



CUTTING
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PLANNING

STATEMENT OF ENVIRONMENTAL EFFECTS

DEVELOPMENT APPLICATION
PROPOSED CONSTRUCTION OF A
DWELLING HOUSE AND SECONDARY
DWELLING

91 WINDSOR ROAD, PADSTOW
LOT 18 DP 19247

PREPARED FOR
FOWLER HOMES

PREPARED BY
CUTTING EDGE PLANNING PTY LTD

15 JULY 2026



CUTTING EDGE PLANNING
TOWN PLANNING CONSULTANCY



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Statement of Environmental Effects

Proposed Construction of a Dwelling House and Secondary Dwelling
91 Windsor Road, Padstow (Lot 18 DP 19247)

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Author: Charbel Ishac

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PART 1 OVERVIEW

1.1 INTRODUCTION

This Statement of Environmental Effects (SEE) has been prepared by Cutting Edge Planning (CEP) on behalf of Fowler Homes and is submitted to Canterbury Bankstown Council (Council) to support a Development Application (DA) for the proposed construction of a dwelling house and secondary dwelling located at 91 Windsor Road, Padstow, legally defined as Lot 18 DP 19247.

The Site is zoned R2 Low Density Residential pursuant to the *Canterbury Bankstown Local Environmental Plan 2023* (CBLEP2023) and is located within the Canterbury Bankstown Local Government Area (LGA). The proposed development is permissible with development consent within the R2 zone and would be contextually appropriate.

The proposal is sympathetic to the existing and evolving nature of residential developments in the area and complements the surrounding building scale. The proposed works are designed to improve the internal and external amenity of the existing dwelling.

In our opinion, the proposed development satisfies the relevant zone, building height and Floor Space Ratio (FSR) objectives of the CBLEP2023. The proposal is also consistent with the objectives of the *Canterbury Bankstown Development Control Plan 2023* (CBDCP2023). Importantly, the proposal is compatible with the existing and surrounding character and is therefore expected to maintain neighbour amenity.

This SEE has been prepared pursuant to Section 4.12 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) and the *Environmental Planning and Assessment Regulation 2021* (EP&A Regulation). Consideration of the relevant matters for consideration under Section 4.15(1) of the EP&A Act has also been given.

The SEE is structured as follows:

- Part 1 Overview
- Part 2 Analysis of the Site
- Part 3 Proposed Development
- Part 4 Relevant Planning Framework
- Part 5 Potential Environmental Impacts
- Part 6 Conclusion

Based on the findings of this SEE, it is recommended that favourable consideration to the approval of the DA be given.

1.2 DEVELOPMENT HISTORY

A search of Council's online DA tracker has not resulted in any previous applications pertaining to the Site

2.1 SITE DESCRIPTION

The Site is a standard lot and located on the southern side of Windsor Road. The Site exhibits a total area of **817.5m²** and is subject to applicable provisions outlined within CBLEP2023. It is regular in shape, with a northern boundary of 13.41m to Windsor Road, an eastern boundary of 60.96m, a southern boundary of 13.4m to the rear and a western boundary of 60.96m. The Site topography has a gentle slope of 0.87m from north to south (RL 20.47 AHD - RL 19.6 AHD).

Figure 1. Aerial Map of Site (Source: Archistar, 2026)

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Figure 2. Cadastral Map of Site (Source: Archistar, 2026)

2.2 SITE CONTEXT

The Site is located in the suburb of Padstow, approximately 4.5km south of Bankstown, 19.6km south west of the Sydney Central Business District (CBD) and makes up part of the Canterbury Bankstown LGA. The site context and surrounding area comprises predominantly one and two storey dwelling houses including a recently constructed dual occupancy which adjoins the Site to the west.

PART 3 PROPOSED DEVELOPMENT

3.1 SUMMARY OF PROPOSED DEVELOPMENT

This DA seeks development consent for the construction of a dwelling house and secondary dwelling. Specifically, the proposal comprises the following:

- Site preparation works;
- Construction of a two storey dwelling house comprising:
 - Ground floor:
 - Entrance porch;
 - Home office;
 - Home cinema;
 - Powder room;
 - Laundry;
 - bathroom;
 - Open plan kitchen/living/dining;
 - Butlers kitchen;
 - Walk-in pantry;
 - Entertainment wing;
 - Outdoor retreat/ alfresco; and
 - Garage.
 - First floor:
 - Master bedroom with a his and hers walk-in robe and ensuite;
 - Four additional bedrooms, two with walk-in robes and one with built-in robe;
 - Leisure room;
 - Walk-in linen;
 - Bathroom; and
 - IT nook.
- Construction of a detached one storey secondary dwelling house comprising:
 - Two bedrooms;
 - Bathroom;
 - laundry; and
 - Open plan kitchen/living/dining.
- Associated landscaping.

It is important to note that the proposal does not seek consent for demolition. Demolition will be undertaken as part of a separate development consent.

The proposed development has been informed and prepared with regard to detailed opportunities and identified constraints through a comprehensive Site analysis. The Site context is considered to be the principle influence on the design, with the intent to respond to the Site's permissibility based on the Site being zoned R2 Low Density Residential. Furthermore, the Site and proposed development would result in minimal impact on the surrounding environment and maintain the local character.

The extracts of the proposed works are depicted **Figures 3-8** below.

3.2 DEVELOPMENT PARTICULARS

The proposed development includes those works as identified in **Table 1** below.

Table 1. Development Particulars

Component	Proposed
Site Area	817.5m ²
Land Use	Dwelling house and secondary dwelling

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Gross Floor Area (GFA)	365.42m ²
Floor Space Ratio (FSR)	0.447:1
Height of Building (HOB)	8.727m (principal dwelling) and 4.092m (secondary dwelling)
Wall Height	6.977m (principal dwelling) and 2.9897m (secondary dwelling)
Landscaping (front)	372.05m ² (45.51%)
Private Open Space (POS)	208.3m ²
Car parking	Two car parking spaces

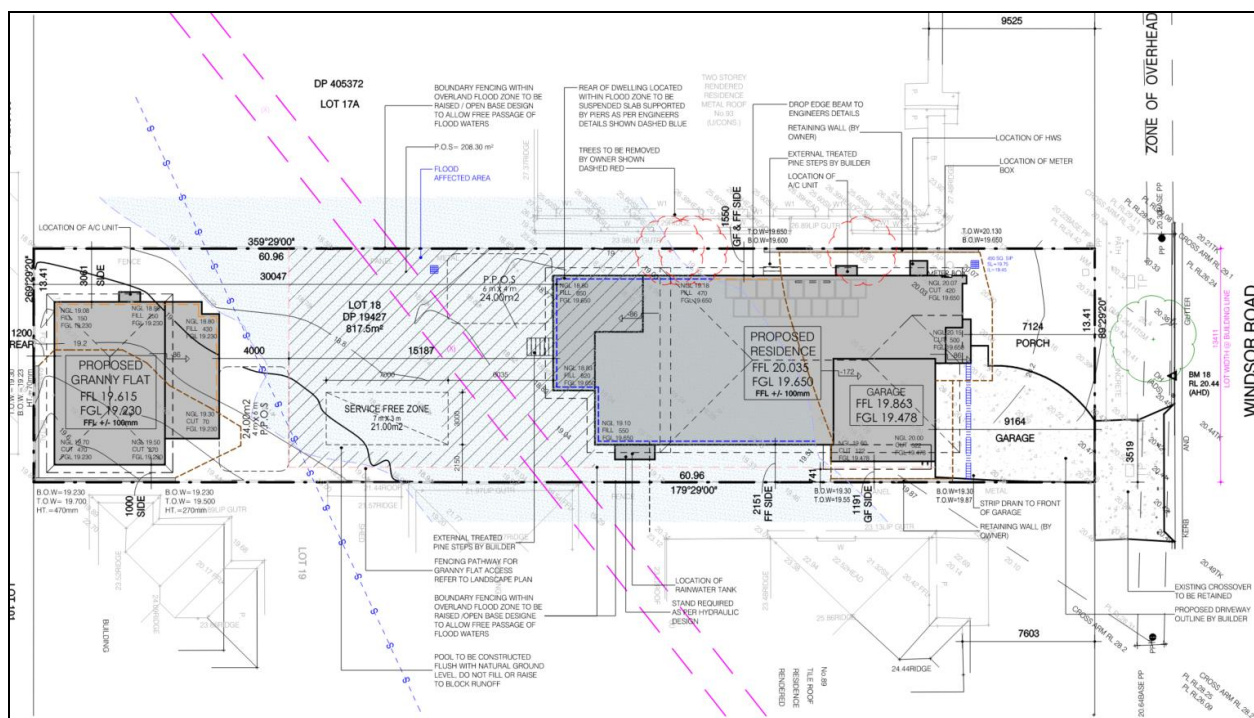


Figure 3. Proposed Site Plan (Source: Fowler Homes, 2026)

