

STATEMENT OF ENVIRONMENTAL EFFECTS

CANTERBURY - BANKSTOWN COUNCIL

July 2026 - Version 3

PROPOSED ATTACHED DUAL OCCUPANCY

Division 8.2 Review (or an 'internal review') under the *Environmental Planning and Assessment Act 1979*.

Prepared By:



In Respect Of:

Lot 18 | D.P 17218

Also Known As:

16 CARINYA ROAD PICNIC POINT 2213

1.0 INTRODUCTION

This document comprises a Statement of Environmental Effects to accompany a division 8.2 review for demolition of existing structures and construction of a two storey attached dual occupancy with associated landscaping/hardsurfacing and torrens title subdivision.

This report aims to assess the potential impacts and environmental effects of the proposed development for the subject site under section 4.15 (formerly 79c) of the Environmental Planning and Assessment Act 1979.

The subject property is legally identified as; Lot 18 | D.P 2213

The subject site is located close to public transport links to Bankstown Station as well as other infrastructure, which provides a good opportunity for redevelopment. This has been recognised through the current zoning of land in the general locality, which allows various forms of residential development including dual occupancy.

The proposed dual occupancy demonstrates strong urban design outcomes that appropriately respond to the existing, established streetscape and will positively contribute to its ongoing improvement through the following:

- *Enhancing the existing built form by introducing a contemporary, well-designed dwelling that complements the surrounding residential character rather than reshaping undeveloped land.*
- *Presenting a well-proportioned building form that aligns with the established scale of neighbouring properties and integrates seamlessly with the site's topography and the prevailing subdivision pattern.*
- *Incorporating a refined architectural palette, including articulation, material variation, and a high-quality street façade that strengthens and uplifts the visual quality of the immediate neighbourhood.*
- *Providing compliant and functional off-street parking, reducing pressure on on-street parking and contributing to a tidy and well-managed public domain.*
- *Improving passive surveillance through the placement of habitable room windows and openings toward the street and landscaped areas, supporting safety, visibility, and activation within an already developed residential setting.*

Dual Occupancy residential development is an acceptable form of housing when good planning and urban design controls are established to guide the building industry. Canterbury Bankstown Council has comprehensive planning and urban design standards to ensure that this form of development complements existing residential areas.

Desired outcomes such as, the block principal and streetscape amenity are more easily achieved with double storey development than any other form of low to medium density housing, which is why they are permitted in zone R2 – Low Density Residential.

The proposed design promotes best planning practice and is consistent with Council's DCP requirements, resulting in a high-quality development that will enhance the amenity of the locality.

2.0 SITE/LOCALITY DESCRIPTION

The subject land No. 16 Carinya Road is located on the Southern side of the street with the nearest cross street being Henry Lawson Drive situated 250m north of the subject site. The site is irregular quadrilateral in shape. The subject site has a Western boundary frontage to Carinya Road of 23.43m, Northern side Boundary 58.35m, Southern side Boundary 49.11 and an Eastern rear boundary of 9.14m. The subject site comprises a total site area of 806.3m² by Calculation.



Figure 1 – Captured from <https://www.google.com/earth/>

Denotes Subject Site:



Subject Site No. 16; is currently occupied by a split level brick residence.

The surrounding locality is part of a well-established residential area and is generally characterised by:

- *A cohesive mix of existing single and two-storey dwellings that collectively define a stable suburban neighbourhood, with minimal vacant land remaining.*
- *A range of contemporary and traditional architectural styles, reflecting gradual renewal over time while retaining elements of the original residential character.*
- *Established nature strips and streetscape treatments, including consistent footpaths and landscaping that contribute to a mature suburban environment.*
- *Predominantly defined front setbacks, fencing, and garden presentation that reflect long-standing residential occupation and an orderly, settled streetscape.*
- *Mature landscaping and well-developed vegetation that enhance the visual amenity of the locality, providing a green and cohesive backdrop to the existing homes.*

3.0 THE PROPOSAL

Basement Floor

The basement floor includes:

- *Porch and entry*
- *Lift & Stair Foyer*
- *(1) Allocated car spaces*
- *Electrical Services Room*

Ground Floor

The ground floor includes:

- *Master bedroom with walk in robe and ensuite - associated balcony*
- *Lift & Stair*
- *(3) Secondary Bedrooms*
- *Main Bathroom*
- *Midway Courtyard*

First Floor

The first floor includes:

- *Open terrace*
- *Formal living*
- *(1) Secondary Bedroom*
- *Main Bathroom*
- *Laundry*
- *Kitchen & Walk in pantry*
- *Dining*
- *Living*
- *Alfresco connected to open space*
- *Platformed courtyard*

4.0 RELEVANT PLANNING CONTROLS

Canterbury-Bankstown Local Environmental Plan

The Canterbury-Bankstown Local Environmental Plan (LEP) 2023 replaces LEP 1979.

