

# **Statement of Environmental Effects: Dual Occupancy**



**Subject Site: 21 Edgar Street,  
Yagoona 2199**

**PREPARED ON BEHALF OF:**

**Platform 5 Design**

**Revision No.2**

**Date: 29 July 2022**

Prepared by:



**Brosnan & Moore**

**Town Planning Services**

**E:** [info@brosnanmoore.com](mailto:info@brosnanmoore.com)

**W:** [www.brosnanmoore.com](http://www.brosnanmoore.com)

**IG:** @brosnan.moore

**M:** 0477 215 007

## **Disclaimer**

*This report is dated as above in 2022 and incorporates information and events up to that date only and excludes any information arising, or event occurring, after that date which may affect the validity of the authors' opinion in this report. The individual whom prepared this report on the instructions, and for the benefit only, of the applicant for the purpose of SEE (Purpose) and not for any other purpose or use. To the extent permitted by applicable law, the authors expressly disclaims all liability, whether direct or indirect, to the Instructing Party which relies or purports to rely on this report for any purpose other than the Purpose, and to any other person which relies or purports to rely on this report for any purpose whatsoever (including the Purpose). In preparing this report, the individuals were required to make judgements which may be affected by unforeseen future events, the likelihood and effects of which are not capable of precise assessment. All surveys, forecasts, projections and recommendations contained in or associated with this report are made in good faith and on the basis of information supplied to the author at the date of this report, and upon which the author relied. Achievement of the projections and budgets set out in this report will depend, among other things, on the actions of others over which the author has no control. In preparing this report, the author may rely on or refer to documents in a language other than English, which the author may arrange to be translated. The author is not responsible for the accuracy or completeness of such translations and disclaims any liability for any statement or opinion made in this report being inaccurate or incomplete arising from such translations. Whilst the author has made all reasonable inquiries it believes necessary in preparing this report, it is not responsible for determining the completeness or accuracy of information provided to it. The author (including its members and personnel) is not liable for any errors or omissions, including in information provided by the Instructing Party or another person or upon which the author relies, provided that such errors or omissions are not made by the author recklessly or in bad faith. This report has been prepared with due care and diligence by the author and the statements and opinions given by the author in this report are given in good faith and in the reasonable belief that they are correct and not misleading, subject to the limitations above. This report has been prepared by Mark Assad with input from a number of other expert consultants (if relevant). To the best of our knowledge, the information contained herein is neither false nor misleading and the contents are based on information and facts that were correct at the time of writing. Mark Assad accepts no responsibility or liability for any errors, omissions or resultant consequences including any loss or damage arising from reliance in information in this publication.*

## **Proposed Development**

The Applicant is seeking consent for the demolition of the existing structures and the construction of a detached dual occupancy and two (2) secondary dwellings. The proposed works are specifically outlined below:

**Note:** For the purposes of clarity, this report will reference the dwellings as per the architectural plans, being Unit A located adjacent the northern boundary, and Unit B located adjacent the southern boundary.

## **Demolition**

- Demolition of existing single storey dwelling, two (2) porches, detached garage, carport, two (2) patios, metal shed, associated hardstand spaces and landscaping.

## **Construction of Detached Dual Occupancy**

### **Unit A**

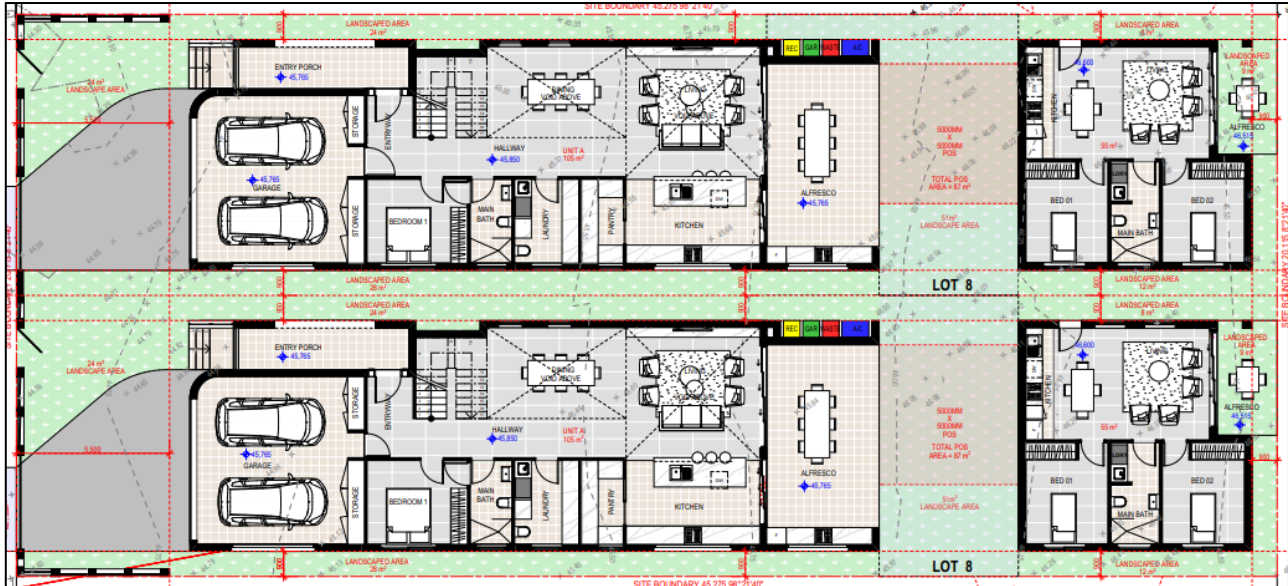
- Ground Floor:
  - Porch to front western facade, double garage, bedroom, bathroom, laundry, staircase access, kitchen, pantry, dining, living, alfresco to rear eastern facade
- First Floor:
  - Four (4) bedrooms, walk-in-robe, ensuite, bathroom, retreat, staircase access, balcony to front western facade
- Secondary Dwelling
  - Living room, kitchen, two (2) bedrooms, bathroom, laundry, alfresco to rear eastern facade

