

# STATEMENT OF ENVIRONMENTAL EFFECTS



Alterations and additions to existing dwelling,  
Partial change of use to a secondary dwelling  
and removal of Restriction as to User  
at  
164 Greenacre Road,  
Bankstown



## Certification

This report has been authorised by Senior Town Planner, Ron Gounder, with input from a number of other experts' consultants (appended to this document), on behalf of the client. CIVAC will take no responsibility to amendments made outside of the CIVAC organisation. The comments herein have been based upon information and facts that were correct at the time of writing this report. Whilst CIVAC has aimed to include only accurate information, due to the nature of climate change and other mediating factors, these reports will not always be accurate.

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## PRE-AMBLE

The following documentation is provided in accordance with the outlined deliverables relating to the request for a Statement of Environmental Effects in support of the alterations and additions to a dwelling and partial change of use to a secondary dwelling at No.164 Greenacre Road, Bankstown. The Statement has been provided with a focus on the existing planning controls and consideration for past, present, and future planning regimes.

### 1. PRELIMINARIES

Request for Statement of Environmental Effects	Faisal Khan
Site Street Address	164 Greenacre Road, Bankstown
Legal Identifier	Lot 2 DP 845156
Total site area	472m <sup>2</sup>
Local Government Area	Canterbury Bankstown Council
Zone	R2 Low Density Residential
Bushfire	No
Flood	No

### 2. EXECUTIVE SUMMARY

This statement has been prepared by Project Flow on behalf of Faisal Khan in relation to the alterations and additions to the existing dwelling and partial change of use to a secondary dwelling No.164 Greenacre Road, Bankstown. This statement addresses the relevant planning controls, planning proposals and other relevant planning data. The statement also reviews impacts and opportunities relating to State and Local EPI's and Draft EPI's in addition to the relevant DCP information and guidance.

Additionally, relevant strategic documents have been reviewed and their potential impacts and opportunities have been analysed. Finally, relevant recent planning approvals in a reasonable proximity to the site have also been reviewed and their impacts on the subject site have been identified. Project Flow has also made the following assumptions:

- This statement has been prepared without the benefit of viewing Council's physical DA files and property files as they relate to the site.

The bulk of this analysis has focused on the proposal and the resultant relationship with the surrounding residential land uses. The intent of this document is to support the proposed development of the subject site.

It is our professional opinion that the proposed works are generally consistent with the relevant plans and policies under Clause 4.16 of The Act.

## THE PROPOSAL IN DETAIL

### 3. THE PROPOSAL

The application seeks approval for alterations and additions to the existing dwelling and partial change of use to a secondary dwelling.

The proposed development includes:

- Internal reconfiguration of the ground floor area to include a 36m<sup>2</sup> secondary dwelling and inclusion of a ground floor patio 24m<sup>2</sup>. The secondary dwelling comprises one bedroom, lounge room, kitchen and bathroom.
- Internal reconfiguration of ground floor to include a new kitchen, two bedrooms, open plan lounge and dining and a bathroom to be utilised as the primary dwelling.
- An additional first floor level comprising 3 bedrooms, two ensuites and a balcony attached to bedroom 3 and a balcony accessed from bedroom 4 and 5.
- Construction of a detached carport 4.5m x 5m.

- Additional hardstand on the site.
- Removal of western fence to install a new 1.8 to 2-metre-high western boundary fence with timber sleeper retaining wall (0.6m-1m).
- 8m<sup>3</sup> of VENM fill within the western portion of site to level land.
- Removal of one tree to accommodate the carport and provide compensatory planting of a similar species.
- The application proposes to drain to the existing system and out to Councils drainage system.

The application also seeks to remove an outdated Restriction on the Use of Land within DP 845156, created by Bankstown City Council which states as follows:

**1. TERMS OF RESTRICTION ON THE USE OF THE LAND FIRSTLY REFERRED TO IN ABOVEMENTIONED PLAN.**

- (a) Any building erected on Lots 1 and 2 shall not exceed the overall floor space ratio of 0.5:1.
- (b) Any building erected on Lot 2 shall not exceed one storey.
- (c) Any building erected on Lot 1 shall not exceed two storeys.
- (d) Any dwelling erected on Lots 1 and 2 shall have an area of private open space, immediately adjoining each dwelling, of minimum size 50 square metres and minimum dimension of 4.5 metres.
- (e) Any dwelling erected on Lots 1 and 2 shall provide a minimum of one car space.