Consideration of Canterbury-Bankstown Local Environmental Plan 2023 has been given to the proposed development. The proposed development is consistent with the objectives of R2 Residential zone and other relevant provisions of Canterbury-Bankstown Local Environmental Plan 2013.

The subject site is zoned residential R2 under the Canterbury-Bankstown Local Environmental Plan 2023. The proposed development is permissible with the consent of council provided that the proposal satisfies the objectives of the environmental planning instrument.

Zone R2 Low Density Residential

Objectives of zone

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

Permitted without consent

Home occupations

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

Prohibited

Any development not specified in item 2 or 3

Planning Comment: The proposed development is a dual occupancy located on land zoned R2 Low Density Residential under the Canterbury-Bankstown Local Environmental Plan (CBLEP) 2023. Pursuant to Clause 2.7 – Zone objectives and land use table of the CBLEP 2023, dual occupancies are a permissible form of development within the R2 Low Density Residential Zone, subject to development consent.

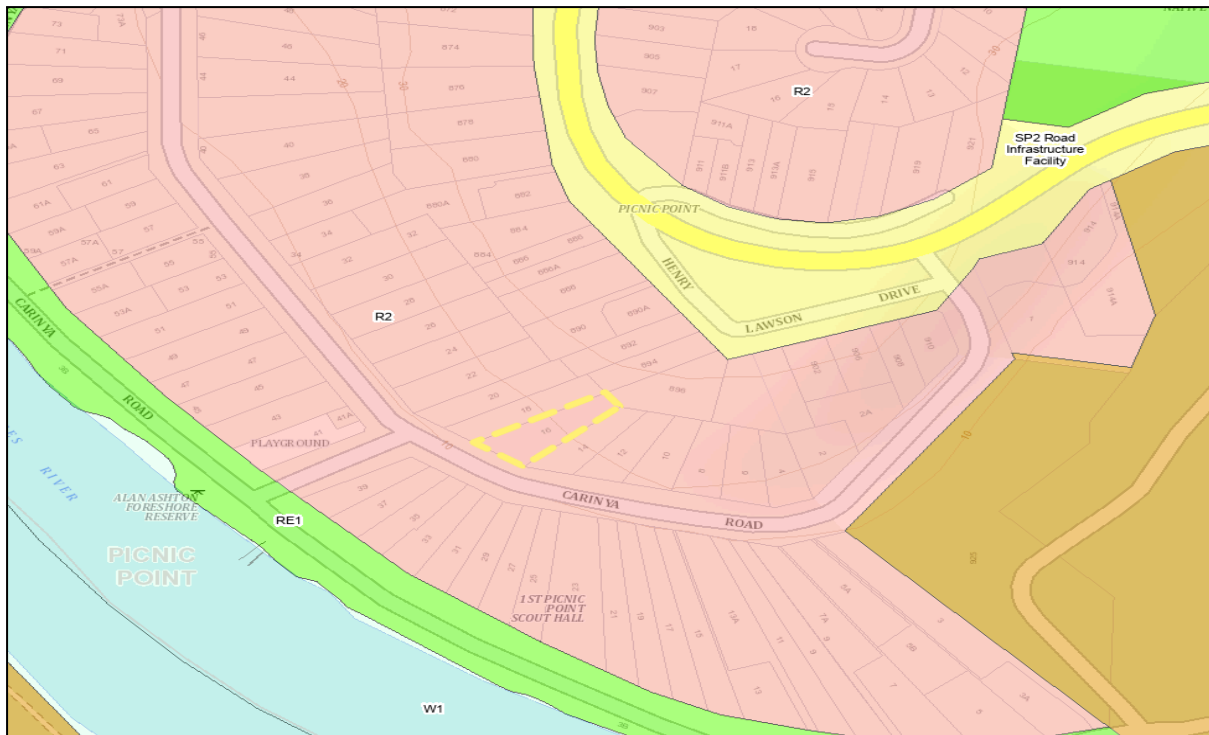


Figure 2 – Zoning Captured from <https://www.planningportal.nsw.gov.au/spatialviewer>

Zone R2 Low Density Residential - Objectives of zone Responses

The proposed dual occupancy is consistent with the objectives of the R2 Medium Density Residential zone for the following reasons:

- *The development provides additional low-density housing that responds to the housing needs of the community while maintaining the established low-density residential character of the area.*
- *The proposal is residential in nature and does not introduce any land uses that would conflict with or detract from the day-to-day living environment of surrounding residents.*
- *The development does not incorporate non-residential uses and therefore will not adversely affect the residential amenity of the locality.*
- *Appropriate landscaping is provided within the site to soften the built form, enhance visual amenity and contribute positively to the streetscape.*
- *Traffic generation and parking demand associated with the proposal are modest and can be comfortably accommodated on site, ensuring no adverse impact on the surrounding road network.*
- *The use and scale of the development are compatible with adjoining residential properties and will not result in land use conflicts.*
- *The proposal demonstrates a high standard of urban design through appropriate building articulation, setbacks, privacy controls and material selection, thereby preserving local amenity.*

4.1A Minimum lot sizes and special provisions for dual occupancies

(1) *The objectives of this clause are as follows—*

- (a) *to ensure lots are large enough to accommodate proposed dwellings, setbacks to adjoining land, private open space and landscaped areas, driveways and vehicle manoeuvring areas,*
- (b) *to ensure lots are large enough to protect special attributes, including natural or cultural features, heritage items, heritage conservation areas, trees and natural topographical features,*
- (c) *to minimise the likely adverse impact of development on the amenity of the area.*

(2) Development consent must not be granted to development for the purposes of dual occupancies on a lot in Zone R2 on land identified as “Area 1” on the [Clause Application Map](#) unless—

(a) *the lot is at least—*

(i) for dual occupancies (attached)—500m², and

(ii) for dual occupancies (detached)—700m², and

(b) *the width of the lot at the front building line is at least—*

(i) for dual occupancies (attached)—15m, and

(ii) for dual occupancies (detached)—20m, and

(c) each dwelling will have a frontage to a road.

(3) Despite clauses 4.1 and 4.1AA, development consent must not be granted to the subdivision of a dual occupancy in Zone R2 on land identified as “Area 1” on the Clause Application Map unless each resulting lot will be at least—

(a) for dual occupancies (attached)—250m², and

(b) for dual occupancies (detached)—350m².

(4) Development consent must not be granted to development for the purposes of dual occupancies on a lot on land identified as “Area 2” on the Clause Application Map unless—

(a) the lot is at least 600m², and

(b) the width of the lot at the front building line is at least 15m, and

(c) each dwelling will have a frontage to a road.

(5) Despite clauses 4.1 and 4.1AA, development consent must not be granted to the subdivision of a dual occupancy on a lot on land identified as “Area 2” on the Clause Application Map unless—

(a) each resulting lot will be at least 300m², and

(b) there will be 1 dwelling on each lot created.

Planning Comment: Clause 4.1A of the Canterbury-Bankstown LEP permits the subdivision of land for the purposes of a dual occupancy where the site meets the minimum requirements of:

- a minimum site area of 500sqm (attached),
- subdivision area will be at least 250sqm (attached)
- a minimum frontage of 15 metres (attached), and
- being located within Area 1.

The subject site fully complies with all applicable criteria. The allotment has a total site area of 806.3sqm, a primary street frontage of 23.43 metres, and is located within Area 1 as identified on the relevant LEP maps.

Accordingly, the proposed dual occupancy subdivision satisfies Clause 4.1A of the LEP and is permissible and appropriate for the site.

4.3 Height of buildings

(1) *The objectives of this clause are as follows—*

- (a) to establish the height of development consistent with the character, amenity and landform of the area in which the development will be located,*
- (b) to maintain the prevailing suburban character and amenity by limiting the height of development to a maximum of 2 storeys in Zone R2,*
- (c) to provide appropriate height transitions between development, particularly at zone boundaries,*
- (d) to minimise overshadowing to existing buildings and open space,*
- (e) to minimise the visual impact of development on heritage items and heritage conservation areas,*
- (f) to support building design that contributes positively to the streetscape and visual amenity of an area.*

(2) *The height of a building on any land is not to exceed the maximum height shown for the land on the [Height of Buildings Map](#).*

(2A) *Despite subclause (2), the following maximum building heights apply—*

- (a) 6m for a secondary dwelling that is not attached to the principal dwelling in Zone R2 on land identified as “Area 1” on the [Clause Application Map](#),*
- (b) 8.5m for a dwelling house in Zone R4 on land identified as “Area 2” on the [Clause Application Map](#),*
- (c) 11m for a building on a lot that is less than 5,000m² on land identified as “Area 1” on the [Height of Buildings Map](#) that is in Zone E3 Productivity Support,*

