

Statement of Environmental Effects

Construction of an attached dual occupancy
with subdivision on Proposed Lot 1 in the approved subdivision of
Lot 17 Sec E DP 8855 (DA-1478/2023),
H/N 17 Haig Avenue, Georges Hall NSW

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1. Introduction

The development proposal entails the construction of an attached dual occupancy with Torren's title subdivision on Proposed Lot 1 in the approved subdivision of Lot 17 Sec E DP 8855 (DA-1478/2023), H/N 17 Haig Avenue, Georges Hall NSW

As background, the site was approved for demolition of existing structures, two lot Torrens title subdivision (battle-axe) and construction of a dwelling on the rear allotment subdivision on 9 April 2025 (DA-1478/2023).

This development proposal will relate to the street facing allotment approved via DA-1478/2023 being Proposed Lot 1.

The development proposal consists of a terrace dwelling style approach, where the facades of the 2 dwellings are asymmetrical in design, openings and materially and contains a basement level for parking.

We do not feel the architectural language and representation is inappropriate and is rather polite in form to the townscape.

The proposal is compliant with regard to front and side setbacks; landscaping areas and we note the overall height and scale of the dwellings are not antipathetic to the townscape as there are buildings which stand taller as they are permitted to be at a height of up to 9 metres.

The dwellings in this case have a total height of 7 metres to the front building alignment and site lower than that permitted.

The development proposal is permissible in the Residential R2 Low Density zone under Canterbury-Bankstown Local Environmental Plan 2023.

Overall, we feel the proposal is suitable for the locality in the current context and would also be acceptable on the desired future outcome on character grounds where more infill housing of this nature is sought.

The main body of this report will review the key planning considerations for a consent authority under the heads of consideration of Section 4.15 of the Environmental Planning and Assessment Act 1979.

2. Site Details

2.1. Location

The subject site is a new lot approved under (DA-1478/2023) which is known as Proposed Lot 1 in the subdivision of Lot 17, Sec E in DP 8855, known as H/N 17 Haig Avenue, Georges Hall 2198.

We describe proposed Lot 1 as being the street facing allotment and generally of a conventional shape with an arc corner to where the battleaxe allotment is found to the rear (Proposed Lot 2).

The battleaxe allotment, known as Proposed Lot 2 which is found to the rear was approved to allow residential accommodation to take shape, and in the form of a single storey dwelling house with an attached garage.

The subject site that is confined to Proposed Lot 1 has a site area of 642.5 sq.m, and a frontage of 16.63 metres to Haig Avenue.

The site falls away from the street, from RL 16.30 at the front boundary line to RL 14.85 at the rear boundary line.

The subject site is constrained with an existing speed hump and barrier which is found at Haig Avenue and a street tree.

Access to the dual occupancy will have 2 separate driveways and the drive for the battleaxe lot to the rear remains unchanged.

A location plan of the site is provided below.



Location Plan



Aerial Photo

Surrounding development consists of generally low density detached dwellings, infill dual occupancy developments and a number of battleaxe subdivisions.

The height plane in the townscape ranges from 1 and up to 2-storey height.

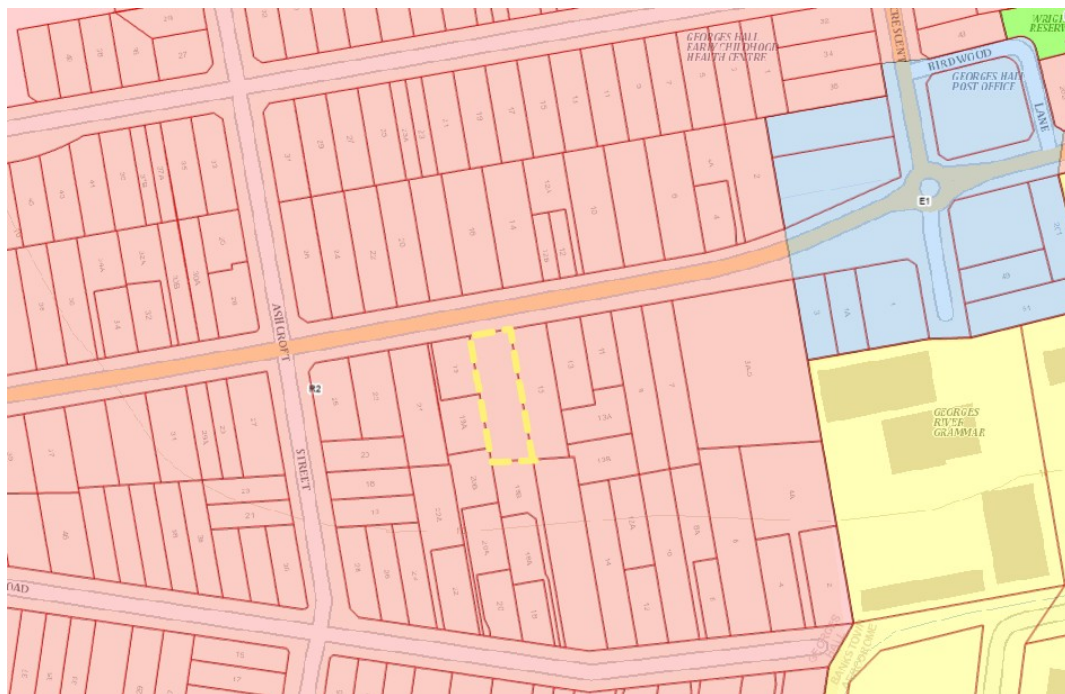
The site is not identified as a local heritage item and is not located in a heritage conservation area.