Figure 1: 88B Instrument

Source: NSW Lands Registry

The 88B instrument was created and signed in 1994 as a result of the creation of subdivision of lots 1 and 2 at that time. The application applies for the deletion of this restriction in that is inconsistent with the objectives of the zone and incompatible with modern day living standards. It is sought that the restriction be removed or varied by Canterbury Bankstown City Council as it is no longer consistent with various developments standards set out under the Bankstown LEP, particularly the allowable Floor Space Ratio and Height requirement.

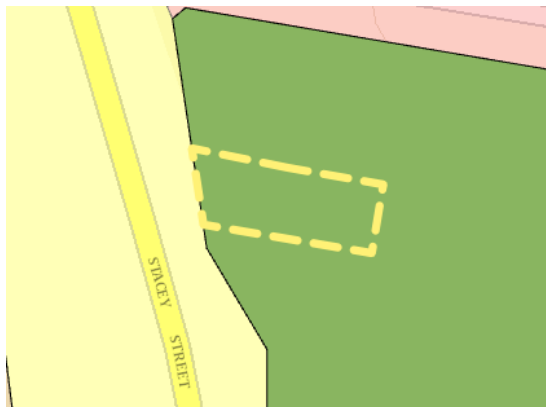
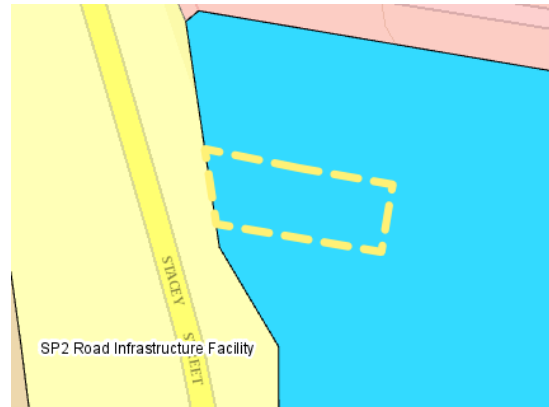