### **Unit B**

- Ground Floor:
  - Porch to front western facade, double garage, bedroom, bathroom, laundry, staircase access, kitchen, pantry, dining, living, alfresco to rear eastern facade
- First Floor:
  - Four (4) bedrooms, walk-in-robe, ensuite, bathroom, retreat, staircase access, balcony to front western facade
- Secondary Dwelling
  - Living room, kitchen, two (2) bedrooms, bathroom, laundry, alfresco to rear eastern facade

### **Ancillary Works**

- Construction of 1.8m boundary fence along northern, eastern and southern boundaries, and 1.2m front fence along front western boundary and 5.5m along northern and southern boundaries setback from front western boundary.



**Figure 1: Proposed Site Plan - No. 21 Edgar Street, Yagoona 2199**

### **The Site and Locality**

subject site is identified as Lot 8, DP 10501, No. 21 Edgar Street, Yagoona 2199. The site is a regular shaped allotment with an overall site area of 910.88m<sup>2</sup>. The site has a primary frontage towards Edgar Street of 20.115m, a total depth of 45.275m and an eastern rear boundary length of 20.115m. Located south of the Hume Highway, the site is situated within an R2 – Low Density Residential area and is within close proximity to RE1 – Public Recreation zoned land identified as Cantrell Reserve, and SP2 – Infrastructure zoned land identified as Christ the King Catholic School, Bass Hill. Subject to an existing single storey dwelling, two (2) porches, detached garage, carport, two (2) patios, metal shed, associated hardstand spaces and landscaping, the site is surrounded by both single and double storey dwellings.



**Figure 2:** Location Map of 21 Edgar Street, Yagoona 2199  
(Source: Nearmap)



**Figure 3:** Zoning Map of 21 Edgar Street, Yagoona 2199  
(Source: DoP Maps, 2022)

### **Environmental Planning and Assessment Act 1979**

The following is an assessment of the application pursuant to Section 4.15 (1) of the Environmental Planning and Assessment Act 1979.

In accordance with Section 4.55(3) a consent authority must consider the relevant matters referred to in Section 4.15(1) in assessing and application for modification of development consent. The consent authority must also consider the reasons given for the grant of the consent that is sought to be modified.

The application has been lodged pursuant to Section 4.15 of the Environmental Planning and Assessment Act 1979 (EPA & Act), which provides. A table summarising the above has been provided above.

<b>Section 4.15 Matters for Consideration</b>	<b>Comments</b>
Section 4.15(1)(a)(i) – Provisions of any environmental planning instrument	Satisfactory. See discussion on “Environmental Planning Instruments” in this report.
Section 4.15(1)(a)(ii) – Provisions of any proposed planning instrument	It is considered that the proposed development is not consistent with the Draft Canterbury Bankstown Consolidated Local Environmental Plan. Demonstration that the development as modified is substantially the same is addressed further within this statement.
Section 4.15(1)(a)(iii) – Provisions of any development control plan	Satisfactory. See discussion on “Development Control Plans” in this report.
Section 4.15(1)(a)(iiia) – Provisions of any planning agreement	Nonapplicable.
Section 4.15(1)(a)(iv) – Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i> (EP&A Reg)	The Application will be made in accordance with the relevant matters prescribed by the Regulations.
Section 4.15(1)(b) – the likely impacts of the development, including environmental impacts on the natural and built environments and social and economic impacts in the locality	(i) The environmental impacts of the proposed development on the natural and built environments are addressed under the <i>Bankstown Development Control Plan 2015</i> (BDCP) section in this report and are satisfactory. (ii) The proposed development will not have a detrimental social impact in the locality considering the nature of the proposal. (iii) The proposed development will not have a detrimental economic impact on the

	locality considering the nature of the existing and proposed land use.
Section 4.15(1)(c) – the suitability of the site for the development	The site is considered suitable for the proposed development.
Section 4.15(1)(d) – any submissions made in accordance with the EP&A Act 1979 or EP&A Reg 2000	In accordance with the provisions of Councils Public Notification, the application will be required to be placed on neighbour notification where adjoining property owners will be notified. Any concerns raised by objectors will be considered through the assessment of the application. If required, the applicant may provide responses if deemed necessary.
Section 4.15(1)(e) – the public interest	No matters have arisen in this assessment that would justify the refusal of the application in the public interest.