The site and the surrounds do not contain any special environmental features and nil view corridors.

2.2. Zoning

The site is located within the R2 Low Density Residential zone pursuant to Canterbury-Bankstown Local Environmental Plan 2023.

A zoning map is provided below.



Zoning map under Canterbury-Bankstown Local Environmental Plan 2023

3. Development Proposal

The Development Application proposes the construction of a 2-storey attached dual occupancy development with a basement level, including attached deck, driveways, landscaping, stormwater management system, fencing and Torrens title subdivision to create 2 separate lots.

We unpack the development as follows:

Basement level:

Transition area, bin store, rainwater tank, turning table, car parking, and stairs.

Ground floor level:

Entry, living flexible room, kitchen and pantry, laundry, powder room, dining, family, covered deck and stairs.

First floor level:

Bedrooms, robe, bath, ensuite, and void space.

Materials

Brickwork, FC wall cladding, aluminium windows, galvanised metal balustrading, colorbond roof sheeting and roof plumbing.

The relevant architectural plans, survey plan and other supporting documents accompany the Development Application.

4. Matters of Consideration

4.1. Section 4.15(1)(A)(I) – any environmental planning instruments

Canterbury-Bankstown Local Environmental Plan 2023

The site is zoned Residential R2 Low Density under Canterbury-Bankstown Local Environmental Plan 2023 and the proposal for an attached dual occupancy is permissible with Council's consent.

The proposal is consistent with the specific objectives of the zone, where the proposal will provide for the housing needs of the community within a low density residential environment.

The following development standards contained in the CBLEP 2023 apply to the proposal:

Description	Council Standard	Proposed	Compliance (Yes/No)
4.1A Minimum lot sizes and special provisions for dual occupancies	(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 <u>Clause Application Map</u> unless— (a) the lot is at least— (i) <u>for dual occupancies (attached)—500m²</u>, and (ii) <u>for dual occupancies (detached)—700m²</u>, and (b) the width of the lot at the front building line is at least— (i) <u>for dual occupancies (attached)—15m</u>, and (ii) <u>for dual occupancies (detached)—20m</u>, 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 <u>Clause Application Map</u> unless each resulting lot will be at least— (a) <u>for dual occupancies (attached)—250m²</u>, and (b) <u>for dual occupancies (detached)—350m²</u>	The site is within the Area 1. The proposal is defined as an attached dual occupancy. The lot size of the land is 642.5 sq.m. The width of the land is 16.615 metres. Both dwellings will have frontage to a road. Lot 1= 321.8 sq.m Lot 2= 320.7 sq.m	Yes
4.3 Height of Building	(2) The height of a building on any land is not to exceed the maximum height shown for the land on the <u>Height of Buildings Map</u>, which is 9m.	The general height of the building is below the 9 metre height control. However, we note there is a further control in clause	Noted, however the design contains a flat roof/skillion roof.

