



# AGENDA FOR THE CANTERBURY BANKSTOWN LOCAL PLANNING PANEL MEETING

**3 September 2018 - 6.00pm**

**Location:  
Council Chambers  
Cnr Chapel Road and the Mall,  
Bankstown**

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**ORDER OF BUSINESS**

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**APOLOGIES AND DECLARATION OF INTEREST**

**CONFIRMATION OF MINUTES OF PREVIOUS MEETING**

**REVESBY WARD**

- 1      18 Virtue Street, Condell Park**  
Demolish Existing Structures and Construction of an Attached Dual  
Occupancy with Torrens Title Subdivision S4.55 (1A)  
AMENDMENT: Amend front elevation and internal layout .....3

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## Canterbury Bankstown Local Planning Panel - 3 September 2018

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<b>ITEM 1</b>	<b>18 Virtue Street, Condell Park</b>
	<b>Demolish Existing Structures and Construction of an Attached Dual Occupancy with Torrens Title Subdivision S4.55 (1A)</b> <b>AMENDMENT: Amend front elevation and internal layout</b>
<b>FILE</b>	<b>DA-434/2016/1 – Revesby</b>
<b>ZONING</b>	<b>R2 Low Density Residential</b>
<b>DATE OF LODGEMENT</b>	<b>27 June 2018</b>
<b>APPLICANT</b>	<b>ACM Civil &amp; Structural Engineers P/L</b>
<b>OWNERS</b>	<b>G M Zakhia</b>
<b>ESTIMATED VALUE</b>	<b>\$598,902</b>
<b>AUTHOR</b>	<b>Planning</b>

### **REPORT**

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In September 2016, Council approved DA-434/2016, which granted consent for the demolition of existing structures at 18 Virtue Street, Condell Park and the construction of an Attached Dual-Occupancy with Torrens Title Subdivision.

This current application seeks to modify DA-434/2016, to provide an amended front elevation and internal layout.

The application complies with *Bankstown Development Control Plan 2015* however, the application is reported to the Local Planning Panel for determination as the owner of the land is a Councillor of Canterbury Bankstown Council.

### **POLICY IMPACT**

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The matter has no direct policy implications.

## **FINANCIAL IMPACT**

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The matter has no direct financial implications.

## **RECOMMENDATION**

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It is recommended that the application be approved, subject to the attached modified conditions.

## **ATTACHMENTS**

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- A. Assessment Report
- B. Modified Conditions of Consent

**ATTACHMENT A****DA-434/2016/1 ASSESSMENT REPORT****SITE & LOCALITY DESCRIPTION**

The subject site is known as 18 Virtue Street, Condell Park. The site previously contained a single storey fibro dwelling which has now been demolished under DA-434/2016. The site currently remains vacant as a result of the demolition works. The surrounding development consists predominantly of low density residential dwellings of varying age and condition.

DA-434/2016/1 seeks consent for the modification of DA-434/2016 to amend the front elevation and the layout of both the internal ground and first floor. The site is a regular allotment that is currently zoned R2 Low Density Residential.

The context of the site is illustrated in the following aerial photo.



**Image 1 – Aerial photo of the subject site**

**PROPOSED DEVELOPMENT**

This application is submitted under the provisions of section 4.55(1A) of the *Environmental Planning and Assessment Act, 1979*. The application seeks to amend Determination Notice No. DA-434/2016, and involves the following modifications:

- Amend the design and layout of the front elevation
- Amend the internal ground and first floor layout
- Increased the finish floor level of the ground floor level by 5mm from an approved RL of 41.70 to a proposed RL of 41.75.
- Increased the finish floor level of the ground floor garage level by 5mm from an approved RL of 41.65 to a proposed RL of 41.70 to each dual occupancy unit.
- Increase the finish floor level of the ground floor alfresco level by 5mm from an approved RL of 41.60 to a proposed RL of 41.65 to each dual occupancy unit.