### **State Environmental Planning Policy**

#### **The development is subject to the following State Environmental Planning Policies:**

##### **Consolidation of State Environmental Planning Policies.**

The NSW Government has combined state environmental planning policies and reduced their number.

The SEPP changes are part of a package of reforms to consolidate 45 existing SEPPs into 11 new SEPPs based on 9 themed focus areas. The initiative aligns the proposed SEPPs with the new planning principles thematic framework.

The following SEPPs began on 1 March 2022. The provisions within the repealed SEPPs have been transferred to the new SEPP and the intent and provisions remain largely unchanged.

No policy changes have been made. The SEPP consolidation does not change the legal effect of the existing SEPPs, with section 30A of the Interpretation Act 1987 applying to the transferred provisions. The SEPP consolidation is administrative. It has been undertaken in accordance with section 3.22 of the Environmental Planning and Assessment Act 1979.

Savings and transitional provisions, which preserve particular rights and obligations from the SEPPs being repealed, have not been transferred. However, all savings and transitional provisions of the repealed SEPPs are still in force despite their repeal, due to sections 5(6) and 30(2)(d) of the Interpretation Act 1987.

## State Environmental Planning Policy (Housing) 2021

The secondary dwelling proposed as part of this application is subject to the provisions of State Environmental planning Policy (Housing) 2021 (Housing SEPP). Secondary dwellings are a listed permissible use under the provisions of Georges River Local Environmental Plan 2021.

Below is the assessment of the application against the provisions of the Housing SEPP.

State Environmental Planning Policy (Housing) 2021			
Chapter3: Part 1 Secondary Dwellings			
Clause 49 - Definition	<p>Clause 49 - Definition</p> <p>In this Part:</p> <p><b>development for the purposes of a secondary dwelling</b> includes the following:</p> <p>(a) the erection of, or alterations or additions to, a secondary dwelling,</p> <p>(b) alterations or additions to a principal dwelling for the purposes of a secondary dwelling.</p> <p><u>Note</u> - The standard instrument defines secondary dwelling as follows: secondary dwelling means a self-contained dwelling that:</p> <p>(a) is established in conjunction with another dwelling (the principal dwelling), and</p> <p>(b) is on the same lot of land (not being an individual lot in a strata plan or community title scheme) as the principal dwelling, and</p> <p>(c) is located within, or is attached to, or is separate from, the principal dwelling.</p>	Two (2) double storey primary dwellings and two (2) single storey secondary dwellings proposed as part of this application.	Yes
Clause 50 Application of Part			
50	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.	The zoning of the land is R2 Low Density Residential under the BLEP 2015.	Yes

	<p><i>residential zone means the following land use zones or an equivalent land use zone—</i></p> <p>(a) Zone R1 General Residential,</p> <p>(b) Zone R2 Low Density Residential,</p> <p>(c) Zone R3 Medium Density Residential,</p> <p>(d) Zone R4 High Density Residential,</p> <p>(e) Zone R5 Large Lot Residential.</p>		
<b>Clause 51 No subdivision</b>			
51	Development consent must not be granted for the subdivision of a lot on which development has been carried out under this Part.	The proposed development is for the construction of a dual occupancy and two (2) secondary dwellings. No subdivision proposed as part of this application.	Yes
<b>Clause 52 Development may be carried out with consent</b>			
52(2)	<p>Development consent must not be granted for development to which this Part applies unless—</p> <p>(a) no dwellings, other than the principal dwelling and the secondary dwelling, will be located on the land, and</p> <p>(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</p> <p><i>Maximum permissible FSR:</i> 0.5:1</p>	<p>Each lot will contain only a principle dwelling and a secondary dwelling.</p> <p>The proposed development has a total GFA of 454m<sup>2</sup> and FSR of 0.5:1</p> <p>Calculation (combined) Dwelling GFA= 354m<sup>2</sup> Secondary Dwelling GFA= 100m<sup>2</sup></p> <p>Total = 454 m<sup>2</sup></p> <p>Secondary dwelling GFA = 50m<sup>2</sup></p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>

	(c) the total floor area of the secondary dwelling is— (i) no more than 60m <sup>2</sup> , 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.		
<b>Clause 53 Non-discretionary development standards—the Act, s 4.15</b>			
53	(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.	The site will contain only a principle dwelling and a secondary dwelling.	Yes
	(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 <sup>2</sup> , (b) the number of parking spaces provided on the site is the same as the number of parking spaces provided on the site immediately before the development is carried out.	Noted	

Based on the State Environmental Planning Policy (Housing) 2021 provision, all relevant provisions have been considered and it has been determined that the proposal fails to satisfy the floor space ratio control of the SEPP (Housing), with regards to overall FSR for the site.

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

A BASIX Certificate, has been issued for the proposed development and the commitments required by the BASIX Certificate have been satisfied.