Description	Council Standard	Proposed	Compliance (Yes/No)
	(2C) The maximum wall height for a dwelling house or dual occupancy in Zone R2 on land identified as "Area 1" on the <u>Clause Application Map</u> 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.	(2C). The total height to the front envelope is shown to be 7m (west) and 6.96m (east elevation). To the rear envelope is shown to be 4.2m (west elevation) and 4 m (east elevation)	Yes
4.4 Floor Space Ratio	(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 <u>Floor Space Ratio Map</u>, which is 0.5:1. Site area= 642.5 sq.m Maximum is 321.25 sq.m	The development proposal results in a GFA of 321.2 sq.m or 0.51 Proposed GFA Dwelling 1- 160.6 sq.m Proposed GFA Dwelling 2- 160.6 sq.m	Yes
5.21 Flood planning	(2) Development consent must not be granted to development on land the consent authority considers to be within the flood planning area unless the consent authority is satisfied the development— (a) is compatible with the flood function and behaviour on the land, and	A Stormwater System Report was obtained, and it was determined a Flood Study is not required.	Yes

Description	Council Standard	Proposed	Compliance (Yes/No)
	(b) will not adversely affect flood behaviour in a way that results in detrimental increases in the potential flood affectation of other development or properties, and (c) will not adversely affect the safe occupation and efficient evacuation of people or exceed the capacity of existing evacuation routes for the surrounding area in the event of a flood, and (d) incorporates appropriate measures to manage risk to life in the event of a flood, and (e) will not adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses.		
6.1 Acid sulfate soils	(4) Development consent is not required under this clause for the carrying out of works if— (a) a preliminary assessment of the proposed works prepared in accordance with the Acid Sulfate Soils Manual indicates that an acid sulfate soils management plan is not required for the works, and (b) the preliminary assessment has been	The site is not identified as containing acid sulfate soils and is identified as being Class 5 on the acid sulfate soils map and the ground contours are RL 16 to 14. The proposal does not impact on acid sulphate soils. An Acid Sulphate Soils Management Plan is not required to be prepared.	Yes

Description	Council Standard	Proposed	Compliance (Yes/No)
	provided to the consent authority, and (c) the consent authority has confirmed the assessment by notice in writing to the person proposing to carry out the works.		
6.2 Earthworks	(3) In deciding whether to grant development consent for earthworks, or for development involving ancillary earthworks, the consent authority must consider the following— (a) the likely disruption of, or the detrimental effect on, drainage patterns and soil stability in the locality of the development, (b) the effect of the development on the likely future use or redevelopment of the land, (c) the quality of the fill and the soil to be excavated, (d) the effect of the development on the existing and likely amenity of adjoining properties, (e) the source of the fill material and the destination of the excavated material, (f) the likelihood of disturbing relics, (g) the proximity to, and potential for adverse impacts on, a waterway, drinking water catchment or environmentally sensitive area, (h) appropriate measures proposed to avoid, minimise	The proposed ground works are within acceptable levels for domestic construction to allow a basement to be dug out and constructed in accordance with the DCP. There will be a minor disruption during the course of works, however these are not detrimental as they are short term interruptions. A sedimentation plan has been provided to ensure adjoining properties are not impacted. We feel that standard conditions of consent shall be imposed to safeguard potential sedimentation from the development and the disposal of spoil from the site. We feel this is within the acceptable limits.	Yes

Description	Council Standard	Proposed	Compliance (Yes/No)
	or mitigate the impacts of the development.		

State Environmental Planning Policy (Resilience and Hazards) 2021

Chapter 4 Remediation of land of the SEPP requires a consent authority to be satisfied that the site is suitable or can be made suitable to accommodate the proposed development.

Given the lot is an existing residential parcel with no history of prior uncleanness activities, we feel there is no potentially contaminating concerns as the site has remained residential and used for residential housing purposes from its outset.

State Environmental Planning Policy (Biodiversity and Conservation) 2021

Chapter 2- Vegetation in non-rural areas

The application has been assessed against the requirements of Chapter 2 of SEPP (Biodiversity and Conservation) 2022.

The application does not propose the removal of any trees and there are no further considerations.

Chapter 6- Water Catchments

This Chapter applies to the Canterbury-Bankstown Local Government Area as identified on the Georges River Catchment Map.

A detailed stormwater concept plan is filed with the Development Application which demonstrates that water discharge would have minimal impact on the Catchment.

State Environmental Planning Policy (Transport and Infrastructure) 2021

The provisions of SEPP (Transport and Infrastructure) 2021 have been considered in the assessment of the development application.

Clause 2.48 – electricity infrastructure

The subject land is found within the vicinity of electricity infrastructure that would trigger the concurrence of the electricity supply authority.