- Increase the finish floor level of the first floor level by 30mm from an approved RL of 44.65 to a proposed RL of 44.95.
- Increase the floor to ceiling height for the ground floor by 300mm from an approved height of 2.7m to a proposed height of 3m.
- Increase the floor to ceiling height for the first floor by 200mm from an approved height of 2.5m to a proposed height of 2.7m.
- Delete the ground floor study to each dual occupancy unit
- Delete the ground floor side porch area to each dual occupancy unit
- Modify the location of the stairs to each dual occupancy unit
- Modify the location of the ground floor toilet and laundry to each dual occupancy unit
- Reduce the depth of the ground floor front porch by 400mm from an approved length of 2m to a proposed length of 1.6m.
- Addition of a ground floor window to the front lounge area of each dual occupancy unit.
- Reduce the depth of the first floor front balcony by 1.1m from an approved length of 4.3m to a proposed length of 3.2m.
- Reconfiguration of the first floor layout to each dual occupancy unit resulting in the relocation of the bathroom and stairs, master bedroom increased in size, relocation of the walk in wardrobe and deletion of the sitting room and adjoining staircase voids.
- Increase the building height by 1.09m from an approved height of 7.15m to a proposed height of 8.24m.
- Reduce the wall height by 200mm from an approved height of 6.9m to a proposed height of 6.7m.
- Increase the roof pitch by 12 degrees from an approved pitch of 6 degrees to a proposed pitch of 18 degrees.
- Alterations to the roof design and layout from generally a flat, gable based design (approved) to a hipped roof structure.
- Modifications to the front façade including amended ground floor windows, garage door design, front door design, first floor ensuite window orientation and an increased wall height labelled 'rendered face'.
- Relocation of the Gas Instant Hot Water System to the ground floor of each dual occupancy unit.

#### **SECTION 4.55(1A) ASSESSMENT**

The proposed modifications have been assessed pursuant to section 4.55 of the *Environmental Planning and Assessment Act, 1979*.

***(a) The development as modified is substantially the same development as the development for which the consent was originally granted***

The development (as modified) remains substantially the same development to that which was originally approved in so far as the predominate bulk, scale and form of the development has not been altered to any significant degree and that the nature of the development remains the same.

**(b) *The application has been notified in accordance with the regulations or a development control plan***

Consistent with provisions contained in the 'Introduction and List of Amendments' of the Bankstown Development Control Plan 2015, the modification application was neighbour notified for fourteen days inviting comments from the adjoining and adjacent property owners.

**(c) *Council has consulted with the relevant Minister, public authority or approval body***

Consultation with the minister, public authority or approval body is not required for this application.

**(d) *Any submissions made concerning the proposed modification***

No submissions have been received.

**SECTION 4.15(1) ASSESSMENT**

The proposed modifications have been assessed pursuant to section 4.15 of the *Environmental Planning and Assessment Act, 1979*.

***Environmental planning instruments [section 4.15(1)(a)(i)]***

***Greater Metropolitan Regional Environmental Plan No 2—Georges River Catchment***

It is considered that the proposed development as modified will not significantly impact upon the environment of the Georges River, either in a local or regional context, and that the development is not inconsistent with the general and specific aims, objectives, planning principles, planning considerations and policies and recommended strategies contained within the GMREP No.2.

***State Environmental Planning Policy No. 55 – Remediation of Land***

Under the provisions of Clause 7 of SEPP 55, a consent authority must not consent to the carrying out of any development 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 development site has a history of use for low density residential purposes and the subject application proposes to continue the use of the site for residential purposes. There is no evidence to suggest that the site has been subject to any contaminating land uses. The subject site is considered suitable for the development and therefore satisfies the provisions of SEPP No. 55.

### ***State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004***

The proposed modifications to the development do not alter compliance with the SEPP as established under the original application.

### ***Bankstown Local Environmental Plan 2015***

The following clauses of the *Bankstown Local Environmental Plan 2015* were taken into consideration:

Clause 1.2 – Aims of the Plan

Clause 2.1 – Land use zones

Clause 2.2 – Zoning of land to which Plan applies

Clause 2.3 – Zone objectives and Land Use Table

Clause 4.1B – Minimum lot sizes and special provisions

Clause 4.3 – Height of buildings

Clause 4.4 – Floor Space ratio

Clause 4.5 – Calculation of floor space ratio and site area

#### ***Clause 4.3 – Height of Buildings***

The proposed modifications would result in the building height increasing by 1.09m from an approved height of 7.15m to a proposed height of 8.24m, therefore remaining compliant with Clause 4.3 of the BLEP which permits a maximum building height of 9m.

The proposed modifications would also result in a reduced wall height by 200mm from an approved height of 6.9m to a proposed height of 6.7m, therefore remaining compliant with Clause 4.3 of the BLEP which permits a maximum wall height of 7m.

#### ***Clause 4.4 – Floor Space Ratio***

The proposed alterations and additions to the development will result in an additional 1.24m<sup>2</sup> of gross floor area (with respect to the enlargement of the ground floor of Unit A and B) and while modifications have been made to the general internal layout and arrangement the development remains in compliance with Clause 4.4(2) of the BLEP as demonstrated below.