## **State Environmental Planning Policy (Biodiversity and Conservation) 2021**

The Biodiversity and Conservation SEPP has replaced and repealed the following SEPPs:

- *State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017;*
- *State Environmental Planning Policy (Koala Habitat Protection) 2020;*
- *State Environmental Planning Policy (Koala Habitat Protection) 2021;*
- *Murray Regional Environmental Plan No 2—Riverine Land;*
- *State Environmental Planning Policy No 19—Bushland in Urban Areas;*
- *State Environmental Planning Policy No 50—Canal Estate Development;*
- *State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011;*
- *Sydney Regional Environmental Plan No 20—Hawkesbury-Nepean River (No 2—1997);*
- *Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005;*
- *Greater Metropolitan Regional Environmental Plan No 2—Georges River Catchment; and*
- *Willandra Lakes Regional Environmental Plan No 1—World Heritage Property.*

As per the Biodiversity and Conservation SEPP factsheet (PUB21/463) issued in December 2021 by the NSW Department of Planning, Industry and Environment: “*The provisions within the repealed SEPPs have been transferred to the new SEPP and the intent and provisions remain largely unchanged*”. *The changes should not impact development application assessment. The Biodiversity and Conservation SEPP should be used for new development and rezoning applications.*”

### Chapter 2 Vegetation in non-rural areas

Chapter 2 of the SEPP relating to vegetation in non-rural areas applies to the site.

Chapter 2 regulates clearing of native vegetation on urban land and land zoned for environmental conservation/management that does not require development consent.

The Vegetation SEPP applies to clearing of:

- a) Native vegetation above the Biodiversity Offset Scheme (BOS) threshold where a proponent will require an approval from the Native Vegetation Panel established under the Local Land Services Amendment Act 2016; and
- b) Vegetation below the BOS threshold where a proponent will require a permit from Council if that vegetation is identified in the council’s development control plan (DCP).

The objectives of the Chapter is to protect the biodiversity values of trees and other vegetation in non-rural areas and preserve the amenity of non-rural areas through the preservation of trees and other vegetation. This policy is applicable pursuant to Clause 2.3 of the SEPP as the site is within both Blacktown City Council and the relevant zone identified above.

The applicable repealed SEPPs have been addressed above and the application fails to satisfactorily address those repealed policies which now fall under the Biodiversity and Conservation SEPP.

### **State Environmental Planning Policy (Resilience and Hazards) 2021**

The Resilience and Hazards SEPP has replaced and repealed the following SEPPs:

- *State Environmental Planning Policy (Coastal Management) 2018;*
- *State Environmental Planning Policy No 33—Hazardous and Offensive Development; and*
- *State Environmental Planning Policy No 55—Remediation of Land.*

As per the Resilience and Hazards SEPP factsheet (PUB21/463) issued in December 2021 by the NSW Department of Planning, Industry and Environment: *“The provisions within the repealed SEPPs have been transferred to the new SEPP and the intent and provisions remain largely unchanged”. The changes should not impact development application assessment. The Biodiversity and Conservation SEPP should be used for new development and rezoning applications.”*

### Chapter 4 Remediation of Land

Chapter 4 of the SEPP relating to remediation of land applies to the site.

Chapter 4 aims to promote the remediation of contaminated land in order to reduce the risk of harm to human health or any other aspect of the environment. Clause 4.6 requires contamination and remediation to be considered in determining a development application. The consent authority must not consent to the carrying out of development on land unless it has considered whether or not the land is contaminated.

A review of the site history indicates that the site has been used for residential purposes for extended periods of time, and such uses and/or development are not typically associated with activities that would result in the contamination of the site. The proposed works do not include any change to the use of the land that would result in any concerns with respect to contamination. There is no indication of previous uses that would cause contamination. In this regard there is no indication that the land is contaminated. The criterion of Chapter 4 has been satisfied. The applicable repealed SEPPs have been addressed above and the application satisfactorily addresses those repealed policies which now fall under the Resilience and Hazards SEPP.

## **State Environmental Planning Policy (Coastal Management) 2018**

SEPP (Coastal Management) 2018 updates and consolidates three previous SEPPs (SEPP 14 Coastal Wetlands, SEPP 26 Littoral Rainforests, SEPP 71 Coastal Protection) into one integrated Policy and is a matter for consideration for the current DA.

The Coastal Management SEPP 2018 aims to: *“Promote an integrated and co-ordinated approach to land use planning in the coastal zone in a manner consistent with the objects of the Coastal Management Act 2016 including the management objectives for each coastal management area”*.

The subject site has not been identified as being located in a coastal vulnerability area and a coastal environmental area as per NSW State Environmental Planning Policy (Coastal Management) 2018 - Maps.

## **State Environmental Planning Policy (Transport and Infrastructure) 2021**

The Transport and Infrastructure SEPP has replaced and repealed the following SEPPs:

- *State Environmental Planning Policy (Infrastructure) 2007;*
- *State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017;*
- *State Environmental Planning Policy (Major Infrastructure Corridors) 2020; and*
- *State Environmental Planning Policy (Three Ports) 2013.*

As per the Transport and Infrastructure SEPP factsheet (PUB21/463) issued in December 2021 by the NSW Department of Planning, Industry and Environment: *“The provisions within the repealed SEPPs have been transferred to the new SEPP and the intent and provisions remain largely unchanged”. The changes should not impact development application assessment. The Biodiversity and Conservation SEPP should be used for new development and rezoning applications.”*

### **Chapter 2 Infrastructure**

The application shall be referred to Ausgrid pursuant to clause 2.48 of the SEPP. The applicable repealed SEPPs have been addressed above and the application satisfactorily addresses those repealed policies which now fall under the Transport and Infrastructure SEPP.