Section 2.77 – Development adjacent to a pipeline corridor

The subject land is not within the vicinity of a pipeline corridor that would trigger the concurrent of the pipeline operator.

Clause 2.98 – Development adjacent to rail corridors

The subject land is not adjacent to a rail corridor.

Clause 2.119 – Development with frontage to classified road

The subject land does not have frontage to a classified road, and the road is a local road.

Clause 2.120 – Impact of road noise or vibration on non-road development

The land does have an average daily traffic volume of less than 20,000 vehicles per day. As such, clause 2.120 is not applicable to the development application.

Clause 2.122 – Traffic-generating development

The development proposal does not generate more than 200 motor vehicles per hour and is not a site with access to a classified road or to a road that connects to a classified road.

State Environmental Planning Policy (Building Sustainability) 2022

The requirements outlined in the BASIX certificate have been satisfied in the design of the proposal.

A condition may be imposed to ensure such commitments are fulfilled during the construction of the development.

4.2. Section 4.15(1)(A)(ii) – any draft environmental planning instrument(s)

There are no known draft environmental planning instruments which affect the project.

4.3. Section 4.15(1)(A)(iii) – any development control plan(s)

The proposed changes do not compromise the core objectives of Canterbury-Bankstown Development Control Plan 2023 on merit.

Compliance Analysis- Chapter 5.1 Former Bankstown LGA

DCP Clause	Controls	Proposal	Compliance
4.1	Subdivision 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.	A secondary dwelling is not proposed as part of a dual occupancy. A normal subdivision is proposed as follows: Lot 1= 321.8 sq.m Lot 2= 320.7 sq.m	Yes
4.2	Storey limit Maximum two storey limit.	The proposal is of a 2-storey form with a basement that is wholly below ground. Because of this feature, it's a 2 storey envelope.	Yes
4.3	The siting of dual occupancies, and landscaping works must be compatible with the existing slope and contours of the allotment and any adjoining property. Council does not allow any development that involves elevated platforms on columns; or excessive or unnecessary terracing, rock excavation, retaining walls or reclamation.	The sitting and location of the footprint is viewed appropriate. Site does not contain any special natural features. The incorporation of a basement is appropriate given the slope of the land that falls away from the public road (RL 16,30 to 14,83).	Yes
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 this clause, the ground floor perimeter includes the front porch.	Refer to drawings, where the ground level changes are needed to allow a suitable transition to the basement level, which is cutting into the site. Basement walls and supplementary walls are proposed along driveway	Yes

DCP Clause	Controls	Proposal	Compliance
		are needed to support the cut into the site and is considered acceptable.	
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 this clause, the ground floor perimeter includes the front porch.	There is minor regrading proposed and does not exceed the height of 600mm.	Yes
4.6	The erection of dual occupancies is prohibited within 9m of an existing animal boarding or training establishment.	N/A	N/A
4.7	Street setbacks The minimum setback for a building wall to the primary street frontage is: (a) 5.5m for the first storey (i.e. the ground floor); and (b) 6.5m for the second storey	Dwelling 1- Basement and ground level- 7.5m First floor- 7.5m Dwelling 2- Basement and ground level- 6.5m First floor- 6.5m	Yes
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.	N/A	N/A
4.9	Side setbacks 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.	Dwelling 1- Basement and ground level- 1m First floor- 1m Dwelling 2- Basement and ground level- 1.015m First floor- 1.015m	Yes
4.10	The minimum setback between a dual occupancy and the side	There are no restrictions in place to prevent	Yes

DCP Clause	Controls	Proposal	Compliance
	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.	access along the sides of the Dwellings.	
4.11	Private open space 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.	Dwelling 1- >80sq.m and minimum areas met Dwelling 2- >80sq.m and minimum areas met	Yes
4.12	Access to sunlight 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.	Access to daylight is available to both Dwellings, and a large glazing element is shown to the side elevation and rear elevations to enhance penetrations. There will be some self-overshadowing, however that is considered acceptable. Despite this, adequate sunlight and day light will be achieved. Refer to shadow diagrams.	Yes
4.13	At least one living area of a dwelling on an adjoining site must receive a minimum three hours of sunlight between 8.00am and 4.00pm at the mid-winter solstice. Where this requirement cannot be met, the	Adequate daylight access would be afforded given the circumstances affecting site orientation. The property at no. 15	Yes