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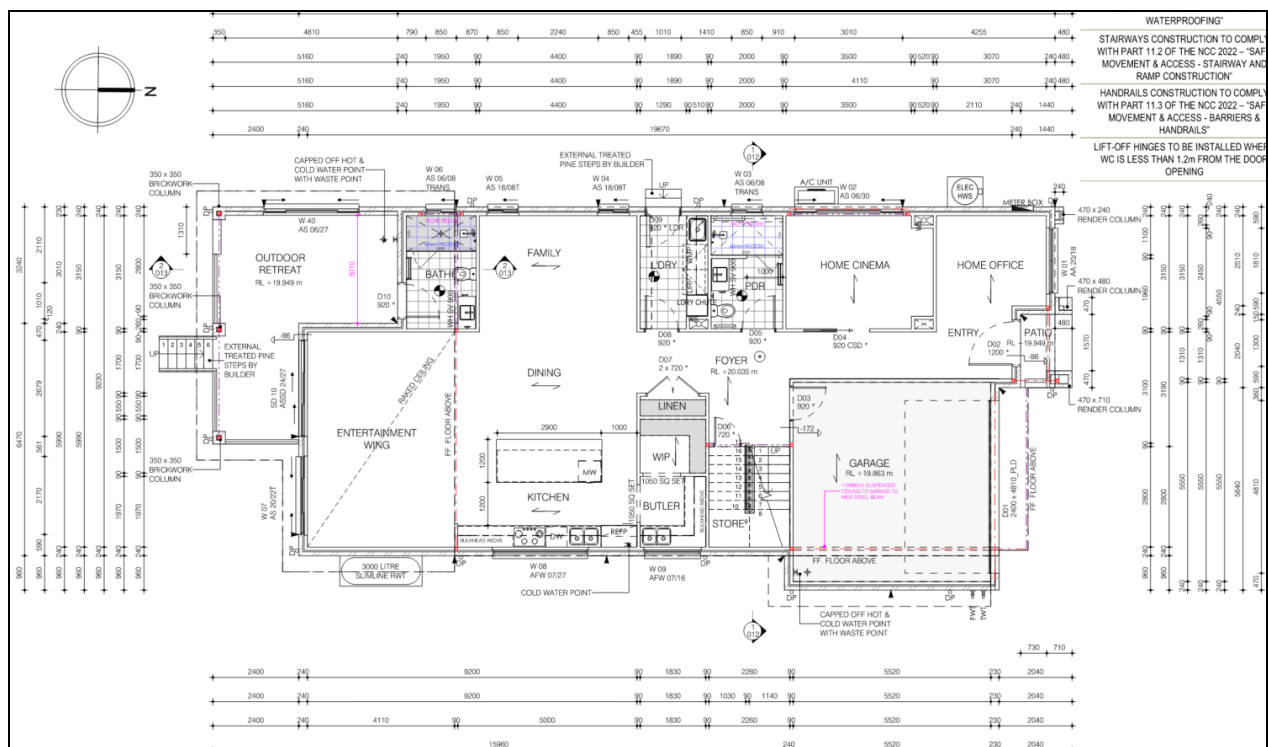


Figure 4. Proposed Principal Dwelling Ground Floor Plan (Source: Fowler Homes, 2026)

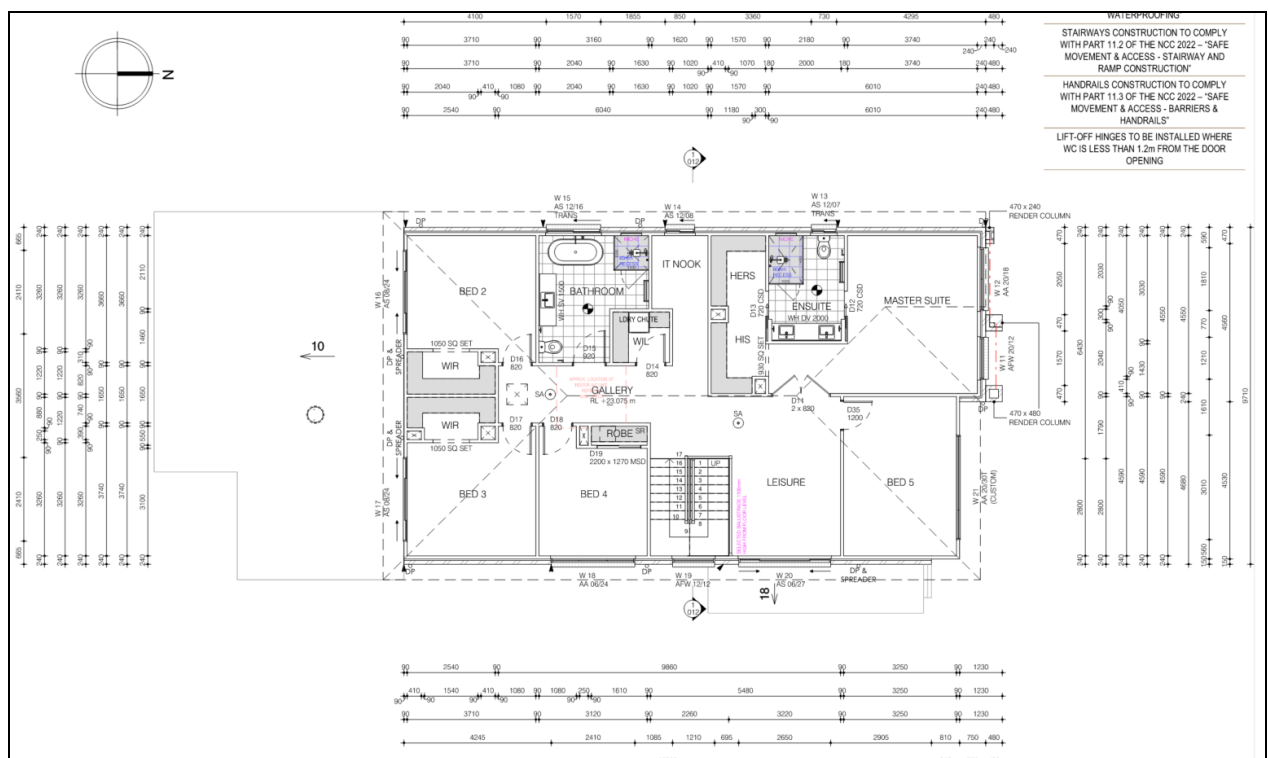
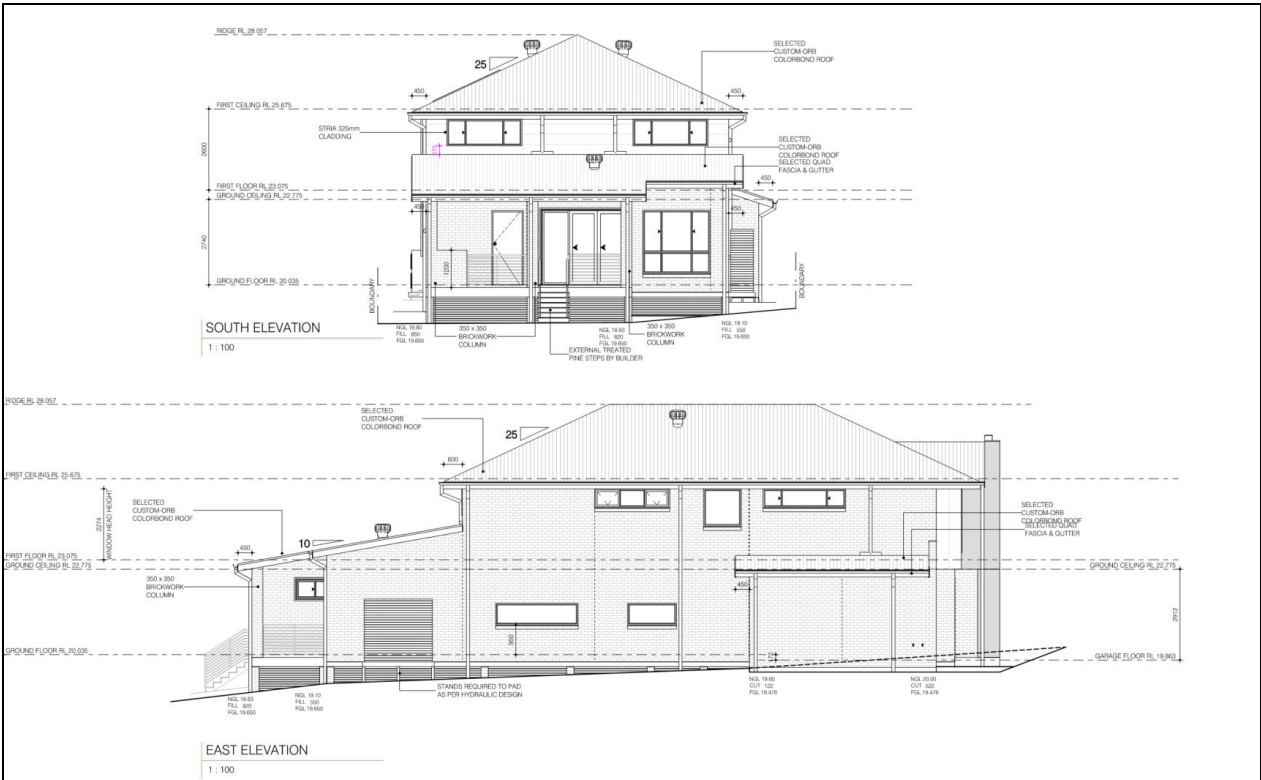
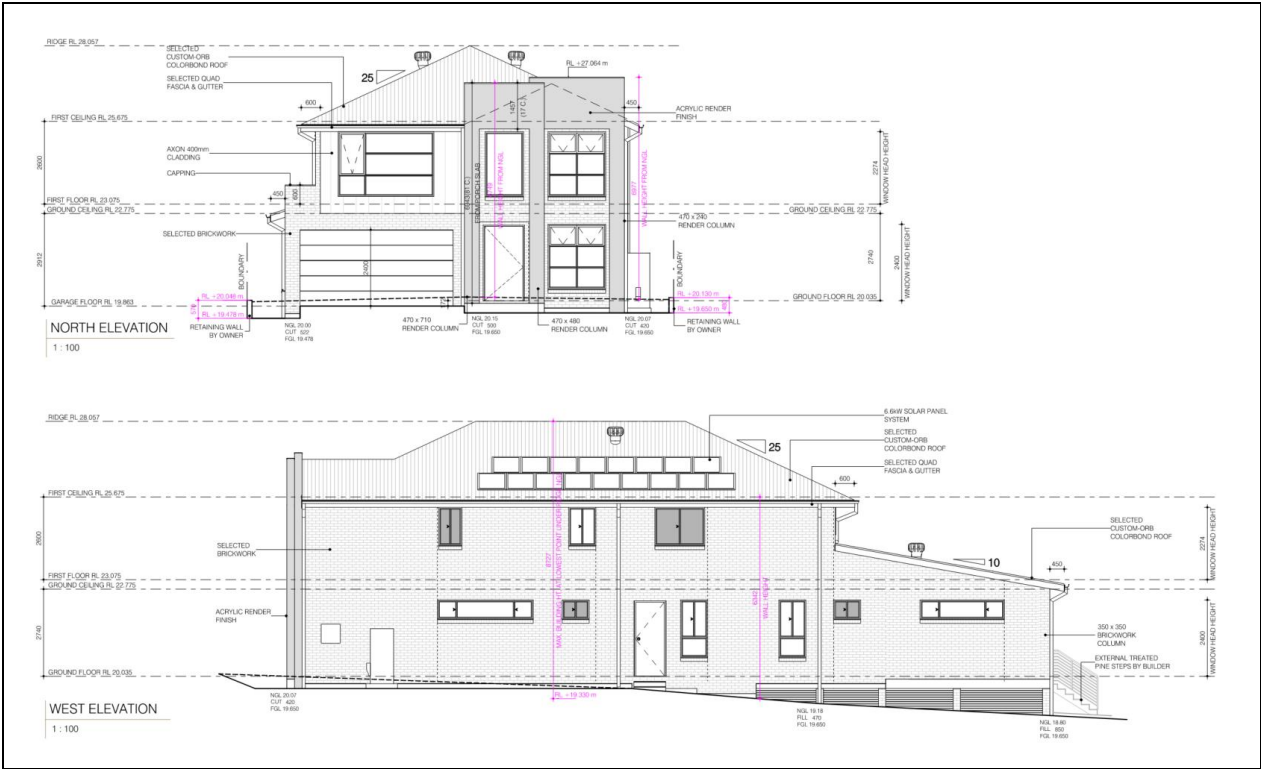
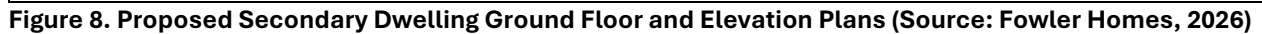