(2B) *The maximum wall height for a secondary dwelling that is not attached to the principal dwelling in Zone R2 on land identified as “Area 1” on the [Clause Application Map](#) is 3m.*

(2C) *The maximum wall height for a dwelling house or dual occupancy in Zone R2 on land identified as “Area 1” on the [Clause Application Map](#) is 7m.*

(2D) *In this clause—*

wall height means the vertical distance between the ground level (existing) and the higher of—

- (a) the underside of the eaves at the wall line, or*
- (b) the top of the parapet or the flat roof.*

Planning Comment: The maximum permissible wall height for a dwelling house or dual occupancy in Zone R2 on land identified as “Area 1” under the Clause Application Map is 7.0 metres. The proposed development exceeds this control by a maximum of 0.6 metres, which is addressed through a Clause 4.6 variation to the relevant development standard.

Notwithstanding this minor variation to wall height, full compliance is achieved with Clause 4.3 of the LEP, which prescribes a maximum building height of 9.0 metres for the subject site. The proposed development attains a maximum building height of 9.0 metres, and therefore strictly complies with the applicable height control.

Importantly, the exceedance is localised and does not result in an increase to the overall building envelope beyond that anticipated by the LEP. The majority of the built form remains well below the maximum permissible height, assisting in mitigating bulk and scale, maintaining compatibility with the established low-density residential character of the locality, and ensuring that visual, solar, and privacy impacts on adjoining properties are appropriately minimised.



Figure 3 – Permissible Height Captured from <https://www.planningportal.nsw.gov.au/spatialviewer>

4.4 Floor space ratio

(1) The objectives of this clause are as follows—

(a) to establish the bulk and maximum density of development consistent with the character, amenity and capacity of the area in which the development will be located,

- (b) to ensure the bulk of non-residential development in or adjoining a residential zone is compatible with the prevailing suburban character and amenity of the residential zone,
 - (c) to encourage lot consolidations in commercial centres to facilitate higher quality built form and urban design outcomes,
 - (d) to establish the maximum floor space available for development, taking into account the availability of infrastructure and the generation of vehicular and pedestrian traffic,
 - (e) to provide a suitable balance between landscaping and built form in residential areas.
- (2) The maximum floor space ratio for a building on any land is not to exceed the floor space ratio shown for the land on the [Floor Space Ratio Map](#).

(2A) Despite subclause (2), the maximum floor space ratio for a building on land specified in Column 1 of the table to this subclause with a lot width at the front building line less than the width specified in Column 2 is the floor space ratio specified in Column 3.

Column 1	Column 2	Column 3
"Area 1" on the Floor Space Ratio Map	18m	2:1
"Area 2" on the Floor Space Ratio Map	18m	1:1
"Area 3" on the Floor Space Ratio Map	30m	2:1
"Area 4" on the Floor Space Ratio Map	30m	1:1

(2B) Despite subclause (2), the following maximum floor space ratios apply—

- (a) for a building used for non-residential purposes—
 - (i) on land in Zone R2 and identified as "Area 1" on the [Clause Application Map](#)—0.4:1, and
 - (ii) on land in Zone R2 or R3 and identified as "Area 2" on the [Clause Application Map](#)—0.5:1, and
 - (iii) on land in Zone R4 and identified as "Area 2" on the [Clause Application Map](#)—0.75:1,
- (b) for a building used for the purposes of dwelling houses or semi-detached dwellings on land identified as "Area 2" on the [Clause Application Map](#)—
 - (i) for a site area less than 200m²—0.65:1, and
 - (ii) for a site area greater than 200m² but less than 600m²—0.55:1, and
 - (iii) for a site area of 600m² or more—0.5:1,
- (c) for a building used for the purposes of dual occupancies on land in Zone R2 and identified as "Area 2" on the [Clause Application Map](#)—0.5:1,
- (d) for a building on land identified as "Area 5" on the [Floor Space Ratio Map](#), where mid-block connections of at least 20m wide are not provided for public use—2:1.

Planning Comment: The subject site is identified as “Area 1” on the Floor Space Ratio Map, which prescribes a maximum floor space ratio (FSR) of 0.5:1 for residential development.

The proposed dual occupancy has been designed to remain within the maximum permissible FSR, with the total gross floor area not exceeding the allowable floor space calculated based on the site area.