Figure 2: Height and FSR MAP



Source: NSW Espatial Viewer

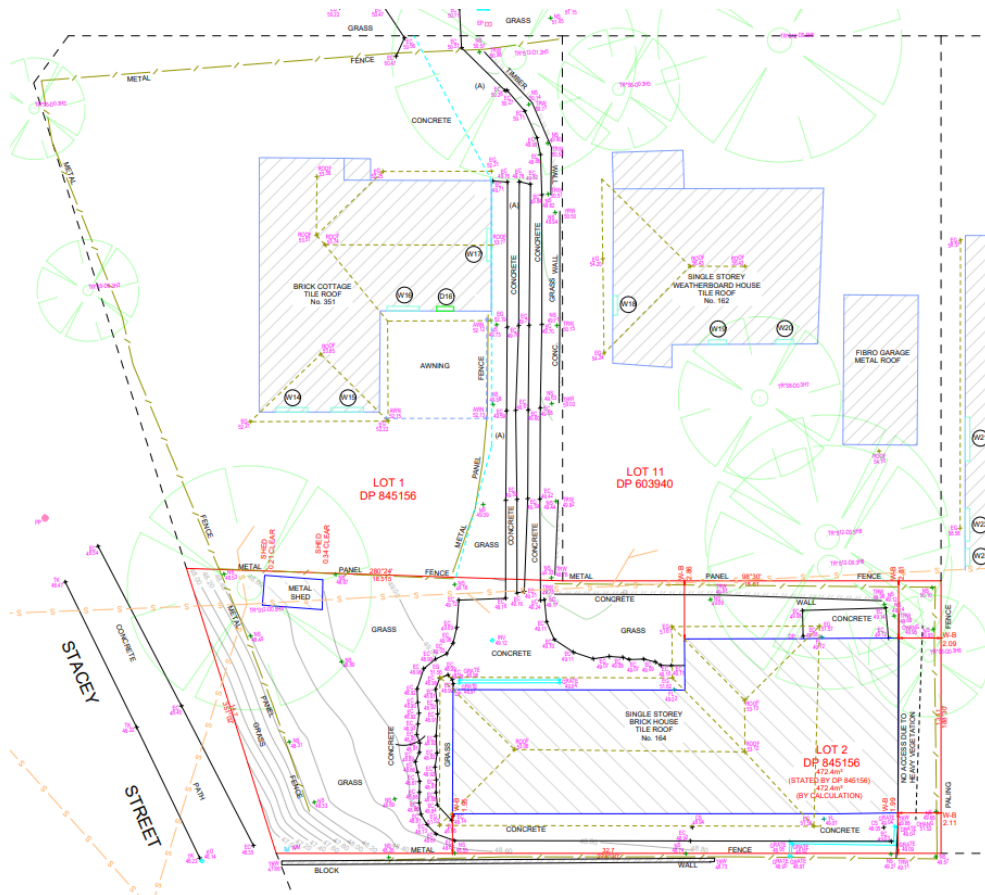


Figure 3: Survey Plan

Source: C&A Surveyors

The survey plan in Figure 1 depicts a right of carriageway over Lot 1 which benefits the subject site and will continue to be used for primary vehicle access.



Figure 4: Proposed Ground and First floor

Source: Prepared by FK

## LOCALITY DESCRIPTION

### 4. THE SUBJECT SITE

The site is legally known as Lot 2 DP 845156 and commonly referred to as 164 Greenacre Road, Bankstown. The allotment is regular in shape with a northern orientation, featuring a frontage to Stacey Street of 14.7m and 32.7m depth. These measurements equate to a site area of 472m<sup>2</sup> in total.

Current improvements to the allotment include detached dwelling with a metal shed, open hard stand and landscaping. Topographically, the site is level with no significant features. Vehicle and pedestrian access is via the right of carriageway and shared driveway accessed from Greenacre Road.

#### 4.1 Site Surrounds

A review of the surrounds and site visit indicates that the predominant developments within the vicinity are various styles and types of residential uses with interspaced variations in housing development divided up by and a generally consistent subdivision pattern.

##### 4.1.1 Northern Adjoining Property

The property to the north, known as Lot 11 DP 603940 and commonly referred to as 162 Greenacre Road, Greenacre. The allotment is regular irregular in shape with a site width of 19m and an overall size of 450m<sup>2</sup>. The site comprises a single level dwelling with dense vegetation surrounding it.

##### 4.1.2 North-eastern Adjoining Property



The property to the north-east of the subject site is known as Lot 1 DP 942915 and commonly referred to as 160 Greenacre Road, Greenacre. The allotment is a narrow, regular shape with a site width of 12 metres and an overall size of approximately 450m<sup>2</sup>.

The site comprises a red brick, two-storey dwelling with underground basement car parking.

#### 4.1.3 North-eastern Property

The property to the north-east of 160 Greenacre Road is known as Lot 531 DP 592730 and commonly referred to as 156 Greenacre Road, Greenacre. The allotment is a narrow, regular shape with a site width of 16 metres and an overall size of approximately 654m<sup>2</sup>.

The site comprises a red brick, two-storey dwelling with car parking at ground level.

### 5. SITE HISTORY

A review of Council records indicates the works have been undertaken without the required approvals.

### 6. CLAUSE 4.15 THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

#### 6.1 The Provisions of any Environmental Planning Instrument (EPI)

##### 6.1.1 State Environmental Planning Policy (Housing) 2021 Part 1 Secondary Dwellings

##### ***Division 2 Secondary dwellings permitted with consent***

##### ***52 Development may be carried out with consent***

- (1) Development to which this Part 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*
  - (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*
  - (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.*

The proposed secondary dwelling complies with the requirements set out under Part 1 Secondary Dwellings. The secondary dwelling is proposed within the existing building footprint to be divided by fire rated wall. Division 2 does not stipulate numerical controls pertaining to the position of the secondary dwelling. As such, a merit-based assessment is afforded to the use on the site.

##### 6.1.2 State Environmental Planning Policy (Resilience and Hazard)

#### Chapter 4 Remediation of Land

The aim of Chapter 4 within this policy is to promote the remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspect of the environment. Part 4.6 requires that consent not be granted until Council has considered whether the land is contaminated.

If the land is contaminated, the Council needs to be 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.

The subject site has historically been used as a residential allotment and not for any other purpose. No evidence of contamination was observed during inspection of the site. Thus, no further assessment is required in this regard.

#### 6.1.3 State Environmental Planning Policy (Biodiversity and Conservation) 2021 Chapter 2 Vegetation in Non-rural Areas

Chapter 2 of the Biodiversity and Conservation SEPP aims to ensure that the value of trees and other vegetation in non-rural area are protected. In accordance with the objectives of the chapter the clearing of native vegetation requires approval.