Figure 5. Proposed Principal Dwelling First Floor Plan (Source: Fowler Homes, 2026)

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PART 4 RELEVANT PLANNING FRAMEWORK

4.1 OVERVIEW OF APPLICABLE PLANNING INSTRUMENTS

This section of the SEE addresses the applicable legislative and policy requirements for the proposal, as required under the EP&A Act. The relevant statutory planning framework informing the preparation of this SEE includes:

State Planning Context

- *Environmental Planning and Assessment Act 1979*
- *Environmental Planning and Assessment Regulation 2021*
- *Water Management Act 2000*
- *Biodiversity Conservation Act 2016*
- *State Environmental Planning Policy (Transport and Infrastructure) 2021*
- *State Environmental Planning Policy (Resilience and Hazards) 2021*
- *State Environmental Planning Policy (Biodiversity and Conservation) 2021*
- *State Environmental Planning Policy (Housing) 2021*
- *State Environmental Planning Policy (Building Sustainability) 2022*

Local Planning Context

- *Canterbury Bankstown Local Environmental Plan 2023*
- *Canterbury Bankstown Development Control Plan 2023*

4.2 ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979

The EP&A Act is the primary legislation governing planning and development in New South Wales (NSW). Under Part 4 of the Act, the proposal is classified as local development. Section 4.15(1) of the EP&A Act outlines the matters that a consent authority must take into account when assessing a development application. These are addressed in **Part 4** and **5** of this SEE.

4.2.1 Section 4.46 of the EP&A Act – Integrated Development

Section 4.46 of the EP&A Act defines 'integrated development' as development that requires consent from the local council as well as approvals from one or more other government authorities under separate legislation. In such cases, Council must obtain the General Terms of Approval (GTAs) from each relevant approval body before development consent can be granted.

The proposed development is not identified as being integrated development.

4.3 ENVIRONMENTAL PLANNING & ASSESSMENT REGULATION 2021

The proposal has been prepared in accordance with the requirements of the EP&A Regulation. Division 1 of Part 3 of the Regulation outlines the procedural requirements for the lodgement of a development application. This application complies with the relevant provisions of the Regulation, as demonstrated below:

Table 2. How the DA is Made

Considerations	Response
Division 1 – Making development applications	
<i>Section 23 – Persons who may make development applications</i>	
(1) A development application may be made by—	This DA has been made by Fowler Homes, with the landowner granting consent in accordance with Clause 23(1) of the EP&A Regulation.
(a) the owner of the land to which the development application	

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<i>relates, or</i>	
<i>(b) another person, with the consent of the owner of the land.</i>	
Section 24 – Content of development applications	
<i>(1) A development application must—</i>	The DA includes all relevant information including details of the development, address and formal particulars, estimated cost of development, owner’s consent, supporting documents including detailed plans and SEE. This DA is submitted via the NSW planning portal.
<i>(a) be in the approved form, and</i>	
<i>(b) contain all the information and documents required by—</i>	
<i>(i) the approved form, and</i> <i>(ii) the Act or this Regulation, and</i>	
<i>(c) be submitted on the NSW planning portal.</i>	
Section 25 – Information about concurrence or approvals	
<i>A development application must contain the following information—</i>	This DA requires approval from the consent authority, being Canterbury Bankstown Council.
<i>(a) a list of the authorities —</i>	
<i>(i) from which concurrence must be obtained before the development may lawfully be carried out, and</i>	
<i>(ii) from which concurrence would have been required but for the Act, section 4.13(2A) or 4.41,</i>	
<i>(b) a list of the approvals of the kind referred to in the Act, section 4.46(1) that must be obtained before the development may lawfully be carried out.</i>	

4.4 WATER MANAGEMENT ACT 2000

The Water Management Act 2000 (WM Act) aims to ensure the sustainable and integrated management of the state’s water resources for the benefit of current and future generations. Under Clause 91 of the WM Act, a Controlled Activity Approval may be required where proposed works are located within 40 metres of a watercourse.

The Site is not located within 40m of a natural watercourse. Therefore, a controlled activity approval is not required.

4.5 BIODIVERSITY CONSERVATION ACT 2016

The Biodiversity Conservation Act 2016 (BC Act) is the primary legislation in New South Wales for the protection and management of biodiversity, including threatened species and ecological communities. The objective of the BC Act is to “maintain a healthy, productive and resilient environment, for the greatest well-being of the community, now and into the future, consistent with the principles of ecologically sustainable development.” The Act is supported by the Biodiversity Conservation Regulation 2017 (BC Regulation), which provides detailed provisions for its implementation.