The allotment is located south of Hume Highway. Prior to the issue of a Construction Certificate, the construction drawings and construction methodology must be assessed and certified by a suitably qualified acoustic consultant to be in accordance with any requirements and recommendations of the approved acoustic report.

Note: Suitably qualified Acoustic Consultant means a consultant who possesses the qualifications to render them eligible for membership of the Australian Acoustics Society, Institution of Engineers Australia or the Association of Australian Acoustic Consultants at the grade of member.

### **Local Environmental Plan**

The site is subject to the Bankstown Local Environmental Plan (BLEP) 2015. The proposal is a permissible form of development with Council's consent. The proposal satisfies all relevant objectives contained within the LEP.

## **Part 2 – Permitted or Prohibited Development**

### **Clause 2.1 – Land Use Zones**

The subject site is zoned R2 - Low Density Residential and the proposal, seeking to modify the previously issued consent for; a '*Dual occupancy*'. Which is a permissible form of development with Council's consent.

- *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 development that is compatible with residential uses and does not adversely affect the living environment or amenity of the area.*
- *To allow for the development of low-density housing that has regard to local amenity.*
- *To require landscape as a key characteristic in the low-density residential environment.*

**Comment:** The proposed development is considered to be reflective of the zone objectives. The development will provide for the housing needs of the community and will be in keeping with development in the immediate vicinity.

The table below addresses the proposed development against the relevant provisions of the Bankstown Local Environmental Plan 2015:

Clause	Standard	Proposal	Complies
<b>1.2 – Aims of the Plan</b>	In accordance with Clause 1.2 (2)	The development is consistent with the aims of the plan	Yes
<b>1.4 - Definitions</b>	Dual Occupancy development	The proposed development meets the definition	Yes
<b>2.3 - Zone objectives and Land Use Table</b>	Meets objectives of R2 Low Density Residential Zone Development must be permissible with consent	Development meets objectives is permissible development with consent.	Yes
<b>2.7 Demolition requires development consent</b>	Demolition requires demolition consent	The proposed application does require demolition.	Yes

#### Part 4 – Principal Development Standards

Clause	Standard	Proposal	Complies
<b>4.3 – Height of Buildings</b>	9m as identified on Height of Buildings Map	Maximum height proposed for both primary dwellings: 7.85m	Yes
<b>4.4 Floor Space ratio</b>	As identified on the floor space ratio map - 0.5:1	The proposed development has a total GFA of 454m <sup>2</sup> and FSR of 0.5:1  Calculation (combined) Dwelling GFA= 354m <sup>2</sup> Secondary Dwelling GFA= 100m <sup>2</sup>  Total = 454 m <sup>2</sup>	Yes
<b>4.5 Calculation of floor space ratio and site area</b>	The objectives are: (a) to define <b>floor space ratio</b> , (b) to set out rules for the calculation of the site area of development for the purpose of applying permitted floor space ratios,	Floor space has been calculated appropriately.	Yes

#### Part 6 – Additional Local Provisions

Clause	Standard	Proposal	Complies
<b>6.1 Acid sulfate soils</b>	The objective of this clause is to ensure that development	The site is not affected by acid sulfate soils	Yes

	does not disturb, expose or drain acid sulfate soils and cause environmental damage.		
<b>6.2 Earthworks</b>	<p>(2) Development consent is required for earthworks unless—</p> <p>(a) the earthworks are exempt development under this Plan or another applicable environmental planning instrument, or</p> <p>(b) the earthworks are ancillary to development that is permitted without consent under this Plan or to development for which development consent has been given.</p>	Noted	Yes

**(ii) any draft environmental planning instrument that is or has been placed on public exhibition and details of which have been notified to the consent authority, and**

The draft SEPP Design and Place as exhibited aims to simplify and consolidate how to address the need for sustainable and resilient places and deliver good design in NSW.

The changes proposed include consolidating the following existing SEPPs:

- SEPP 65 – Design Quality of Residential Apartment Development
- SEPP (Building Sustainability Index: BASIX) 2004

For the purposes of section 4.15(1)(a)(ii) of the Environmental Planning and Assessment Act 1979 (EP&A Act), the draft proposed State Environmental Planning Policy (Design and Place) 2021 is not notified to any consent authorities and so is not a mandatory matter for consideration under section 4.15 of the EP&A Act.

**Comment:** The proposal is not inconsistent with the provisions of this Draft Instrument.

The Draft Environment SEPP was exhibited from 31 October 2017 to 31 January 2018. This consolidated SEPP proposes to simplify the planning rules for a number of water catchments, waterways, urban bushland, and Willandra Lakes World Heritage Property. Changes proposed include consolidating the following seven existing SEPPs:

- *State Environmental Planning Policy No. 19 – Bushland in Urban Areas*
- *State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011*
- *State Environmental Planning Policy No. 50 – Canal Estate Development*
- *Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment*
- *Sydney Regional Environmental Plan No. 20 – Hawkesbury-Nepean River (No.2-1997)*
- *Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005*
- *Willandra Lakes Regional Environmental Plan No. 1 – World Heritage Property.*

**Comment:** The proposal is not inconsistent with the provisions of this Draft Instrument.

**(iii) any development control plan,**

The proposed development is subject to the provisions of the Bankstown Development Control Plan. The following comments are made with respect to the proposal satisfying the objectives and controls contained within the DCP.