DCP Clause	Controls	Proposal	Compliance
	development must not result with additional overshadowing on the affected living areas of the dwelling.	Haig Avenue would receive morning sun and shadows cast by the proposed development would occur in mid-afternoon. The property at no. 19 Haig Avenue would have the morning sun reduced, and shadows cast by the development would not affect the property after mid-morning. The property at no. 19A Haig Avenue would not be impacted.	
4.14	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.	It would be unreasonable to impose this control on sites that have poor orientation as is the case here. The proposal is also affected by self-overshadowing. Refer to shadow diagrams. We note the living flexible room faces due north so can receive the maximum amount of direct sunlight. Adequate daylight access would be afforded given the circumstances.	Yes
4.15	Development should avoid overshadowing any existing solar hot water system, photovoltaic	Not affected.	N/A

DCP Clause	Controls	Proposal	Compliance
	panel or other solar collector on the site and neighbouring sites.		
4.16	Visual privacy 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 1.5m above floor level; or (c) ensure the window cannot open and has obscure glazing to a minimum height of 1.5m above floor level; or (d) use another form of screening to the satisfaction of Council.	All top floor windows are satisfactorily positioned within the rear and side elevations and will not look directly into the adjoining properties. There are no concerns on the position of the bedrooms as bedrooms are a non-frequented space.	Yes
4.17	Where development proposes a window that directly looks into the private open space of an existing dwelling, the window does not require screening where: (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 1.5m above floor level; or (c) the window has translucent glazing to a minimum height of 1.5m 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.	As above. Translucent glazing proposed where specified.	Yes
4.18	Council may allow dual occupancies to have an upper floor side or rear	Not proposed.	N/A

DCP Clause	Controls	Proposal	Compliance
	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 1.5m throughout; and (c) incorporates a form of screening to the satisfaction of Council such as partially recessing the balcony into the building.		
4.19	Council does not allow dual occupancies to have roof-top balconies and the like.	Not proposed.	Yes
4.20	Building design Development for the purpose of dual occupancies must demolish all existing dwellings (not including any heritage items) on the site	Not proposed.	N/A
4.21	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	An asymmetrical design is proposed and is considered to be polite architecture. The materials are satisfactory and provide a suitable architectural palette. Refer to drawings.	Yes

DCP Clause	Controls	Proposal	Compliance
	(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 allotment each face a different frontage.	Design is adequate, where a basement is proposed to both Dwellings. N/A.	
4.22	The maximum roof pitch for dual occupancies is 35 degrees.	Not proposed, as a flat roof design is shown instead.	N/A
4.23	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.	Not proposed.	N/A
4.24	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.	Not proposed.	Yes
4.25	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	N/A
4.26	Development on land bounded by Birdwood Road, Bellevue Avenue	N/A	N/A

DCP Clause	Controls	Proposal	Compliance
	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 Nos. 107–113 Rex Road in Georges Hall is provided for no more than 10 dwellings as shown in Appendix 3.		
4.27	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 frontages.	All parking is behind the building line for both Dwellings in the form of a basement level. Garage is setback behind the front building line. Refer to drawings.	Yes
4.28	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 (not including basements).	Not proposed as a basement level is integrated into the proposal.	N/A
4.29	Where development proposes a garage with more than two car	N/A	N/A

DCP Clause	Controls	Proposal	Compliance
	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 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.		
4.30	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.	No significant trees are found on the land.	Yes
4.31	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) 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-	Refer to drawings. Landscaping targets capable of compliance.	Yes

DCP Clause	Controls	Proposal	Compliance
	Bankstown); and (d) for development in the foreshore protection area (refer to map in Appendix 1), plant native trees with a mature height greater than 12m adjacent to the waterbody.		

Compliance Analysis- Chapter 15 Basements

DCP Clause	Controls	Proposal	Compliance
15.1	Development may propose a basement only where: (a) each dwelling has a minimum lot width of 7.5m at the front building line after any proposed subdivision; and (b) compliance with the Canterbury-Bankstown Local Environmental Plan 2023 (clause 6.2) can be demonstrated.	Lot 1= 8.3m Lot 2= 8.315m	Yes
15.2	Applications must submit a geotechnical report to assess soil conditions, groundwater impacts and potential effects on adjoining properties, and to inform appropriate design and construction measures.	A Geotechnical report forwarded with the Application	Yes
15.3	Despite clauses 15.5, 15.6 and 15.7, Council may not support basement parking where Council determines that vehicles cannot safely enter or exit the basement.	Noted, we do feel the basement raises safety concerns as a turn table and gentler	Yes
15.4	Where a basement is proposed, only one set of controls (15.5, 15.6, 15.7 or 15.8) may apply, depending on whether the basement provides parking or not. These controls cannot be combined.	The basement levels provide parking for the dwellings.	Yes
15.5	This clause applies to dwelling houses on sites that are less than 15m wide at the front building line. Where the basement is providing	N/A	N/A