The Site is not identified as containing biodiversity on the Terrestrial Biodiversity Map pursuant to the CBLEP2023 and the Biodiversity Values Map and Threshold Tool. Therefore, no further consideration is warranted.

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4.6 STATE ENVIRONMENTAL PLANNING POLICY (TRANSPORT AND INFRASTRUCTURE) 2021

Among other functions, *State Environmental Planning Policy (Transport and Infrastructure) 2021* (SEPP Transport and Infrastructure) repeals the former *State Environmental Planning Policy (Infrastructure) 2007* and provides for certain proposals, known as Traffic Generating Development, to be referred to Transport for NSW (TfNSW) for concurrence.

Under Clause 2.121 of SEPP Transport and Infrastructure, referral may be required for 'Traffic Generating Development'. Schedule 3 lists the types of development that are defined as 'Traffic Generating Development'. The thresholds for residential accommodation include:

- *300 or more dwellings with access to a road (generally)*
- *75 or more dwellings with access to classified road or to road that connects to classified road (if access within 90m of connection, measured along alignment of connecting road)*

The Site seeks to construct a new dwelling house to replace an existing dwelling. As proposed, the proposal does not trigger Traffic Generated Development. Therefore, referral to TfNSW is not required as part of this DA.

4.7 STATE ENVIRONMENTAL PLANNING POLICY (RESILIENCE AND HAZARDS) 2021

State Environmental Planning Policy (Resilience and Hazards) 2021 (SEPP Resilience and Hazards) repeals the former *State Environmental Planning Policy No. 33 – Hazardous and Offensive Development* and *State Environmental Planning Policy No. 55 – Remediation of Land*.

Clause 4.6 of SEPP Resilience and Hazards requires that a consent authority must not grant development consent on land unless:

- (a) it has considered whether the land is contaminated, and*
- (b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and*
- (c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.*

The Site is located within a well established residential area and has been historically used as a residential property therefore is unlikely to experience contamination. In addition, the Site does not propose the storage and/or handling of potentially dangerous goods or materials. Therefore, further assessment of SEPP Resilience and Hazards is not warranted.

4.8 STATE ENVIRONMENTAL PLANNING POLICY (BIODIVERSITY AND CONSERVATION) 2021

SEPP (Biodiversity and Conservation) 2021 was gazetted on 1 March 2022 and consolidates 11 previous SEPPs. The Site is located within the Georges River Catchment. Clause 6.6 is relevant in this instance and states:

- (1) In deciding whether to grant development consent to development on land in a regulated catchment, the consent authority must consider the following—*
 - (a) whether the development will have a neutral or beneficial effect on the quality of water entering a waterway,*
 - (b) whether the development will have an adverse impact on water flow in a natural waterbody,*

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(c) whether the development will increase the amount of stormwater run-off from a site,

(d) whether the development will incorporate on-site stormwater retention, infiltration or reuse,

(e) the impact of the development on the level and quality of the water table,

(f) the cumulative environmental impact of the development on the regulated catchment,

(g) whether the development makes adequate provision to protect the quality and quantity of ground water.

(2) Development consent must not be granted to development on land in a regulated catchment unless the consent authority is satisfied the development ensures—

(a) the effect on the quality of water entering a natural waterbody will be as close as possible to neutral or beneficial, and

(b) the impact on water flow in a natural waterbody will be minimised.

(3) Subsections (1)(a) and (2)(a) do not apply to development on land in the Sydney Drinking Water Catchment.

The proposal is considered to satisfy the above by utilising the existing Stormwater Management Plan.

4.9 STATE ENVIRONMENTAL PLANNING POLICY (HOUSING) 2021

State Environmental Planning Policy (Housing) 2021 (SEPP Housing) repeals several SEPPs including the former State Environmental Planning Policy (Affordable Rental Housing) 2009 (SEPP ARH). Chapter 3, Part 1 of SEPP Housing relates to the erection of a secondary dwelling. **Table 3** below addresses the applicable controls within the SEPP Housing in relation to secondary dwellings.

Table 3. SEPP Housing

Control	Compliance	Comment
50 Application of Part This Part applies to development for the purposes of a secondary dwelling on land in a residential zone if development for the purposes of a dwelling house is permissible on the land under another environmental planning instrument.	YES	The Site is located within the R2 Low Density Residential Zone pursuant to the CBLEP2023. Furthermore, dwelling houses are permitted with consent within the R2 zone.
51 No subdivision Development consent must not be granted for the subdivision of a lot on which development has been carried out under this Part.	YES	The proposed development does not seek consent for any subdivision.
52 Development may be carried out with consent	YES	The site is zoned R2 Low Density Residential which is a prescribed zone and land to which this provision applies.

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(1) Development to which this Division applies may be carried out with consent.		
(2) Development consent must not be granted for development to which this Part applies unless— (a) no dwellings, other than the principal dwelling and the secondary dwelling, will be located on the land, and	YES	The proposed development is for the construction of a dwelling house and detached secondary dwelling. The proposed development will result in a primary dwelling and a secondary dwelling on the Site.
(b) the total floor area of the principal dwelling and the secondary dwelling is no more than the maximum floor area permitted for a dwelling house on the land under another environmental planning instrument, and	YES	The Site is subject to a maximum FSR of 0.5:1 pursuant to the CBLEP2023. The proposal comprises a total FSR of 0.447:1.
(c) the total floor area of the secondary dwelling is— (i) no more than 60m ² , or (ii) if a greater floor area is permitted for a secondary dwelling on the land under another environmental planning instrument—the greater floor area.	YES	The proposed secondary dwelling has a total area of 52.07m ² .
53 Non-discretionary development standards—the Act, s 4.15	Noted	Noted.
(1) The object of this section is to identify development standards for particular matters relating to development for the purposes of a secondary dwelling that, if complied with, prevent the consent authority from requiring more onerous standards for the matters. Note— See the Act, section 4.15(3), which does not prevent development consent being granted if a non-discretionary development standard is not complied with		
(2) The following are non-discretionary development standards in relation to the carrying out of development to which this Part applies— (a) for a detached secondary dwelling—a minimum site area of 450m ² ,	YES	The Site has a total area of 817.5m ² . furthermore, the secondary dwelling is proposed to be detached to the principal dwelling.
(b) the number of parking spaces	YES	The proposed secondary dwelling does not seek

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provided on the site is the same as the number of parking spaces provided on the site immediately before the development is carried out.

consent for additional parking to be provided on site.

4.10 STATE ENVIRONMENTAL PLANNING POLICY (SUSTAINABLE BUILDINGS) 2022

SEPP (Sustainable Buildings) 2022 commenced on 1 October 2023, and applies to the subject site. SEPP Sustainable Buildings requires all new residential development in NSW to meet sustainability targets for energy use and water use. In considering the merits of the proposal, it is appropriate to refer to the sustainability targets of the SEPP.

A BASIX Report prepared for the proposed development (separately submitted) shows the proposed development can satisfy the relevant water and energy reducing targets.

4.11 CANTERBURY BANKSTOWN LOCAL ENVIRONMENTAL PLAN 2023

The CBLEP2023 is the primary Environmental Planning Instrument (EPI) applicable to the Site. Pursuant to the CBLEP2023, the site is zoned R2 Low Density Residential. The zone objectives and permissible land uses as set out in CBLEP2023 and are relevant to the Site are outlined below.

Table 4. Canterbury Bankstown Local Environmental Plan 2023

Requirement	Application to Proposed Development
Clause 2.3 – Zone objectives and Land Use Table	<i>(2) The consent authority must have regard to the objectives for development in a zone when determining a development application in respect of land within the zone.</i>
R2 Low Density Residential	
R2 Low Density Residential – Objectives of the 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. The proposed development is consistent with the objectives of the zone as it seeks consent for a dwelling house and secondary dwelling replacing an existing dwelling providing a variety of housing types within a well established residential area. The Site is surrounded by R2 zoned land used for similar residential development and is therefore compatible with the surrounding context. The proposed development will not exhibit any additional direct offsite impacts during demolition, construction or operational phases. As such the proposed development will not adversely affect any other sites or land uses including road infrastructure and drainage infrastructure. Given the zoning of the Site and its surrounds, this Application is supported by the current environmental planning framework and is considered to satisfy the

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objectives of the R2 zone.		
Permitted without consent	without	<i>Home occupations</i>
Permitted with consent		<i>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</i> Dwelling houses are permitted with consent within the R2 Low Density Residential zone.
Prohibited		<i>Any development not specified in item 2 or 3</i>

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Figure 9. CBLEP2023 Land Zoning Map (Source: NSW Planning Portal Digital EPI Viewer, 2026)

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An assessment of the relevant provisions of the CBLEP2023 is provided in **Table 5** below.

