yard; and (e) the two dwellings on a corner site each face a different frontage.	Altered facade complies with the requirements	Comply
4.23 The maximum roof pitch for dual occupancies is 35 degrees.	Roof pitch 11 degrees	Comply
4.24 Council may allow dual occupancies to have an attic provided the attic design: (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	N/A	Comply

(b) ensures the attic does not give the external appearance of a storey.		
4.25 The design of dormers must: (a) be compatible with the form and pitch of the roof; and (b) must not project above the ridgeline of the main roof; and (c) must not exceed a width of 2 metres; and (d) the number of dormers must not dominate the roof plane.	N/A	Comply
4.26 Development in the foreshore protection area (refer to map in Appendix 1) must use non-reflective materials that are compatible with the natural characteristics and colours of the area (such as olive green, grey and dark brown).	N/A	Comply
Building design (car parking) 4.27 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	Comply
4.28 Development must locate the car parking spaces behind the front building line with at least one covered car parking space for weather protection. Despite this clause, Council may allow one car parking space per dwelling to locate forward of the front building line provided: (a) the car parking space forward of the front building line is uncovered and located in a stacked arrangement on the driveway in front of the covered car parking space; and (b) the covered car parking space is setback a minimum 6 metres from the primary and secondary street frontages.	Double garage constructed with 10.0m setback and driveway for second car	Comply
4.29 Where development proposes a garage with up to two car parking spaces facing the street, Council must ensure the garage architecturally integrates with the development and does not dominate the street facade. Council does not permit internal stacked or tandem garages.	Double garage integrated and nonstructured as per approved plan	Comply
4.30 Where development proposes a garage with more than two car parking spaces facing the street, Council must consider the architectural merit of the development and may allow the garage provided: (a) the building is at least two storeys in height, and (b) the garage is architecturally integrated with the upper storey by: (i) ensuring the garage does not project more than 3 metres forward of the upper storey street facade; and (ii) designing a covered balcony, rooms or other architectural features of the upper storey to extend over the garage roof. This clause prevails where there is a numerical inconsistency with another clause in this chapter of the DCP.	N/A	Comply
Landscape 4.31 Development must retain and protect any significant trees on the site and adjoining sites. To achieve this clause, the development may require a design alteration or a reduction in the size of the dual occupancy.	N/A	Comply
4.32 Development must landscape the following areas on the site by way of trees and shrubs with preference given to		Comply

native vegetation endemic to Canterbury-Bankstown (refer to the Landscape Guide for a list of suitable species): (a) a minimum 45% of the area between the dual occupancy and the primary street frontage; and (b) a minimum 45% of the area between the dual occupancy and the secondary street frontage; and (c) plant at least one 75 litre tree between the dual occupancy and the primary street frontage (refer to the Landscape Guide for a list of suitable trees in Canterbury-Bankstown); and (d) for development in the foreshore protection area (refer to map in Appendix 1), plant native trees with a mature height greater than 12 metres adjacent to the waterbody.	Landscape complies	
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We respectfully request Council's support for the proposed modification to facilitate the completion of the project.

Should you require any further information, please do not hesitate to contact the undersigned.

Yours faithfully,

Joseph Rafla
08 July 2026

1.The statement of environmental effects (SEE) is unsatisfactory as the proposed development is assessed against the Canterbury-Bankstown LEP 2015 and DCP 2015. Please submit an updated statement of environmental effects that addresses the current Canterbury-Bankstown LEP 2023 and DCP 2023. You will also need to clearly outline exactly what changes are being sought as part of this modification application.

2.Please be sure to submit all architectural plans in one set.

3.No neighbour notification plan has been submitted and is to be provided to Council. Please note that the neighbour notification plan must include all elevations of the proposal, as well as any ancillary structure elevations. A site plan must also be provided and no internal details of the proposed development must be shown on the plans. Please note that all of this must be shown on one A4 sheet.