	Unit A	Unit B
Ground floor	86.5m <sup>2</sup>	85.4m <sup>2</sup>
First floor	86m <sup>2</sup>	86m <sup>2</sup>
<b>TOTAL</b>	172.5m <sup>2</sup>	171.4m <sup>2</sup>
<b>FSR</b>	0.495:1	0.49:1

Overall the floor space ratio of the development is 0.4925:1.

An assessment of the development application has revealed that the proposal complies with the matters raised in each of the above clauses of the Bankstown Local Environmental Plan 2015.

**Draft environmental planning instruments [section 4.15(1)(a)(ii)]**

There are no draft environmental planning instruments that are applicable in this instance.

**Development control plans [section 4.15(1)(a)(iii)]**

The following table provides a summary of the proposed modifications against the controls (relevant) contained in Part B1 of *Bankstown Development Control Plan 2015*.

STANDARD	PART B1 of the BDCP 2015	
	REQUIRED	COMPLIANCE
<b>Clause 4.15</b>	At least one living area of each dwelling must receive a minimum 3 hours of sunlight between 8.00am and 4.00pm at the mid-winter solstice. Council may allow light wells and skylights to supplement this access to sunlight provided these building elements are not the primary source of sunlight to the living areas.	<b>Unit A:</b> Direct sunlight achieved between 10am and 4pm to the north facing family/dining area to the rear. <b>Unit B:</b> Direct sunlight achieved between 8am and 1:30pm to the north facing family/dining area to the rear.
<b>Clause 4.19</b>	Where development proposes a window that directly looks into the living area or bedroom window of an existing dwelling, the development must: (a) offset the windows between dwellings to minimise overlooking; or (b) provide the window with a minimum sill height of 1.5 metres above floor level; or (c) ensure the window cannot open and has obscure glazing to a minimum height of 1.5 metres above floor level; or (d) use another form of screening to the satisfaction of Council.	<b>Western Elevation:</b> The two windows adjoining the area marked 'Lounge' to Unit A are considered to demonstrate compliance as one window is offset and the other adjoins a garage window to the west (20 Virtue Street). The two windows adjoining the area marked 'Dining' and 'Family' are also considered to comply with the implementation of the amended Condition 2(a) (see below) attenuating the potential privacy impact caused by the alignment of window closest to the stairs (above marked 'Family') with the other window considered to comply as it is offset. <b>Eastern Elevation:</b> All windows along the eastern elevation are offset to the windows found along the western side of the neighbouring dwelling at No. 16 Virtue Street.

STANDARD	PART B1 of the BDCP 2015	
	REQUIRED	COMPLIANCE
		<p>It is important to note that Condition 2(a) is recommended to be amended to read:</p> <p><i>Privacy screening is to be provided on the eastern and western boundary fence. Such privacy screening may be in the form of a 300mm high self-supporting lattice/louvered structure immediately atop the 1.8m boundary fencing, or other suitable methods that achieve the objective of this condition. Such screening is to be determined in consultation with the adjoining property owner, nominated on plans submitted with the construction certificate, and installed prior to the issue of the occupation certificate. All costs associated with compliance with this condition are to be borne by the applicant/ developer.</i></p> <p>It is considered that the above condition will mediate any perceived privacy impacts, particularly to the western boundary.</p>
<b>Clause 4.20</b>	<p>Where development proposes a window that directly looks into the private open space of an existing dwelling, the window does not require screening where:</p> <p>(a) the window is to a bedroom, bathroom, toilet, laundry, storage room, or other non-habitable room; or</p> <p>(b) the window has a minimum sill height of 1.5 metres above floor level; or</p> <p>(c) the window has translucent glazing to a minimum height of 1.5 metres above floor level; or</p> <p>(d) the window is designed to prevent overlooking of more than 50% of the private open space of a lower-level or adjoining dwelling.</p>	<p>As mentioned above, recommended Condition 2(a) will attenuate any potential visual privacy impact as the lattice screening added to the 1.8m fence rises higher than the sill / top of all windows proposed to the ground floor of both Unit A and B.</p> <p>It is noted that all first floor windows are considered to be adjoining 'low-use' (Clause 4.20[a]) rooms with bedrooms adjoining those windows.</p>
<b>Clause 4.24</b>	<p>The design of dual occupancies must ensure:</p> <p>(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</p> <p>(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</p>	<p>The proposal demonstrates an asymmetrical design with unique front window alignments, balcony finishing (rendered vs balustrading), hipped roof positioning and finishing of windows/doors.</p> <p>The proposal is considered to incorporate architectural elements that are compatible with the prevailing character of the neighbouring dwelling houses.</p>