Table 5. Development Standards

Clause	Comment
Clause 4.1 – Minimum Lot Size	The Site is subject to a minimum lot size of 450m² pursuant to the CBLEP2023. Notwithstanding, the proposal does not seek consent for any subdivision. Therefore, further assessment under Clause 4.1 is not considered warranted.
Clause 4.3 – Height of Buildings	The Site subject to a maximum building height of 9m pursuant to the CBLEP2023. The proposed development comprises a maximum building height of 8.727m. In addition, the Site is zoned R2, located within Area 1. The proposal seeks consent for a dwelling house and secondary dwelling, therefore, a maximum wall height of 7m and 3m apply to the principal dwelling and secondary dwelling respectively. The proposed development comprises a maximum wall height of 6.977m (principal dwelling) and 2.9897m (secondary dwelling).
Clause 4.4 – Floor Space Ratio	The Site subject to a maximum FSR of 0.5:1 pursuant to the CBLEP2023. The proposed development results in a total GFA of 365.42m ² , resulting in a total FSR of 0.447:1.
Clause 5.1 – Relevant acquisition authority	The Site is not identified on the Land Reservation Acquisition Map pursuant to the CBLEP2023. Therefore, further assessment under Clause 5.1 is not considered warranted.
Clause 5.4 – Controls relating to miscellaneous permissible uses	Subclause 9 of Clause 5.4 states: <i>(9) Secondary dwellings on land other than land in a rural zone</i> <i>If development for the purposes of a secondary dwelling is permitted under this Plan on land other than land in a rural zone, the total floor area of the dwelling, excluding any area used for parking, must not exceed whichever of the following is the greater—</i> <i>(a) 60 square metres,</i> <i>(b) 25% of the total floor area of the principal dwelling.</i> The proposed secondary dwelling comprises a total area of 52.07m².
Clause 5.10 – Heritage Conservation	The Site is not identified as a heritage item nor located within a heritage conservation area (HCA) pursuant to the CBLEP2023. Therefore, further assessment under Clause 5.10 is not considered warranted.
Clause 5.21 – Flood Planning	A Flood Risk Management Report accompanies this DA and identifies the Site as being affected by shallow, low hazard overland flow during the 1% AEP event and confirms that the proposed development has been designed to respond appropriately to the identified flood behaviour. Habitable floor levels are positioned above the applicable 1% AEP flood level plus 500mm freeboard, while the main dwelling is elevated on piers to maintain the existing overland flow path and avoid any obstruction or displacement of floodwaters. Accordingly, the proposed development is compatible with the flood function of the land, appropriately manages risk to life and property and will not result in adverse impacts on flood behaviour or the surrounding environment.
Clause 6.1 – Acid Sulfate Soils	The Site is not identified as potentially containing Acid Sulfate Soils (ASS) pursuant to the CBLEP2023. Therefore, further assessment under Clause 6.1 is not considered warranted.
Clause 6.2 – Earthworks	The proposal comprises minor earthworks for the proposed footings in order to create a building pad for the proposed development. The proposal does not seek consent for bulk earthworks. In addition, should the proposal be

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	approved, appropriate condition of consent will be imposed.
Clause 6.3 – Stormwater management and water sensitive urban design	The proposal comprises compliant landscaping maximising the use of water permeable surfaces and is accompanied by Stormwater Plans with stormwater discharged via gravity fed lines to existing drainage easement.

4.12 DRAFT ENVIRONMENTAL PLANNING INSTRUMENTS

No Draft Environmental Planning Instruments apply to the Site.

4.13 CANTERBURY BANKSTOWN DEVELOPMENT CONTROL PLAN 2023

CBDCP2023 supports the objectives of CBLEP2023, providing more specific controls to protect and enhance the public domain and to contribute to the prosperity and character of Padstow and the Canterbury Bankstown LGA in general. In considering these controls, Section 4.15(3A) of the Environmental Planning and Assessment Act 1979 requires that development control plans be applied with flexibility. The Act states:

“(3A) Development control plans If a development control plan contains provisions that relate to the development that is the subject of a development application, the consent authority—

(a) if those provisions set standards with respect to an aspect of the development and the development application complies with those standards—is not to require more onerous standards with respect to that aspect of the development, and

*(b) if those provisions set standards with respect to an aspect of the development and the development application does not comply with those standards—**is to be flexible in applying those provisions** and allow reasonable alternative solutions that achieve the objects of those standards for dealing with that aspect of the development, and*

(c) may consider those provisions only in connection with the assessment of that development application.

In this subsection, standards include performance criteria.”

Accordingly, Council is to assess non-compliances on their merits and accept reasonable alternative solutions where the objectives of the controls are satisfied. An assessment of the proposal against the relevant provisions of the CBDCP2023 is provided in **Appendix 1**.

PART 5 POTENTIAL ENVIRONMENTAL IMPACTS

This section identifies and assesses the impacts of the development with specific reference to the heads of consideration under Section 4.15(1) of the EP&A Act.

5.1 CONTEXT AND SETTING

The proposed development for the construction of a dwelling house and secondary dwelling. As submitted and detailed throughout this SEE, the proposal is considered to be compatible with the desired future character of the Site and surrounds.

The locality comprises predominantly one and two-storey dwellings. In our opinion, the proposed dwelling and secondary dwelling by Fowler Homes represents a high-quality, compatible design that will positively contribute to the streetscape and locality. The proposal is below the building height limit and appropriately defines the street with a two storey built form, compatible within the streetscape. It will be complemented by a high quality landscape design which enhances the site appearance and provides privacy as well as visual amenities and reduces the perceived bulk.

As a compatible and elegant design solution for the Site, the proposal will positively contribute to the character of Windsor Road and Padstow in general.

In addition, the proposal will not exhibit any significant environmental impacts and will not adversely impact on the amenity including solar, noise and views of any adjoining sites. Therefore, the proposal is considered compatible with the Site context.

5.2 STORMWATER

Stormwater Concept Plans been prepared in support of the proposed development and is submitted separately. The proposed stormwater system has been designed in accordance with the relevant national design guidelines, Australian Standard Codes of Practice, Canterbury Bankstown Council and accepted engineering practice. Stormwater runoff will be from the roof gutters and downpipes via a gravity fed line into the existing stormwater easement.

Refer to the Stormwater Concept Plans submitted separately for further details.

5.3 FLOODING

A Flood Risk Management Report prepared by Acroyali Engineering (Report No. 25240-C01[A], dated 10 March 2026) accompanies the application and assesses the flood characteristics affecting the Site and the suitability of the proposed dwelling and detached secondary dwelling. The assessment has been prepared with regard to Council's available flood information and the flood risk management controls applying to stormwater affected catchments.

Council's flood information identifies that the Site is affected by rainfall generated overland flow during the 1% AEP event. Floodwaters generally travel across the Site from east to west in accordance with the natural fall of the land and the existing drainage corridor.

The proposed development has been designed to respond appropriately to the identified flood conditions. The main dwelling is proposed as a suspended structure supported on piers, allowing floodwaters to pass beneath the building and maintaining the existing overland flow path through the Site. The proposal does not introduce significant filling or obstructions within the flood affected corridor and will therefore not materially alter flood conveyance, flood levels, velocities or hazard conditions on the Site or adjoining properties. Flood compatible materials and construction methods will also be incorporated below the applicable flood planning level.

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The proposed ground floor level of the main dwelling is RL 20.035m AHD, exceeding the applicable 1% AEP flood level of RL 19.51m AHD plus the required 500mm freeboard. The proposed secondary dwelling finished floor level is RL 19.615m AHD, exceeding the relevant downstream 1% AEP flood level of RL 19.10m AHD plus 500mm freeboard. The garage and parking areas are located outside the mapped 1% AEP and Probable Maximum Flood (PMF) extents and are not expected to be subject to flood inundation.

Safe refuge above the PMF is available within the development, including at the first floor of the main dwelling, which has a finished floor level of RL 23.075m AHD. The Site also maintains direct pedestrian and vehicular access to Windsor Road to facilitate evacuation where required.

Accordingly, the proposal appropriately manages risk to life and property, maintains the existing flood function of the land and will not result in adverse flood impacts upon adjoining or downstream properties.

Refer to the Flood Risk Management Report submitted separately for further details.

5.4 NOISE

The proposed development is not considered to result in any undue impacts in respect of acoustic amenity.

5.5 WASTE

A Waste Management Plan (WMP) has been prepared and submitted separately in support of the proposed development. Where practicable and feasible, construction materials will be recycled either onsite through reuse or offsite at a licensed recycling facility. Any remaining waste will be collected, transported, and disposed of by a licensed contractor at an appropriately licensed landfill facility, ensuring compliance with relevant waste management regulations.