Accordingly, the proposal fully complies with Clause 4.4 of the Canterbury-Bankstown Local Environmental Plan, ensuring an appropriate balance between built form, landscaping, and residential amenity consistent with the objectives of the zone.

4.4B Exceptions to maximum floor space ratio for certain land in Zone R3

(1) This clause applies to land in Zone R3 Medium Density Residential identified as “Area B” on the [Floor Space Ratio Map](#).

(2) The maximum floor space ratio for a building on the land is—

(a) if the width of the building facing the primary street frontage is less than 22m—0.5:1, or

(b) if the width of the building facing the primary street frontage is at least 22m—0.65:1.

(3) The maximum floor space ratio specified in subclause (2) may be increased by up to 0.15:1 if all on-site parking is located in the basement of the building.

Planning Comment: Clause 4.4B – Exceptions to Maximum Floor Space Ratio for Certain Land in Zone R3 is not applicable to the subject site. The provisions of this clause apply only to land within Zone R3 that is specifically identified as “Area B” on the Floor Space Ratio Map.

The subject property is not located within Area B, and therefore the alternate FSR allowances and potential increases for basement parking under Clause 4.4B(2) and (3) do not apply. The proposal is instead assessed solely against the standard FSR control identified for the land, being 0.45:1 under Clause 4.4.

CB DCP 2023 - CHAPTER 5 RESIDENTIAL ACCOMMODATION - 5.1 FORMER BANKSTOWN LGA

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 450m² per dwelling.	This clause does not apply to the proposed development. The proposal does not include a secondary dwelling and relates solely to a dual occupancy. Accordingly, the provisions of 4.1 relating to subdivision of a dual occupancy and a secondary dwelling on the same allotment are not triggered.	-
Storey limit (not including basements)	4.2 The storey limit for dual occupancies is two storeys. 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.	Clause 4.2 – Storey Limit The proposed dual occupancy is a maximum of two storeys, excluding the basement, and therefore complies with the maximum storey limit prescribed under this clause. Clause 4.3 – Siting and Slope The siting of the dual occupancy has been carefully considered in response to the site's steep topography, which falls by over 15 metres toward the street. While some excavation is unavoidable due to the natural slope, the development has been designed to remain within the maximum height controls, minimise perceived bulk, and respond appropriately to the existing contours without excessive terracing or elevated structures.	Complies

Fill	4.4 Any reconstituted ground level on the site within the ground floor perimeter of dual occupancies must not exceed a height of 1m above the ground level (existing). For the purposes of this clause, the ground floor perimeter includes the front porch. 4.5 Any reconstituted ground level on the site outside of the ground floor perimeter of dual occupancies must not exceed a height of 600mm above the ground level (existing) of an adjoining site. For the purposes of this clause, the ground floor perimeter includes the front porch.	Strict compliance with Clauses 4.4 and 4.5 is not achievable due to the inherent topography of the site, which is characterised by a significant natural fall of over 15 metres toward the street. Any development on the land necessarily requires a degree of cut and fill to enable a functional and structurally sound building footprint. Notwithstanding this, the proposal has been carefully designed to minimise earthworks, retaining walls and visual impacts, and avoids elevated platforms on columns or excessive terracing. Reconstituted ground levels have been kept to the minimum extent necessary, and are contained within the overall built form and landscape strategy.	Merit
Setback restrictions	4.6 The erection of dual occupancies is prohibited within 9m of an existing animal boarding or training establishment.	This clause is not applicable. There is no existing animal boarding or training establishment within 9 metres of the site. Accordingly, the proposal satisfies Clause 4.6 and no conflict arises.	Complies
Street setbacks	4.7 The minimum setback for a building wall to the primary street frontage is: (a) 5.5m for the first storey (i.e. the ground floor); and (b) 6.5m for the second storey. 4.8 The minimum setback to the secondary street frontage is: (a) 3m for a building wall; and (b) 5.5m for a garage or carport that is attached to the building wall.	The proposed development provides a minimum setback of 6.5 metres to the primary street frontage for both storeys, exceeding the minimum setback requirements and ensuring a consistent streetscape presentation and appropriate separation from the public domain.	Complies