<b>BANKSTOWN DEVELOPMENT CONTROL PLAN 2015</b>			
<b>Section 4 Dual Occupancies</b>			
<b>Standard</b>	<b>DCP Control</b>	<b>Proposal</b>	<b>Compliance</b>
No of Storeys	2 storeys maximum	2 storeys	Yes
Fill	Any reconstituted ground level of an allotment is not to exceed 600mm above the natural ground level of adjoining allotments	Noted	Yes
Front setback	Ground floor - 5.5m First floor - 6.5 Garage - 6	Proposed ground floor front setback of 5.5m, first floor front setback of 6.5m and garage setback a minimum of 6m for both dwellings.	Yes

Side setback	<p>For the portion of the building wall that has a wall height less than or equal to 7 metres, the minimum setback to the side boundary of the allotment is 0.9 metre. Council may increase the minimum setback to reduce any impact on the amenity of an adjoining dwelling or to avoid the drip line of a tree on an adjoining property.</p> <p>For the portion of the building wall that has a wall height greater than 7 metres, the minimum setback to the side boundary of the allotment is 1.5 metres.</p> <p>The minimum setback between a dual occupancy and the side boundary must be clear of obstacles such as a hot water unit, waste</p>	<p>Both dwellings A and B have a side setback to their respective northern and southern boundaries of 0.9m.</p> <p>The proposed secondary dwellings have a side setback of 0.9m.</p> <p>Development complies with this control.</p>	Yes

	storage area, storage shed and the like.	Setbacks clear of all obstacles	
Secondary street setback	3m to wall  5.5m to garage	N/A	N/A
Private open space	80sqm per dwelling with minimum width of 5m throughout	87sqm of private open space (with a minimum width of 5m) is proposed for each dwelling. per dwelling.	Yes
Solar access (subject site)	At least one living area of each dwelling must receive a minimum 3 hours of sunlight between 8.00am and 3.00pm at the mid-winter solstice	Yes – sun shadow diagrams have been submitted with the application. Solar access will be provided to the primary living areas which have been orientated towards the northern part of each dwelling and secondary dwelling.	N/A
Solar access (adjoining)	At least one living area of a dwelling on an adjoining allotment must receive a minimum 3 hours of sunlight between 8.00am and 3.00pm at the mid-winter solstice	Yes. Neighbouring dwellings to the north, east and west will receive at least 3 hours of sunlight from 8am to 3pm at the winter solstice.	N/A
Solar access (private open space)	A minimum 50% of the private open space required for each dwelling and a minimum 50% of the private open space of a dwelling on an adjoining allotment must receive at least 3 hours of sunlight	The private open space for each dwelling provides a north and eastern aspect. The solar access for each is compliant and the entire space will achieve more than 3 hours sunlight  The adjoining dwelling will receive more than 3 hours solar access to the private open space	

	between 9.00am and 5.00pm at the equinox.		
Visual privacy (living areas)	Where development proposes a window that directly looks into the living area or bedroom window of an existing dwelling the development must offset the windows; provide a minimum sill height of 1.5 metres above floor level; provide fixed obscure glazing; or use another form of screening.	The proposed development is not considered to cause adverse privacy concerns to adjoining properties.	Yes
Visual privacy (open space)	Where development proposes a window that directly looks into the private open space of an existing dwelling, the window does not require screening where the window is to a bedroom, bathroom, toilet, laundry or storage room; the window has a minimum sill height of 1.5 metres above floor level; the window has obscure glazing to a minimum	The proposed first floor windows are not considered to create adverse privacy concerns to adjoining properties.	Yes

	height of 1.5 metres above floor level; or the window is designed to prevent overlooking of more than 50% of the private open space of a lower-level or adjoining dwelling.		
	The design of dual occupancies must ensure: (a) the street facade of attached dual occupancies adopt an asymmetrical design to provide each dwelling with an individual identity when viewed from the street; or (b) the street facade of attached or detached dual occupancies incorporate architectural elements that are compatible with the asymmetrical appearance of neighbouring dwelling houses, particularly where a pattern is established by a group of adjoining	Each dwelling has an individual identity and entrance	Complies

	dwelling houses; and		
	(c) the front porch and one or more living area or bedroom windows to each dwelling face the street; and	Each dwelling has a porch and bedroom fronting the street.	Yes
	(d) the garage, driveway and front fence do not dominate the front of the building and front yard; and	The proposed arrangement ensures that the garages do not dominate the front building facade. The development is double storey and incorporates an overhead balcony, architectural features and changes in colours and materials. This is considered acceptable in this instance.	Considered Acceptable
	(e) the two dwellings on a corner allotment each face a different frontage.		
Roof pitch	Max. 35 degrees	Noted.	Yes
Landscaping	(a) a minimum 45% of the area between the dual occupancy and the primary frontage; and	A minimum of 45% landscaping within front setback.	Yes
	(b) a minimum 45% of the area between the dual occupancy and the secondary frontage; and	N/A	N/A
	(c) plant at least one 75 litre tree between the dual occupancy and the primary frontage	A large tree can be accommodated between the building line and the frontage of Edgar Street.	Yes

### Section 3 – Secondary Dwellings

The proposed development is subject to the provisions of the Bankstown Development Control Plan. The following comments are made with respect to the proposal satisfying the objectives and controls contained within the DCP.