5.6 CONSTRUCTION

Construction will be undertaken in compliance with the conditions of consent set by Council.

5.7 SUITABILITY OF SITE FOR DEVELOPMENT

The Site is located within an established residential area and is zoned R2 Low Density Residential under the provisions of the CBLEP2023. The proposed development, supports the use of the Site for residential purposes as a dwelling house, being a permissible land use within the zone. It is appropriately scaled and designed to align with the character of the locality, complement the surrounding built form, and integrate seamlessly with the streetscape. Accordingly, the site is considered suitable for the proposed use and compatible with the surrounding area.

5.8 SUBMISSIONS

If any submissions are received in relation to the proposed development, the applicant will review and respond to them appropriately as part of the assessment process.

5.9 THE PUBLIC INTEREST

The proposed development is considered to be in the public interest as it supports the use of the site for residential purposes within a well-established residential area, aligning with the objectives of the R2 Low Density Residential zone. The proposal would not result in any significant environmental or amenity impacts on neighbouring properties or the public domain. Furthermore, the proposed use is both complementary to and compatible with surrounding land uses, contributing positively to the local area. Overall, the development enhances the amenity of the locality and is consistent with the aims and objectives of the CBLEP2023 and CBDCP2023. Accordingly, the proposal is considered to be in the public interest.

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PART 6 CONCLUSION

The purpose of this SEE has been to present the proposed construction of a dwelling house and secondary dwelling at 91 Windsor Road, Padstow and to assess its potential impacts having regards to Section 4.15(1) of the EP&A Act.

This SEE evaluates the proposal against the applicable environmental planning framework, including the CBLEP2023 and CBDCP2023. The assessment concludes that the proposal aligns with the objectives and provisions of the relevant EPI's and policies, with no significant adverse environmental, economic, or social impacts identified.

The proposed development has been designed with careful consideration of the following key factors including the development history of the Site; the context of the Site and locality; the relevant considerations under Section 4.15(1) of the EP&A Act; and the aims, objectives, and provisions of applicable statutory and non-statutory planning instruments.

The proposed development is deemed to merit a favourable determination for the following reasons:

- The proposal is permissible with development consent within the R2 zone;
- The proposal is consistent with the objectives of the R2 zone, supporting an appropriate land use within an established residential area;
- The proposal would remain compatible with surrounding development and contributes positively to the locality;
- The proposal minimises any external impact, ensuring no adverse effect on the streetscape or neighbouring properties;
- The proposal is appropriate to the Site and surrounding locality;
- The proposal is a suitable and appropriate development which has been assessed against the relevant considerations under Section 4.15 of the EP&A Act;
- The proposal does not give rise to any significant environmental, social, or economic impacts; and
- General compliance is achieved with the relevant provisions and controls of the CBLEP2023 and CBDCP2023.

Given the merits of the proposal and the absence of significant environmental impact, the development is well founded, considered to be in the public interest and warrants support from Council.

Appendix 1 – CBDCP2023 Compliance Table

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CBDP2023 Compliance Assessment			
Standard	Detail	Comments	Compliance
Chapter 3 General Requirements			
3.2 Parking	SECTION 2–OFF-STREET PARKING RATES <i>2.1 Development must use the Off-Street Parking Schedule to calculate the amount of car, bicycle and service vehicle parking spaces that are required on the site</i> <i>Dwelling Houses</i> <i>2 car spaces</i>	The proposal comprises two car parking spaces within the proposed garage.	YES
	SECTION 3–DESIGN AND LAYOUT <i>Parking location</i> <i>3.1 Development must not locate entries to car parking or delivery areas:</i> <i>(a) close to intersections and signalised junctions;</i> <i>(b) on crests or curves;</i> <i>(c) where adequate sight distance is not available;</i> <i>(d) opposite parking entries of other buildings that generate a large amount of traffic (unless separated by a raised median island);</i> <i>(e) where right turning traffic entering may obstruct through traffic;</i> <i>(f) where vehicles entering might interfere with operations of bus stops, taxi ranks, loading zones or pedestrian crossings; or</i>	The proposed car parking layout has been designed to comply with the requirements set out in the relevant Australian Standards for car parking facilities.	YES

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		<i>(g) where there are obstructions which may prevent drivers from having a clear view of pedestrians and vehicles.</i>		
		<i>Basement parking</i>	The proposal does not seek consent for basement parking	N/A
		<i>3.34 Design and integrate basement parking so as not to accentuate the scale or bulk of a building, or detract from the streetscape or front setback character.</i>		
		<i>3.40 Optimise opportunities for deep soil, active street frontages, and good streetscape design, and minimise loss of street parking.</i>		
3.3 Waste Management		SECTION 3–RESIDENTIAL DEVELOPMENT <i>All residential development types</i> <i>3.1 Council or its contractors are solely to provide the waste services to all residential development types as required under the Local Government Act 1993.</i> <i>3.2 Each dwelling is to have:</i> <i>(a) A waste storage cupboard in the kitchen capable of holding two days waste and recycling and be sufficient to enable separation of recyclable materials.</i> <i>(b) A suitable space in the kitchen for a caddy to collect food waste.</i> <i>3.3 Development must provide an adequate sized bin storage area behind the front building line to accommodate all allocated bins.</i> <i>3.4 The location of the nominated collection point and bin storage area must not adversely impact on the streetscape, building design or amenity of dwellings.</i> <i>3.5 The location of the bin storage area should ensure this area:</i> <i>(a) is screened or cannot be viewed from the public domain; and</i>	The proposal is accompanied by a waste management plan (WMP) submitted separately. It is proposed to locate a bin storage area on the northern side of the site to the rear of the dwelling, behind the front building line.	YES

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<i>(b) is away from windows of habitable rooms to reduce adverse amenity impacts associated with noise, odour and traffic.</i> <i>3.6 The location of the bin storage area is to be convenient to use for the dwelling occupants and caretakers, through reducing the bin travel distance from the bin storage area to the nominated kerbside collection point. The bin-carting route from the bin storage area to the collection point must not pass through any internal areas of the building/dwelling and must avoid stairs or slopes.</i> <i>3.7 Where possible, development may consider providing each dwelling with a suitable space for composting and worm farming, located within the backyard, private courtyard or open space. Composting facilities should locate on an unpaved area, with a minimum size of 1m² per dwelling.</i> <i>3.8 Dwellings are to have access to an adequately sized on-site storage area to store bulky waste awaiting collection.</i> <i>3.9 Development must comply with the requirements of the applicable Waste Design for New Developments Guide.</i> <i>3.10 Council cannot provide a collect and return service at locations where waste collection vehicles are not permitted to stop in accordance with road rules.</i>			
Chapter 5 Residential Accommodation - 5.1 Former Bankstown LGA SECTION 2-DWELLING HOUSES			
Storey limit (not including basements)	2.1 The storey limit for dwelling houses is two storeys.	The proposal seeks consent for a two storey dwelling. The proposed ground does not extend 1m or more above existing ground level where the first floor is located above. Therefore, the proposal comprises two storeys.	YES
	2.2 The siting of dwelling houses and landscape works must be compatible with the existing slope and contours of the site and any adjoining sites. Council does not allow any development that involves elevated platforms on columns; or excessive or unnecessary terracing, rock excavation, retaining walls or	The proposed dwelling house has been designed to respond appropriately to the existing topography of the site. The proposed building footprint and associated landscape works have been sited to follow the existing contours of the site, thereby minimising the need for	YES

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	<i>reclamation.</i>	excessive excavation or fill. Accordingly, the siting and earthworks of the proposed dwelling are compatible with the existing slope and adjoining properties.	
<i>Fill</i>	<i>2.3 Any reconstituted ground level on the site within the ground floor perimeter of dwelling houses 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.</i>	The proposal does not result in fill >1m above existing ground level.	YES
	<i>2.4 Any reconstituted ground level on the site outside of the ground floor perimeter of dwelling houses must not exceed a height of 600mm above the ground level (existing) of an adjoining site. For the purposes of this clause, the ground floor perimeter includes the front porch.</i>	The proposal does not result in any fill outside the dwelling.	YES
<i>Setback restrictions</i>	<i>2.5 The erection of dwelling houses is prohibited within 9m of an existing animal boarding or training establishment.</i>	The proposed dwelling is not located within 9m of an existing animal boarding or training establishment.	YES
<i>Street setbacks</i>	<i>2.6 The minimum setback for a building wall to the primary street frontage is: (a) 5.5m for the first storey (i.e. the ground floor); and (b) 6.5m for the second storey.</i>	The proposal comprises a front setback of 7.124m.	YES
	<i>2.7 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.</i>	The Site is not a corner lot.	N/A
<i>Side setbacks</i>	<i>2.8 For the portion of the building wall that has a wall height less than or equal to 7m, the minimum setback to the side boundary of the site is 0.9m.</i>	The proposal comprises a ground floor side setback of 1.191m and 1.55m to the eastern and western side boundaries respectively.	YES
	<i>2.9 For the portion of the building wall that has a wall height greater than 7m, the minimum setback to the side boundary of the site is 1.5m. Council may vary this requirement where a second storey addition to an existing dwelling house demonstrates it must use the ground floor walls for structural support.</i>	The proposal comprises a first floor side setback of 2.151m and 1.55m to the eastern and western side boundaries respectively.	YES
<i>Private open</i>	<i>2.10 Dwelling houses must provide a minimum 80m² of private</i>	The proposal comprises >80m ² of POS at the rear.	YES