Side setbacks	4.9 The minimum setback for a building wall to the side boundary of the site is 0.9m. Council may increase the minimum setback to reduce any impact on the amenity of an adjoining dwelling or to avoid the drip line of a tree on an adjoining site. 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. The intended outcome is to provide a clear path at all times for residents and visitors to access the rear yard and/or carry out maintenance works. 4.11 The basement level must not project beyond the ground floor perimeter of the dual occupancy. For the purposes of this clause, the ground floor perimeter includes the front porch.	A consistent minimum side setback of 1.4 metres is provided, increasing in certain areas. All side setbacks are clear of obstacles and maintain an unobstructed access path as required. The basement level is fully contained within the ground floor perimeter and does not project beyond it. The proposal therefore satisfies the intent of Clauses 4.9, 4.10 and 4.11.	Complies
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 5m throughout.	Each dwelling provides private open space in excess of the minimum 80m² requirement, located behind the front building line. The private open space areas achieve a minimum width of at least 5 metres throughout, ensuring functional, usable outdoor areas suitable for residential amenity.	Complies

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. 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. 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. 4.16 Development should avoid overshadowing any existing solar hot water system, photovoltaic panel or other solar collector on the site and neighbouring sites.	The proposal complies with the solar access requirements for living rooms and private open space, as demonstrated by the submitted shadow diagrams. Adjoining dwellings maintain the required minimum solar access, and the development does not result in additional unacceptable overshadowing. Existing solar panels and solar hot water systems on the site and adjoining properties are not adversely affected by the proposal.	Complies
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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) (c) (d) provide the window with a minimum sill height of 1.5m above floor level; or ensure the window cannot open and has obscure glazing to a minimum height of 1.5m above floor level; or 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) (c) (d) the window has a minimum sill height of 1.5m above floor level; or the window has translucent glazing to a minimum height of 1.5m above floor level; or the window is designed to prevent overlooking of more than 50% of the private open space of a lower-level or adjoining dwelling. 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) (b) (c) does not have an external staircase; and does not exceed a width of 1.5m throughout; and incorporates a form of screening to the satisfaction of Council such as partially recessing the balcony into the building. 4.20 Council does not allow dual occupancies to have roof-top balconies and the like.	4.17 – Window Overlooking (Living Areas / Bedrooms) Windows have been carefully positioned and offset to minimise overlooking. Where required, sill heights, glazing treatment and screening measures have been incorporated to ensure adjoining living areas and bedrooms are not unreasonably impacted. 4.18 – Window Overlooking (Private Open Space) All windows overlooking adjoining private open space either serve non-habitable rooms, have compliant sill heights, incorporate translucent glazing, or are designed to prevent overlooking of more than 50% of adjoining private open space. 4.19 – Upper Floor Balconies No upper floor side or rear balconies are proposed as part of the development. 4.20 – Roof-Top Balconies No roof-top balconies are proposed.	Complies
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Building design	4.21 Development for the purpose of dual occupancies must demolish all existing dwellings (not including any heritage items) on the site. 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) (c) (d) (e) 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 the front porch and one or more living area or bedroom windows to each dwelling face the street; and the garage, driveway and front fence do not dominate the front of the building and front yard; and the two dwellings on a corner site each face a different frontage. 4.23 The maximum roof pitch for dual occupancies is 35 degrees. 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 (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) (c) (d) must not project above the ridgeline of the main roof; and must not exceed a width of 2m; and the number of dormers must not dominate the roof plane. 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).	4.21 All existing structures on the site will be demolished as part of the proposal. No heritage items are affected. 4.22 The dual occupancy has been designed to present a high-quality street interface, incorporating articulated façade elements that provide visual separation and individual identity to each dwelling. Living area and bedroom windows address the street, and the garage, driveway and front fencing are secondary elements that do not dominate the streetscape. 4.23 The proposed roof pitch is approximately 1 degree and is well below the maximum permissible roof pitch of 35 degrees. 4.24 No attic is proposed as part of the development. 4.25 No dormer windows are proposed. 4.26 The site is not located within a foreshore protection area. This clause is therefore not applicable.	Complies
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Building design (car parking)	4.27 Development on land bounded by Birdwood Road, Bellevue Avenue and Rex Road in Georges Hall must: (a) (b) comply with the road pattern shown in Appendix 2; and 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. 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. 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. 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) (b) the building is at least two storeys in height, and the garage is architecturally integrated with the upper storey by: (i) ensuring the garage does not project more than 3m 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.	4.27 Not applicable. The site is not located on land bounded by Birdwood Road, Bellevue Avenue and Rex Road, Georges Hall. 4.28 Complies. All required car parking spaces are located behind the front building line, with covered parking provided for weather protection. No reliance is placed on parking forward of the front building line. 4.29 Complies. Basements facing the street are limited to two car spaces, are architecturally integrated with the dwelling design, and do not dominate the street façade. No internal stacked or tandem garages are proposed. 4.30 Not applicable. The proposal does not include garages with more than two car parking spaces facing the street.	Complies
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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. 4.32 Development must landscape the following areas on the site by way of trees and shrubs with preference given to native vegetation endemic to Canterbury-Bankstown (refer to the Landscape Guide for a list of suitable species): (a) a minimum 45% of the area between the dual occupancy and the primary street frontage; and (b) (c) (d) a minimum 45% of the area between the dual occupancy and the secondary street frontage; and 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 for development in the foreshore protection area (refer to map in Appendix 1), plant native trees with a mature height greater than 12m adjacent to the waterbody.	4.31 The proposal retains and protects all significant trees on the site and adjoining properties. Two trees located within the front setback are proposed to be removed; however, these trees are not identified as significant. Appropriate tree protection measures are provided to safeguard retained on-site and neighbouring trees, with building setbacks designed to avoid adverse impacts during and after construction. 4.32 The development provides compliant landscaping throughout the site. A minimum of 45% of the area between the dual occupancy and the primary street frontage is landscaped, including the provision of at least one 75-litre tree, with additional trees and shrubs proposed using species endemic to the Canterbury-Bankstown area. Landscaping outcomes achieve a high-quality streetscape presentation and reinforce the low-density residential character. The site is not located within the foreshore protection area; therefore, the related provisions are not applicable.	Complies
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Response to Clause 6.2 – Earthworks