The proposed development requires the removal of one tree. The removal of this tree would be compensated for by replacement planting of a locally occurring species of a similar species.

Subject to replacement planting, the proposed development is considered acceptable with regards to assessment under Chapter 2 of the SEPP (Biodiversity and Conservation) 2021.

#### Chapter 6 Bushland in urban areas

Chapter 6 of the Biodiversity and Conservation SEPP aims to ensure that bushland is preserved within urban area. No significant bushland species or remanent plant communities are located on the site and property does not fall within the Biodiversity Value map area. Therefore, no further assessment is required in this regard.

#### Chapter 11 Georges River Catchment

Chapter 10 of the Biodiversity and Conservation SEPP aims to ensure that the catchment and waterways of Georges are protected and enhanced. In accordance with the objectives of the chapter the appropriate sediment and erosion control measures will be implemented during construction. Subject to these measures the aims of the chapter will be fulfilled.

#### 6.1.4 State Environmental Planning Policy BASIX 2004

BASIX certificates have been submitted in support of the application, demonstrating compliance with energy, thermal comfort and water requirements.

#### 6.1.5 Bankstown Local Environmental Plan 2012

The following elements of the LEP are applicable to the proposal:

#### PART 2 PERMITTED OR PROHIBITED DEVELOPMENT

The proposal is defined as:

- Ancillary to a *dwelling house*; and a
- *Secondary dwelling*

The works are identified as being permissible with development consent in the R2 Low Density Residential Zone.

The proposal for an additional first floor level is consistent with the aims and objectives of the R2 zone. The allowance of a two-storey dwelling is implied under the numerical development standards under the LEP which allows a maximum height of 9 metres for this site. As such, the application seeks to vary or delete the Restriction as to User outlined in Section 3 of this report.

#### PART 4 – PRINCIPAL DEVELOPMENT STANDARDS

STANDARD	REQUIRED	PROVIDED	COMMENT
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Building Height	9m	7.2	COMPLIES
Floor Space Ratio	0.5:1	0.51:1	Variation Sought

The application results in a minor variation to the floor space ratio. The variation pertains to the first-floor level which is proposed as part of this application over the ground floor building plate, resulting in a very minor increase in the permitted gross floor area.

## PART 5 MISCELLANEOUS PROVISIONS

### Clause 5.4 Controls relating to miscellaneous permissible uses

*(9) Secondary dwellings on land other than land in a rural zone 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—*

*(a) 60 square metres,*

*(b) 20% of the total floor area of the principal dwelling.*

The proposed secondary dwelling would equate to 39m<sup>2</sup> which complies with Clause 5.4 (9)(a).

### 6.2 The provisions of any Draft Environmental Planning Instrument (EPI)

There are no draft EPI's applicable to the subject site or proposed development.

### 6.3 The provisions of any Development Control Plan (DCP)

The following development control plan is applicable to the development.

#### 6.3.1 Bankstown Development Control Plan 2015 (Amended 2016)

The Bankstown Development Control Plan (DCP) applies to the land with the following chapters of relevance to the proposal. A review of the plans against the controls indicates the newly created sites can be developed in accordance with the development control plan.

## PART B1 – RESIDENTIAL DEVELOPMENT

### Section 2: Dwelling Houses

CONTROL	REQUIRED	PROVIDED	COMMENT	COMPLIES
Storey Limit	9m	7.2m – 2 Storeys	Complies	YES
Front Setback (western)	Ground Floor – 5.5m First Floor – 6.5m	5.5m 5.5m	See Discussion Below	ACCEPTABLE
Side Setback	0.9m	2.5m (Southern) 3m (Northern)	Complies	YES
Private open space	80m <sup>2</sup> 5m x5m	>90m <sup>2</sup>	Complies	YES
Sunlight Access	Min 3hrs sunlight to living area Min 3hrs for adjoining neighbour living area	Complies 9am-3pm no shadow on neighbours living area.	Complies Complies	YES YES

	Min 50% private open space	9am-midday no shadow on POS site and neighbours	Complies	YES
	Avoid shadow on solar facilities on site and neighbour	No solar facilities in close proximity	Complies	YES
Roof Pitch	Max. 35 degrees	< 35 degrees	Complies	YES
Landscaping	Minimum front 45%	30%	See discussion below	ACCEPTABLE

#### Front Setbacks:

The “front” is identified as the western boundary which is oriented to Stacey Street. In this instance as this front a main road no pedestrian or vehicle access is permitted from this frontage. As such this area is fenced and is treated as the private open space of the property. The setback variation is negligible and minor and only results from a minor encroachment of a balcony.