DCP Clause	Controls	Proposal	Compliance
	parking: (a) the combined area of parking, storage, plant rooms and any areas used for mechanical services or ducting must not be more than 50m²; and (b) any area in the basement beyond the limit specified in subclause (a) must be included in the calculation of gross floor area; and (c) the parking must be tandem parking.		
15.6	This clause applies to dwelling houses on sites that are at least 15m wide at the front building line. Where the basement is providing parking: (a) the combined area of parking, storage, plant rooms and any areas used for mechanical services or ducting must not be more than 50m²; and (b) any area in the basement beyond the limit specified in subclause (a) must be included in the calculation of gross floor area; and (c) the parking may be side by side parking.	N/A	N/A
15.7	This clause applies to dual occupancies, semi-detached dwellings and group homes. Where the basement is providing parking: (a) the combined area of parking, storage, plant rooms and any areas used for mechanical services or ducting must not be more than 25m² where: (i) the lot width is up to 10m at the front building line after any proposed subdivision, and (ii) the dwelling has fewer than three bedrooms; or (b) the combined area of parking, storage, plant rooms and any areas	The basement is shown to be greater than 25sq.m and is shown as 50sq.m for each dwelling. We note this is a technical noncompliance and the DCP does not hold any statutory weight and is a guideline only. We observe both dwellings will contain 3 bedrooms, and 2 car spaces are needed in a	No, departure requested. Satisfactory on merit

DCP Clause	Controls	Proposal	Compliance
	used for mechanical services or ducting must not be more than 50m² in all other circumstances; and (c) any area in the basement beyond the limit specified in subclauses (a) and (b) must be included in the calculation of gross floor area; and (d) the parking must be tandem parking.	tandem set up. We ask for a dispensation to this requirement of capping a basement to 25sq.m, for the following reasons: - The reason for a larger basement is because a turntable and better transitional zone for gradient compliance is shown and is necessary to allow the vehicles to leave the site in a forward direction. We note the site is constrained by the existing steel barriers to the footway and speed hump, and sight lines are compromised. We feel that by providing a turntable and a gentler slope to the driveway, this will allow a safer means of access to and from the basement levels for the occupiers. We do not feel the larger basement would add any greater bulk/scale or negative visual considerations as the building height is limited to the maximum of 7 metres and is well below a maximum of 9 metres for a non-skillion roof design.	

DCP Clause	Controls	Proposal	Compliance
		The land itself is 20.115 m width to the street before the 2 lot subdivision; however, a driveway is proposed to service the battleaxe allotment to the rear. We feel that if the battleaxe driveway was set up differently in terms of a blob on the land title, say a right of carriage way instead of a battleaxe handle, then a 50sq.m basement would be permitted. We say this would be disingenuous, and our approach is to be fair and frank in our approach as there are reasons at play here to allow the dispensation. In addition, the basement would not be visible and the cap of 25sq.m may be varied in this instance as there is no greater amenity or environmental impact because of the dispensation sought.	
15.8	15.8 Where the basement is not providing parking: (a) the combined area of storage, plant rooms and any areas used for mechanical services or ducting must not be more than 20m ² ; and (b) any area in the basement beyond the limit specified in subclause (a) must	N/A	N/A

DCP Clause	Controls	Proposal	Compliance
	be included in the calculation of gross floor area; and (c) pedestrian access must only be provided internally or from the side or rear of the dwellings. Pedestrian access from the side or rear of the dwellings must not result in stairs or access encroaching into the minimum setback areas.		
15.9	The basement must not extend beyond the perimeter of the floor level immediately above. For this clause, the perimeter includes the front porch.	The basements for both Dwellings do not protrude forward of the main building line.	Yes
15.10	This clause applies to dwelling houses on sites that are less than 15m wide at the front building line. The width of the driveway must not be more than 3.5m or 40% of the site width at the front building line, whichever is the lesser.	N/A	N/A
15.11	This clause applies to dwelling houses on sites that are at least 15m wide at the front building line. The width of the driveway must not be more than 40% of the site width at the front building line	N/A	N/A
15.12	This clause applies to dual occupancies, semi-detached dwellings and group homes. The width of the driveway must not be more than 3.5m or 40% of the lot width at the front building line after any proposed subdivision, whichever is the lesser.	The maximum driveway widths are determined as follows: Lot 1- 8.3m x 40%= 3.32m Proposed- 3.055m Lot 2- 8.315m x 40%= 3.326m Proposed- 3.07m	Yes
15.13	The driveway and adjoining retaining walls must integrate into the overall design of the dwelling	The areas within the front yard space are suitably integrated.	Yes