<b>BANKSTOWN DEVELOPMENT CONTROL PLAN 2015</b>			
<b>Section 3 – Secondary Dwellings</b>			
<b>Standard</b>	<b>DCP Control</b>	<b>Proposal</b>	<b>Complies</b>
<b>Subdivision</b>	<b>3.1</b> The subdivision of secondary dwellings is prohibited.	No secondary dwelling subdivision proposed.	Yes
<b>Lot Size</b>	<b>3.2</b> A secondary dwelling is permissible on an allotment with a minimum lot size of 450m <sup>2</sup> .	Minimum lot size of 455sqm.	Yes
<b>Site cover</b>	<b>3.3</b> 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	The secondary dwelling floor area is included in the overall floor space calculations.  The site complies with the maximum floor space ratio of 0.5:1.	Yes
	(b) the total floor area of the secondary dwelling is no more than 60m <sup>2</sup> 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 proposed floor space area of both secondary dwellings is 50 m <sup>2</sup> .  The proposed development has a total GFA of 454m <sup>2</sup> and FSR of 0.5:1	Yes
<b>Storey limit (not including basements)</b>	<b>3.4</b> The storey limit for attached secondary dwellings is 2 storeys. In addition, attached secondary dwellings in the foreshore protection area (refer	The proposed secondary dwellings are detached and are single storey.	Yes

	to map in Appendix 1) must ensure the wall height does not exceed 7 metres and the building height does not exceed 9 metres.		
	<b>3.5</b> The storey limit for detached secondary dwellings is single storey and the maximum wall height is 3 metres.	Proposed secondary dwellings are single storey with a maximum wall height of 3m.	Yes
	<b>3.6</b> The siting of secondary dwellings and landscaping works must be compatible with the existing slope and contours of the allotment and any adjoining property. Council does not allow any development that involves elevated platforms on columns; or excessive or unnecessary terracing, rock excavation, retaining walls or reclamation.	The proposed secondary dwellings are compatible with the existing slope and contours of the allotment and any adjoining property.	Yes
	<b>3.7</b> Any reconstituted ground level on the allotment must not exceed a height of 600mm above the ground level (existing) of an adjoining property except where: (a) the secondary dwelling is required to be raised to achieve a suitable freeboard in accordance with Part B12 of this DCP; or (b) the fill is contained within the ground floor perimeter of the secondary	Noted.	Yes

	dwelling to a height no greater than 1 metre above the ground level (existing) of the allotment.		
<b>Setback restrictions</b>	<b>3.8</b> The erection of secondary dwellings is prohibited within 9 metres of an existing animal boarding or training establishment.	Noted.	N/A
<b>Setbacks to the primary and secondary road frontages</b>	<b>3.9</b> The minimum setback for a building wall to the primary road frontage is: (a) 5.5 metres for the first storey (i.e. the ground floor); and (b) 6.5 metres for the second storey.	Setback to roads exceed 5.5m	Yes
	<b>3.10</b> The minimum setback to the secondary road frontage is: (a) 3 metres for a building wall; and (b) 5.5 metres for a garage or carport that is attached to the building wall.	N/A	
<b>Setbacks to the side and rear boundaries</b>	<b>3.11</b> For the portion of the building wall that has a wall height less than or equal to 7 metres, the minimum setback to the side and rear boundaries of the allotment is 0.9 metre.	Secondary dwellings are single storey and have a side and rear setback of 0.9m.	Yes
	<b>3.12</b> For the portion of the building wall that has a wall height greater than 7 metres, the minimum setback to the side and rear boundaries of the allotment is 1.5 metres.	Secondary dwellings are single storey and have a side and rear setback of 0.9m.	N/A
<b>Private open space</b>	<b>3.13</b> Secondary dwellings must not	Principle dwelling meets private open	Yes

	result in the principal dwelling on the allotment having less than the required landscaped area and private open space.	space requirements.	
<b>Access to sunlight</b>	<b>3.14</b> At least one living area 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.	The proposed living rooms are orientated to take advantage of northern aspects and meet the minimum solar requirements.	Yes
	<b>3.15</b> At least one living area of a dwelling on an adjoining allotment must receive a minimum 3 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.	Noted. Complies.	Yes
	<b>3.16</b> A minimum 50% of the private open space required for the principal dwelling on the allotment and a minimum 50% of the private open space of a dwelling on an adjoining allotment must receive	Noted. Complies.	Yes

	at least 3 hours of sunlight between 9.00am and 5.00pm at the equinox. Where this requirement cannot be met for a dwelling on an adjoining allotment, the development must not result with additional overshadowing on the affected private open space.		
<b>Visual privacy</b>	<p><b>3.17</b> Where development proposes a window that directly looks into the living area or bedroom window of an existing dwelling, the development must:</p> <p>(a) offset the windows between dwellings to minimise overlooking; or</p> <p>(b) provide the window with a minimum sill height of 1.5 metres above floor level; or</p> <p>(c) ensure the window cannot open and has obscure glazing to a minimum height of 1.5 metres above floor level; or</p> <p>(d) use another form of screening to the satisfaction of Council.</p> <p><b>3.18</b> 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>	The proposed secondary dwellings are single storey and divided from adjoining properties by a 1.8m high fence. The development is not considered to cause adverse privacy concerns.	Yes.