#### Private Open Space:

The private open space (POS) of the dwelling is contained within the western portion of the site which and also within a patio to the east. This area along with area in front of the dwelling itself to the northern and southern side can provide private open space as this property is a battle-axe style allotment which is bordered by 1.8 dividing fences. Furthermore, the secondary dwelling would have direct access to the patio to the west and share the remainder POS with the primary dwelling.

#### Visual Privacy:

The first floor living area is served by a window which only overlooks the adjoining neighbour’s driveway to the south, resulting in negligible privacy impacts. Another window serves this room is oriented to the north; however, it is setback 5 metres from the boundary resulting in minimal privacy impacts on neighbours to the north.

All other windows within the first-floor level serve non-habitable rooms such as the bedrooms and bathrooms. The first-floor balcony from bedroom 5 is narrow in shape and is not accessed from a habitable room therefore privacy impacts are negligible.

#### Car Parking:

The proposed carport would allow the site to have formalised parking in replacement of parking only on hardstand. The carport would comply with the Australian Standards in provided 2 spaces, allowing cars to enter and exit in a forward direction that is out of view from the streetscape.

#### Landscaping:

The relocation of the front fence allows the site to utilise more of the land for soft landscaping and private open space. Currently the occupants of the dwelling are unable to use land that is divided by the location of the western fence. As such, relocation of the structure and subsequent filling of the land will provide more usable landscaped area to the west of the dwelling. The landscaped area across the site is considered acceptable with respect to the size of the site.

#### Section 3: Secondary Dwellings

CONTROL	REQUIRED	PROVIDED	COMPLIES
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Minimum lot size	450m <sup>2</sup>	472m <sup>2</sup>	YES
Total Floor Area Primary and Secondary	236.2m <sup>2</sup>	244m <sup>2</sup>	Variation Sought
Total Floor Area Secondary dwelling	60m <sup>2</sup>	36m <sup>2</sup>	YES
Front Setback (western)	5.5m	5.5m	YES
Side Setback	0.9m	>2m	YES

#### 6.4 Planning agreements or draft planning agreements

There are no planning agreements or draft planning agreements submitted under Section 7.4.

#### 6.5 The Likely Impacts

##### Environmental

The assessment of the proposal has shown that any environmental impacts resulting from the proposal will be negligible. Regard is shown for the natural environment in terms of on-site management of stormwater and drainage, with appropriate measures incorporated into the overall design that operate in concert with the areas of landscaping provided. The proposal satisfies the requirements of both the natural and built environments.

##### Social

The proposal adds to the opportunities for an appropriate land use, allowing for a mix of residential typology within the appropriate R2 Zone. This allows a more diverse functionality across the entire property. The proposal is consistent with the social requirements in these regards.

##### Economic

The provision of the opportunity within this appropriately zoned locality, will allow a contribution to the increased longevity of the property and use on potential homeowners whilst showing regard for the requirements of this R2 Zone.

#### 6.6 Site Suitability

The site suitability is indicated by the appropriate land use being located within the appropriate R2 Zone. The proposal has demonstrated compliance with the standards and controls together with a consistency of all underlying objectives of both State and Local policies. The application is considered acceptable with regards to suitability of the site.

#### 6.7 Submissions

There have been no submissions received from any public person, private or Government Authorities at the time of the preparation of this report.

#### 6.8 The Public Interest

The public interest is served by the provision of the appropriate land use that is consistent with Local and State planning objectives. The land use responds at a strategic level to desired planning outcomes together with increased value of the property within the region and the Canterbury Bankstown LGA specifically. The proposal is consistent with the underlying objectives of the EP&A Act in that it is an appropriate and economical use of the available resource.

## CONCLUSION

### 7. CONCLUSION

This Statement of Environmental Effects has provided an assessment of the proposed works against the relevant provisions of the Bankstown Local Environmental Plan (BLEP), the subject site is located within the zone thus the proposal is therefore considered to satisfy the zone objectives at a strategic level.

The project, located within suburban Bankstown, offers an opportunity for the upgrading of the site which will provide for and contribute to the residential diversity in this precinct. The proposal has demonstrated consistency with the underlying objectives of the controls and compliance with the numerical standards

contained within both State and Local policies. We submit that the proposal is consistent with Councils expectations and there is no planning reason why this proposal should not be approved.