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space	<i>open space behind the front building line. This may be in the form of a single area or a sum of areas provided the minimum width of each area is 5m throughout.</i>		
Access to sunlight	<i>2.11 At least one living area must receive a minimum three hours of sunlight between 8.00am and 4.00pm at the mid-winter solstice. Council may allow light wells and skylights to supplement this access to sunlight provided these building elements are not the primary source of sunlight to the living areas.</i>	The Site has a north south orientation, with the principal living areas and private open space (POS) positioned toward the southern portion of the Site, which limits opportunities for direct northern sunlight. Notwithstanding, the kitchen and family room are provided with windows along both the eastern and western elevations. This dual aspect allows morning sunlight to enter from the east and afternoon sunlight from the west, providing solar access to the principal living area across different periods of the day rather than relying upon a single orientation.	YES
	<i>2.12 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.</i>	The proposal provides a minimum three hours of sunlight between 8.00am and 4.00pm to a living area on the adjoining land as depicted in the Shadow Diagrams.	YES
	<i>2.13 A minimum 50% of the private open space required for the dwelling house and a minimum 50% of the private open space of a dwelling on an adjoining site must receive at least three hours of sunlight between 9.00am and 5.00pm at the equinox. Where this requirement cannot be met for a dwelling on an adjoining site, the development must not result with additional overshadowing on the affected private open space.</i>	The proposal provides a minimum three hours of sunlight between 9.00am and 5.00pm to 50% of the required POS on the Site and adjoining land as depicted in the Shadow Diagrams.	YES
	<i>2.14 Development should avoid overshadowing any existing solar hot water system, photovoltaic panel or other solar collector on the site and neighbouring sites.</i>	The proposal does not overshadow any existing solar hot water system, photovoltaic panel or other solar collector on the site and neighbouring sites.	YES
Visual privacy	<i>2.15 Where development proposes a window that directly looks into the living area or bedroom window of an existing dwelling, the development must:</i> <i>(a) offset the windows between dwellings to minimise overlooking; or</i>	The proposed development has been designed to protect the privacy of both future occupants and adjoining properties. All habitable room windows and balconies have been carefully positioned to avoid any direct overlooking into the principal living room or bedroom windows of neighbouring dwellings. In addition, first floor windows along the side boundaries either comprise high window	YES

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	(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.	sills or obscure glazing.	
	2.16 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.		
	2.17 Council may allow dwelling houses to have an upper floor side or rear balcony solely where the balcony is not accessible from a living area or hallway, and the balcony design: (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.	The proposal does not have an upper floor side or rear balcony.	N/A
	2.18 Council does not allow dwelling houses to have roof-top balconies and the like.	The proposed does not seek consent for roof-top balconies.	YES
Building design	2.19 The maximum roof pitch for dwelling houses is 35 degrees.	The proposed roof pitch is 25 degrees.	YES

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	2.20 Council may allow dwelling houses 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.	The proposal does not seek consent for an attic.	N/A
	2.21 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 2m; and (d) the number of dormers must not dominate the roof plane.	The proposal does not seek consent for a dormer.	N/A
	2.22 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).	The Site is not located within the foreshore protection area.	N/A
Building design (car parking)	2.23 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.	The Site is not bounded by Birdwood Road, Bellevue Avenue and Rex Road.	N/A
	2.24 Development must locate the car parking spaces behind the front building line with at least one covered car parking space for weather protection. Despite this clause, Council may allow one car parking space to locate forward of the front building line provided:	The proposal seeks consent for garage parking comprising two parking spaces behind the front building line.	YES

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<i>(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</i> <i>(b) the covered car parking space is setback a minimum 6 metres from the primary and secondary street frontages.</i>	
<i>2.25 Despite clause 2.24, Council may consider a single carport forward of the front building line of an existing dwelling house solely where:</i> <i>(a) there is no existing garage on the site;</i> <i>(b) there is no side or rear vehicle access to the site;</i> <i>(c) the site does not contain a heritage item or is not within a heritage conservation area or local character area;</i> <i>(d) the site is in the vicinity of existing, approved carports on adjacent sites that are forward of the front building line;</i> <i>(e) the maximum width of the single carport is 3m;</i> <i>(f) it is of a simple posted design, with no side panel infill;</i> <i>(g) there is no solid panel lift or roller shutter door proposed;</i> <i>(h) the carport is setback a minimum 1m from the primary and secondary street frontages;</i> <i>(i) the carport achieves a high quality design and has a roof design that is compatible with the dwelling house.</i>	
<i>2.26 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.</i>	The proposed double garage is appropriately integrated into the overall dwelling design and does not dominate the Windsor Road frontage. The proposed garage is recessed behind the front building line which reads as a subordinate element rather than the defining feature of the front YES

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		façade. Further, the proposed garage comprises similar material to the proposed dwelling ensuring it integrates with the design. Accordingly, the garage is visually and architecturally integrated with the dwelling and does not unreasonably dominate the streetscape.	
	<i>2.27 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:</i> <i>(a) the building is at least two storeys in height, and</i> <i>(b) the garage is architecturally integrated with the upper storey by:</i> <i>(i) ensuring the garage does not project more than 3 metres forward of the upper storey street facade; and</i> <i>(ii) designing a covered balcony, rooms or other architectural features of the upper storey to extend over the garage roof.</i> <i>This clause prevails where there is a numerical inconsistency with another clause in this chapter of the DCP.</i>	The proposal seeks consent for a double garage.	N/A
Landscape	<i>2.28 Development must retain and protect any significant trees on the site and adjoining sites. To achieve this clause, the development may require a design alteration or a reduction in the size of the dwelling house.</i>	The proposal results in the removal of three small trees to facilitate the proposed development. The proposal does not seek consent to remove significant trees,	YES
	<i>2.29 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):</i> <i>(a) a minimum 45% of the area between the dwelling house and the primary street frontage; and</i>	The proposal comprises 54.1m ² (53%) of landscaping within the front setback. Refer to Landscape Plan submitted separately for further details.	YES

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	(b) a minimum 45% of the area between the dwelling house and the secondary street frontage; and (c) plant at least one 75 litre tree between the dwelling house and the primary street frontage (refer to the Landscape Guide for a list of suitable trees in Canterbury-Bankstown); and (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.		
SECTION 3–SECONDARY DWELLINGS			
Lot size	3.1 A secondary dwelling is permissible on a site with a minimum lot size of 450m ² .	The Site comprises an area of 817.5m ² .	YES
Site cover	3.2 Council must not consent to development for the purpose of secondary dwellings unless: (a) the total floor area of the principal dwelling and the secondary dwelling is no more than the maximum floor area allowed for a dwelling house on the land under an environmental planning instrument; and (b) the total floor area of the secondary dwelling is no more than 60m² or, if a greater floor area is permitted in respect of a secondary dwelling on the land under an environmental planning instrument, that greater floor area.	The Site subject to a maximum FSR of 0.5:1 pursuant to the CBLEP2023. The proposed development results in a total GFA of 365.42m², resulting in a total FSR of 0.447:1. The proposed secondary dwelling comprises a total area of 52.07m².	YES
Storey limit (not including basements)	3.3 The storey limit for attached secondary dwellings is two storeys.	The proposal is for a detached secondary dwelling.	N/A
	3.4 The storey limit for detached secondary dwellings is single storey and the maximum wall height is 3m.	The proposal comprises a single storey detached secondary dwelling with a wall height of 2.987m.	YES
	3.5 The siting of secondary dwellings 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.	The proposed secondary dwelling has been sited toward the rear of the Site and designed to respond to the existing slope and contours of the land.	YES
Fill	3.6 Any reconstituted ground level on the site within the ground floor	The proposed secondary dwelling does not comprise fill >1m.	YES