Clause 6.2 of the Canterbury-Bankstown Local Environmental Plan requires the consent authority to consider the impacts associated with proposed earthworks and whether those works are appropriate having regard to environmental, engineering and amenity considerations.

The proposed earthworks have not been undertaken to maximise development potential, but instead represent a necessary and considered design response to the site's natural topography and the applicable planning controls.

The subject site is characterised by a significant fall across the allotment, requiring careful consideration of building siting and finished floor levels. The proposed dual occupancy has been specifically designed to respond to these constraints by incorporating a basement level that is partially recessed into the natural landform.

This design approach allows the primary habitable levels of each dwelling to be established above the basement, creating a functional and efficient residential layout whilst maintaining compliance with the applicable planning controls, including the prescribed maximum building and wall heights.

Without the proposed excavation and basement level, the dwellings would require substantially elevated floor levels or additional retaining structures to accommodate the site's topography. This would increase the apparent bulk and scale of the development and would likely result in greater visual impacts when viewed from adjoining properties and the public domain.

The proposed earthworks therefore provide a superior planning outcome by enabling the development to sit comfortably within the natural slope of the land rather than being imposed upon it.

Council has also raised concerns regarding portions of the private open space being located within excavated areas.

Whilst portions of the private open space are located adjacent to the basement level, these areas remain fully functional, readily accessible from the dwellings and capable of accommodating the recreational activities ordinarily associated with residential private open space. The usability of the private open space is not diminished merely because it has been created through excavation. Rather, the excavation enables level and practical outdoor areas to be achieved on an otherwise sloping site.

The proposal should therefore be assessed having regard to the functionality and amenity of the private open space, rather than solely the method by which those levels are established.

Assessment Against Clause 6.2(3)

(a) Drainage Patterns and Soil Stability

The proposed earthworks will be undertaken in accordance with detailed structural and civil engineering documentation. Retaining structures, stormwater drainage systems and erosion control measures will ensure that the proposal does not adversely affect drainage patterns or soil stability within the locality.

(b) Future Use or Redevelopment of the Land

The proposed earthworks facilitate the orderly redevelopment of the site for a permissible residential purpose and do not prejudice the future development potential of the subject land or adjoining properties.

(c) Quality of Fill and Excavated Material

Excavation and any imported fill will be undertaken in accordance with recognised engineering practice. Any imported material will comprise certified clean fill and excavated material will be appropriately managed and disposed of at approved facilities where necessary.

(d) Existing and Likely Amenity of Adjoining Properties

The proposed excavation improves the overall planning outcome by embedding the development within the natural landform and reducing the apparent building bulk. Compliance with the applicable wall height controls has been achieved through this design response, resulting in a more sympathetic relationship with adjoining residential development.

Construction impacts associated with excavation will be temporary and managed through standard construction management measures.

(e) Source of Fill and Destination of Excavated Material

Any imported fill will be sourced from approved suppliers and all excavated material not reused on-site will be transported and disposed of in accordance with relevant environmental requirements.

(f) Likelihood of Disturbing Relics

The site is not identified as containing heritage items, archaeological relics or Aboriginal heritage significance. Accordingly, the likelihood of disturbing relics is considered low.