	<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><b>3.19</b> Council may allow attached secondary dwellings 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:</p> <p>(a) does not have an external staircase; and</p> <p>(b) does not exceed a width of 1.5 metres throughout; and</p> <p>(c) incorporates a form of screening to the satisfaction of Council such as partially recessing the balcony into the building.</p> <p><b>3.20</b> Council does not allow secondary dwellings to have roof-top balconies and the like.</p>	
--	---	--

<b>Building design</b>	<b>3.21</b> The maximum roof pitch for attached secondary dwellings is 35 degrees.	Noted.	Yes
	<b>3.22</b> Council may allow attached secondary dwellings 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.	Proposed secondary dwellings are detached and located to the rear of the site.	
	<b>3.23</b> The design of dormers must: (a) be compatible with the form and pitch of the roof; and (b) must not project above the ridgeline of the main roof; and (c) must not exceed a width of 2 metres; and (d) the number of dormers must not dominate the roof plane.	Noted.	Yes
	<b>3.24</b> The maximum roof pitch for detached secondary dwellings is 25 degrees. An attic or basement is not permitted as part of the dwelling.	Noted.	Yes
	<b>3.25</b> Development in the foreshore protection area (refer to map in Appendix 1) must use non-reflective materials that are	N/A	N/A

	compatible with the natural characteristics and colours of the area (such as olive green, grey and dark brown).		
	<b>3.26</b> The change of use of outbuildings to secondary dwellings must comply with the Building Code of Australia.	N/A	N/A
<b>Building design (car parking)</b>	<b>3.27</b> Secondary dwellings must not result in the principal dwelling on the allotment having less than the required car parking spaces.	Noted.  Each dwelling proposed two (2) car parking spaces.	Yes
<b>Landscaping</b>	<b>3.28</b> Development must retain and protect any significant trees on the allotment and adjoining allotments. To achieve this clause, the development may require a design alteration or a reduction in the size of the secondary dwelling.	Existing trees on site are proposed to be removed in accordance with AS 2601-2001.	Considered Acceptable

### **Streetscape Character and Amenity**

The proposed development satisfies the objectives and controls within the development control plan relevant to:

- Building Scale, Rhythm of Built Elements in the Streetscape, Fenestration and External Materials, and Street Edge.

### **Open Space**

The proposed development satisfies the relevant objectives and controls of the DCP, providing nominated principle open private open space areas and various landscaped areas.

### **Vehicular access, Parking and Circulation**

The proposed development satisfies the relevant objectives and controls of the DCP, as identified on the previously submitted architectural plans. There are no proposed amendments to the previously approved car parking layout.

## **Privacy**

The proposed development satisfies the relevant objectives and controls of the DCP as it is considered there are no adverse amenity impacts.

## **Solar Access**

The proposed development satisfies the relevant objectives and controls of the DCP.

***(iia) any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, and***

This application is not subject to any draft planning agreement or VPA applicable for this site.

***(iv) The regulations (to the extent that they prescribe matters for the purposes of this paragraph).***

The proposal seeks to comply with the planning and building regulations that are applicable. The requirements of Australian Standard 'AS 2601-1991: The Demolition of Structures' are of relevance to the application as the proposal includes demolition of existing structures. The requirements of this standard including the management of any possible asbestos containing materials may be readily addressed by the imposition of suitable conditions of consent.

***(a) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,***

The proposed development is of a nature that is in keeping with the approved use. Accordingly, the proposal is not considered to have an unreasonable impact on the natural and built environment of the locality.

***(c) the suitability of the site for the development,***

It is considered that the proposed development is of a nature that is suitable for the site having regard to its approved use and relationship to adjoining developments. The subject site is appropriately zoned for the proposed development. The site is free of any significant unresolvable environmental site constraints and is consistent with the scale and design of the locality whilst having regard to its size and shape, its topography, vegetation, and relationship to adjoining developments.

The site is therefore considered suitable for the development. The proposal has been designed to cater for the sites existing vegetation.

***(d) any submissions made in accordance with this Act or the regulations,***

In accordance with the provisions of Councils Public Notification, the application will be required to be placed on neighbour notification where adjoining property owners will be notified. Any concerns raised by objectors will be considered through the assessment of the application. If required, the applicant may provide responses if deemed necessary.

***(e) the public interest.***

The proposal is generally in accordance with the relevant statutory provisions. The site is suitably zoned for the proposed development and will provide opportunity for housing provision in a way that does not compromise the existing locality. The use of the proposed development is of a nature that does not conflict with the public interest.

**Conclusion**

The application has been assessed having regard to Section 4.15 of the Environmental Planning and Assessment Act 1979 and other relevant statutory provisions. This statement along with the submitted documentation demonstrates that the proposal does not result in any adverse impacts and is suitable for the site.

Therefore, it is recommended that Council as the consent authority grant consent for the demolition of the existing structures and the construction of a detached dual occupancy and two (2) secondary dwellings at Lot 8, DP 10501, No. 21 Edgar Street, Yagoona.