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	<i>perimeter of secondary dwellings must not exceed a height of 1m above the ground level (existing). For this clause, the ground floor perimeter includes the front porch.</i>		
	<i>3.7 Any reconstituted ground level on the site outside of the ground floor perimeter of secondary dwellings 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.</i>		
Setback restrictions	<i>3.8 The erection of secondary dwellings is prohibited within 9m of an existing animal boarding or training establishment.</i>	The proposed dwelling is not located within 9m of an existing animal boarding or training establishment.	YES
Street setbacks	<i>3.9 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.</i>	The proposed secondary dwelling is located at the rear of the lot.	N/A
	<i>3.10 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.</i>	The Site is not a corner lot.	N/A
Side and rear setbacks	<i>3.11 For the portion of the building wall that has a wall height less than or equal to 7m, the minimum setback to the side and rear boundaries of the site is 0.9m.</i>	The proposal is for a single storey secondary dwelling with a rear setback of 1.2m and side setbacks of 1m and 3.061m to the eastern and western side boundaries.	YES
	<i>3.12 For the portion of the building wall that has a wall height greater than 7m, the minimum setback to the side and rear boundaries of the site is 1.5m.</i>		
Private open space	<i>3.13 Secondary dwellings must not result in the principal dwelling on the site having less than the required landscaped area and private open space.</i>	The proposed principal dwelling continues to comply with minimum landscaping and POS requirements.	YES
Access to sunlight	<i>3.14 At least one living area must receive a minimum three hours of sunlight between 8.00am and 4.00pm at the mid-winter solstice. Council may allow light wells and skylights to supplement this access to sunlight provided these building elements are not the primary source of sunlight to the living areas.</i>	The proposed open plan kitchen/living/dining area receives a minimum three hours of sunlight between 8.00am and 4.00pm at the mid-winter solstice. Refer to Shadow Diagrams.	YES
	<i>3.15 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</i>	The proposal provides a minimum three hours of sunlight between 8.00am and 4.00pm to a living area on the adjoining land as depicted in the Shadow Diagrams.	YES

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	<i>overshadowing on the affected living areas of the dwelling.</i>		
	<i>3.16 A minimum 50% of the private open space required for the principal dwelling on the site and a minimum 50% of the private open space of a dwelling on an adjoining 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.</i>	The proposal provides a minimum three hours of sunlight between 9.00am and 5.00pm to 50% of the required POS of the principal dwelling on the Site and adjoining land as depicted in the Shadow Diagrams.	YES
Visual privacy	<i>3.17 Where development proposes a window that directly looks into the living area or bedroom window of an existing dwelling, the development must:</i> <i>(a) offset the windows between dwellings to minimise overlooking; or</i> <i>(b) provide the window with a minimum sill height of 1.5m above floor level; or</i> <i>(c) ensure the window cannot open and has obscure glazing to a minimum height of 1.5m above floor level; or</i> <i>(d) use another form of screening to the satisfaction of Council.</i>	The proposal is for a single storey secondary dwelling which would not result in any overlooking to the adjoining dwelling windows, living areas or POS.	YES
	<i>3.18 Where development proposes a window that directly looks into the private open space of an existing dwelling, the window does not require screening where:</i> <i>(a) the window is to a bedroom, bathroom, toilet, laundry, storage room, or other non-habitable room; or</i> <i>(b) the window has a minimum sill height of 1.5m above floor level; or</i> <i>(c) the window has translucent glazing to a minimum height of 1.5m above floor level; or</i> <i>(d) the window is designed to prevent overlooking of more than 50% of the private open space of a lower-level or adjoining dwelling.</i>		
	<i>3.19 Council may allow attached secondary dwellings to have an</i>	The proposal is for a detached secondary dwelling.	N/A

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	<i>upper floor side or rear balcony solely where the balcony is not accessible from a living area or hallway, and the balcony design:</i> <i>(a) does not have an external staircase; and</i> <i>(b) does not exceed a width of 1.5m throughout; and</i> <i>(c) incorporates a form of screening to the satisfaction of Council such as partially recessing the balcony into the building.</i>		
	3.20 Council does not allow secondary dwellings to have roof-top balconies and the like.	The proposal does not comprise a rooftop balcony.	N/A
Building design	3.21 The maximum roof pitch for attached secondary dwellings is 35 degrees.	The proposal is for a detached secondary dwelling.	N/A
	3.22 Council may allow attached secondary dwellings to have an attic provided the attic design: <i>(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</i> <i>(b) ensures the attic does not give the external appearance of a storey.</i>		
	3.23 The design of dormers must: <i>(a) be compatible with the form and pitch of the roof; and</i> <i>(b) must not project above the ridgeline of the main roof; and</i> <i>(c) must not exceed a width of 2m; and</i> <i>(d) the number of dormers must not dominate the roof plane.</i>	The proposal does not comprise a dormer.	N/A
	3.24 The maximum roof pitch for detached secondary dwellings is 25 degrees. An attic or basement is not permitted as part of the dwelling.	The proposed roof pitch is 22.5 degrees.	YES
	3.25 Development in the foreshore protection area (refer to map in Appendix 1) must use non-reflective materials that are compatible	The Site is not located within the foreshore protection area.	N/A

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	<i>with the natural characteristics and colours of the area (such as olive green, grey and dark brown).</i>		
	<i>3.26 The change of use of outbuildings to secondary dwellings must comply with the National Construction Code.</i>	The proposal is for a new secondary dwelling, not a change of use of an outbuilding.	N/A
<i>Building design (car parking)</i>	<i>3.27 Secondary dwellings must not result in the principal dwelling on the site having less than the required car parking spaces.</i>	The principal dwelling is provided with two parking spaces within the proposed double garage.	YES
<i>Landscape</i>	<i>3.28 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 secondary dwelling.</i>	The proposed secondary dwelling does not result in the removal of significant trees.	YES
SECTION 11–LIVABLE HOUSING			
	11.1 Development must comply with the following requirements: <u>Dwelling houses</u> New dwellings are to provide: • <i>capability for a safe and continuous path of travel from the street or car parking area into the dwelling;</i> • <i>internal doorways to rooms on the entry level used for living, dining, bedroom, bathroom, kitchen, laundry and sanitary compartment purposes with a minimum clear opening width of 820mm. Internal corridors/passageways to these doorways should provide a minimum clear width of 1,000mm to facilitate comfortable and unimpeded movement between spaces;</i> • <i>a toilet at the ground floor level;</i> • <i>a bathroom that contains a hobless shower recess;</i> • <i>reinforced walls around the toilet, shower and bath to support safe installation of grabrails at a later date;</i> • <i>stairways that are designed with handrails and safe access.</i> <i>The above dimensions and clearances are to be demonstrated on a floor plan.</i> <i>Should the National Construction Code apply livable housing design</i>	The proposed dwelling house and secondary dwelling incorporate the relevant livable housing design measures. The proposed principal dwelling provides a direct and continuous path of travel from Windsor Road, the driveway and the garage to the principal entrance. A 1.2m wide entry door is proposed, ground floor internal doorways are provided with 920mm door leaves, complying with the required minimum clear opening width of 820mm. The ground floor contains open-plan kitchen/living/dining areas, together with a bathroom, powder room and laundry, thereby providing the essential living and sanitary facilities on the entry level. The ground floor bathroom incorporates a recessed shower area capable of being constructed as a hobless shower and the Architectural Plans expressly require reinforced walls around the toilets, showers and baths to facilitate the future installation of grabrails. The internal stairway will also be provided with compliant handrails and designed to enable safe access to the upper level. The proposed secondary dwelling is provided with an independent access path from Windsor Road along the side of the principal dwelling. It comprises all living, sleeping, sanitary and laundry facilities on a single level, including an open plan kitchen/living/dining area, two bedrooms, a bathroom and	YES

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requirements to class 1a buildings in NSW, the new dwelling must achieve the Silver Standard of the Livable Housing Design Guidelines.

Secondary dwellings

New secondary dwellings are to provide:

- *capability for a safe and continuous path of travel from the street or car parking area into the dwelling;*
- *internal doorways to rooms on the entry level used for living, dining, bedroom, bathroom, kitchen, laundry and sanitary compartment purposes with a minimum clear opening width of 820mm. Internal corridors/passageways to these doorways should provide a minimum clear width of 1,000mm to facilitate comfortable and unimpeded movement between spaces;*
- *a bathroom that contains a hobless shower recess;*
- *reinforced walls around the toilet, shower and bath to support safe installation of grabrails at a later date.*

Should the National Construction Code apply livable housing design requirements to class 1a buildings in NSW, the new dwelling must achieve the Silver Standard of the Livable Housing Design Guidelines.

laundry facilities. The bathroom incorporates a recessed shower area and reinforced walls are nominated around the toilet, shower and bath to permit the future installation of grabrails. The secondary dwelling's internal doorways achieve a minimum clear opening width of 820mm and a minimum unobstructed circulation width of 1,000mm to internal passageways.

Accordingly, the proposed development is capable of satisfying the applicable livable housing requirements.