STANDARD	PART B1 of the BDCP 2015	
	REQUIRED	COMPLIANCE
	<p>a pattern is established by a group of adjoining dwelling houses; and</p> <p>(c) the front porch and one or more living area or bedroom windows to each dwelling face the street; and</p> <p>(d) the garage, driveway and front fence do not dominate the front of the building and front yard; and</p> <p>(e) the two dwellings on a corner allotment each face a different frontage.</p>	<p>Both units for the proposal demonstrate compliance with this clause, both providing a front porch and one bedroom window facing the street. It is considered that the garage and driveway do not dominate the front of the building.</p>
<b>Clause 4.30</b>	<p>Development must locate the car parking spaces behind the front building line with at least one covered car parking space for weather protection. Despite this clause, Council may allow one car parking space per dwelling to locate forward of the front building line provided:</p> <p>(a) the car parking space forward of the front building line is uncovered and located in a stacked arrangement on the driveway in front of the covered car parking space; and</p> <p>(b) the covered car parking space is setback a minimum 6 metres from the primary and secondary frontages.</p>	<p>Due to the alterations of the internal layout, it is considered that the provisions outlined for car parking remain consistent in terms of demonstrating compliance with Clause 4.30. One covered and one uncovered parking space has been provided for each Unit.</p>
<b>Clause 4.31</b>	<p>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.</p>	<p>Compliance is demonstrated with this Clause with appropriate architectural elements provided above the proposed covered parking spaces in the form of balcony spaces and hipped roofing.</p>

**Planning agreements [section 4.15(1)(a)(iia)]**

There are no planning agreements applicable to the modification application.

**The regulations [section 4.15(1)(a)(iv)]**

The proposed amendments are considered to satisfactorily address the relevant provisions of the Regulations.

**The likely impacts of the development [section 4.15(1)(b)]**

The alteration to the first and ground floor layout as well as the amended front elevation have been reviewed and are considered acceptable.

It is not considered the modification will result in any additional detrimental environmental, social or economic impacts on the locality.

**Suitability of the site [section 4.15(1)(c)]**

The site remains suitable for the development (as modified).

**Submissions [section 4.15(1)(a)(d)]**

The application was notified for a period of 14 days. No Submissions were received.

**The public interest [section 4.15(1)(a)(e)]**

The proposed modifications are not considered to contravene the public interest.

**CONCLUSION**

The proposed modifications have been assessed in accordance with the provisions of section 4.15 and section 4.55 of the *Environmental Planning and Assessment Act 1979*, requiring, amongst other things, assessment against State Environmental Planning Policy No. 55- Remediation of Land, [State Environmental Planning Policy \(Building Sustainability Index: BASIX\) 2004](#), [Greater Metropolitan Regional Environmental Plan No 2—Georges River Catchment](#) (a deemed SEPP), Bankstown Local Environmental Plan 2015 and Bankstown Development Control Plan 2015.

The proposed modifications are consistent with the relevant objectives and standards and warrants approval.

## MODIFIED CONDITIONS OF CONSENT

Conditions 2 and 3 of Determination Notice No. DA-434/2016 (as modified) are amended to read (*amendments in italics*):

- 2) Development shall take place in accordance with Development Application No. DA-434/2016, submitted by ACM Civil & Structural Engineers Pty Ltd, accompanied by Drawing No. Demolition Plan Job No. 16023, Sheet WM1/1, Subdivision Plan Job No. 16023, Sheet SD1/1, Site Plan Job No. 16023, Sheet A 1/2, Floor Plan/Elevation/Section Job No. 16023, Sheet A 2/2 all prepared by ACM Civil and Structural Engineers, dated 5/5/2016 and affixed with Council's approval stamp *and Section 4.55(1A) Modification application DA-434/2016/1 submitted by ACM Civil & Structural Engineers Pty Ltd accompanied by Sheet No. A 1/2, A 2/2, N 1/3, N 2/3 and N 3/3 revision B dated 27 July 2018 all prepared by ACM Civil & Structural Engineers Pty Ltd and affixed with Council approval stamp dated 3 September 2018* except where otherwise altered by the specific amendments listed hereunder and/or except where amended by the conditions contained in this approval.

The development plans shall be amended as follows:

- a) *Privacy screening is to be provided on the eastern and western boundary fence. Such privacy screening may be in the form of a 300mm high self-supporting lattice/louvered structure immediately atop the 1.8m boundary fencing, or other suitable methods that achieve the objective of this condition. Such screening is to be determined in consultation with the adjoining property owner, nominated on plans submitted with the construction certificate, and installed prior to the issue of the occupation certificate. All costs associated with compliance with this condition are to be borne by the applicant/ developer.*
- 3) *Deleted.*