(g) Proximity to Waterways or Environmentally Sensitive Land

The subject site is not located adjacent to a waterway, drinking water catchment or environmentally sensitive area. The proposed earthworks are therefore not expected to adversely affect these environmental features.

(h) Measures to Avoid, Minimise and Mitigate Impacts

The proposal incorporates a range of measures to minimise the impacts associated with the proposed earthworks, including:

- designing the building to respond to the site's natural topography;
- embedding the basement within the slope to reduce apparent building bulk;
- maintaining compliance with the applicable building and wall height controls;
- engineered retaining structures;
- stormwater management measures;
- erosion and sediment controls during construction; and
- landscape treatment to soften retaining structures and reinforce the residential character of the development.

The proposed earthworks are an integral component of the overall design response and are directly influenced by the site's topography and the applicable planning controls.

Rather than representing excessive excavation, the proposal demonstrates a balanced approach that enables compliance with the Canterbury-Bankstown planning framework whilst reducing the apparent

scale of the development and providing functional residential outcomes, including usable private open space.

The proposed earthworks are therefore consistent with the objectives of Clause 6.2 and are considered appropriate having regard to the matters for consideration under Clause 6.2(3).

Response to DCP Control 4.3 – Siting of Dual Occupancies

The objectives of Control 4.3 are to ensure that dual occupancies respond appropriately to the existing topography of the site and minimise unnecessary intervention to the natural landform.

The proposed development has been specifically designed in response to the site's significant slope and should not be viewed as a conventional dual occupancy proposed on relatively level land.

The natural fall across the site presents a number of design constraints that required careful consideration during the development of the proposal. These constraints include the applicable building height and wall height controls, the need to achieve functional internal floor levels, and the provision of usable private open space.

Rather than creating an elevated building platform supported on columns or introducing excessive above-ground retaining structures, the proposal adopts a design solution that partially recesses the lower level into the existing landform. This approach allows the development to follow the natural topography of the site and reduces the apparent height and visual bulk of the building when viewed from adjoining properties and the public domain.

The proposed excavation is therefore not undertaken to maximise development potential but instead forms an integral component of the overall design response to the site's topography.

Importantly, the proposal does not comprise:

- elevated building platforms supported on columns;
- suspended building forms that project above the natural landform; or
- unnecessary earthworks undertaken solely to increase development yield.

Instead, the excavation facilitates a lower ground level that establishes a stable building platform from which the primary residential accommodation is arranged above. This design approach enables compliance with the applicable planning controls whilst producing a built form that is more sympathetic to the site's existing slope than would otherwise be achieved.

Whilst retaining walls are required as part of the development, these are a direct consequence of responding to the site's topography and creating functional residential spaces. The retaining walls are not excessive in the context of the site's natural fall and are significantly less visually intrusive than an alternative design relying on elevated floor levels or extensive above-ground structures.

Similarly, portions of the proposed private open space are located within excavated areas. However, this should not be interpreted as an adverse planning outcome. The excavation enables level, usable and functional private open space to be achieved on an otherwise steeply sloping site. The resulting outdoor areas are directly accessible from the dwellings and are capable of accommodating the recreational activities ordinarily expected of private open space.

Accordingly, the proposal demonstrates that the excavation is both necessary and proportionate to the site's constraints and represents a considered design response rather than excessive manipulation of the natural landform.

For these reasons, it is considered that the proposal satisfies the intent of Control 4.3 by providing a development that responds to the existing slope of the site while avoiding the elevated building forms and unnecessary earthworks that the control seeks to discourage.

5.0 CONCLUSION

The proposed dual occupancy with associated structures has been assessed in accordance with the provisions of Section 4.15 (formerly 79c) of the Environmental Planning & Assessment Act, 1979 and Council's planning instruments.

The proposal is permissible in *Zone R2 – Low Density Residential* and responds positively to the circumstances of the site and its context and the provisions of Council's planning framework.

The proposed development is considered to be of an appropriate form of development and is consistent with the aims and objectives of Canterbury Bankstown *LEP 2023* and other relevant controls of Canterbury Bankstown DCP 2023

The proposed development has been designed to be sympathetic with the surrounding residential character. The site is considered suitable for the proposed dwelling, resulting in minimal environmental, social or economic impacts to the environment.

The proposal is respectful of the amenity of neighbouring residential properties and will provide a high level of residential amenity to future occupants.

The proposal is considered to be in the public interest and therefore Council approval is warranted.

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