DCP Clause	Controls	Proposal	Compliance
	house and landscaped areas. Large areas of blank, minimally or poorly articulated retaining walls are not acceptable.	We do not feel the approach would be antipathetic to the townscape.	

4.4. Section 4.15(1)(A)(iiia) – any planning agreement or draft planning agreement

There are no related matters for consideration in terms of a planning agreement or draft planning agreement which affects proposal.

4.5. Section 4.15(1)(A)(iv) – the regulations

The proposal is viewed sufficient to enable a proper evaluation to be carried out by Council under the planning regulations and under Section 4.15 of the EP & A Act 1979.

Part 4, Division 2 of the EP & A Regulation 2021 requires the consent authority to consider "Prescribed conditions" of development consent.

Clauses 36 and 94 of the EP & A Regulation 2021 allow Council to request additional information. Should additional information be needed we are glad to provide the same and to be of assistance.

Clause 61 of the EP & A Regulation 2021 requires the consent authority to consider AS 2601 - 1991: The Demolition of Structures. This is not required.

Clause 69 of the EP & A Regulation 2021 requires the consent authority to consider insurance requirements under the Home Building Act 1989. Compliance is capable of being addressed via a condition of consent, were the development to be approved.

Clause 69 of the EP & A Regulation 2021 requires the consent authority to consider the provisions of the Building Code of Australia (BCA). Compliance is capable of being addressed via a condition of consent, were the development to be approved.

4.6. Section 4.15(1)(B) – the likely impacts of the development

The environmental impacts of the proposed development on the natural and built environment have been addressed in this report.

The proposed development is consistent with the dominant residential character in the locality.

The proposal will not result in detrimental social or economic impacts on the locality and is a suitable form of low-density housing.

4.7. Section 4.15(1)(C) – the suitability of the site

The site has sufficient area to accommodate the proposed land use and associated site improvements.

The land is in a residential setting, and the proposal does not result in any adverse environmental impacts in relation to loss of views, visual intrusion, a reduction to privacy, excessive noise exceedances, or traffic and parking considerations.

We believe the height, bulk and scale of the proposed works is in keeping and compatible with the streetscape character and the surrounding development.

Therefore, the site is considered suitable for the proposed development.

4.8. Section 4.15(1)(D) – any submission made

Council will review any submissions made during the exhibition process and we welcome the opportunity to comment on any such submissions which may be made.

4.9. Section 4.15(1)(e) – the public interest

The proposal promotes the objectives of the zone and is in the public interest.

5. Conclusion and Recommendation

The main body of this report reviewed key planning considerations for a consent authority under the matters of consideration in Section 4.15 of the Environmental Planning and Assessment Act 1979.

The proposed development is permissible with consent and will not result in any significant adverse impacts on the adjoining parcels or the townscape and is viewed to be compatible.

There are no added bulk, scale or height considerations and the noncompliance of a slightly larger basement in our view is of no environmental consequences, as the proposed design, and overall basement is offset by a greater setback, and this provides a suitable outcome by stepping the front building alignment to provide a polite form of architecture.

Approval of the dual occupancy provides a low scale and appropriate form of housing and is one of the preferred varieties of housing types for the locality and the basement does not affect the magnitude of change of whether the basement was made strictly compliant or otherwise, as the outcome is a neutral outcome.

We request a dispensation from the DCP, and we note that under the Environmental Planning and Assessment Act 1979, flexibly is encouraged to allow for alternate solutions to DCP requirements and we have given our reasoning for this to take course.

In all, the proposal is permissible with concept, and from a visual assessment and townscape presentation, the proposal will fit into this existing low-density environment.

The proposal meets the desired outcomes of the DCP and LEP and is considered acceptable.

On this basis, it is recommended that the development proposal be approved subject to conditions.

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