

**Statement of Environmental Effects  
And Clause 4.6 Request for a Variation to a Development Standard**

**For an  
Attached Dual Occupancy  
at**

**17 Mae Crescent**

**Panania**

**Prepared for Fairmont Homes NSW**

**Planning Outcomes Pty Ltd  
September 2022  
0417 467 509**



***Statement of Environmental Effects  
Proposed two storey dual occupancy  
17 Mae Crescent Panania  
Lot 27 DP224584***

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***1. Description of Proposal***

Attached dual occupancy.

**House 1:**

Ground Floor: Single garage, front porch, entry, powder room, linen press, laundry, dining room, kitchen with walk in pantry, living room and alfresco area.

First Floor: Master bedroom with adjoining front balcony and walk-in-robe and ensuite, sitting room, linen press, bathroom and two bedrooms each with a built in robe.

**House 2:**

Ground Floor: Single garage, front porch, entry, study, bedroom with built in robe, powder room, walk in linen press, laundry, kitchen with walk in pantry, dining room, living room and alfresco area.

First Floor: Master bedroom with adjoining front balcony and walk-in-robe and ensuite, sitting room, bathroom with separate toilet, linen press and two bedrooms each with a built in robe.

***2. Site Analysis***

The site is located on the south-western corner Mae Crescent and has a north-south orientation. The site has an irregular shape and narrows towards the rear. The site has a primary frontage to Mae Crescent of 19.2m and a secondary frontage to Mae Crescent of 31.56m. There is a corner splay of 5.1m. The site has a maximum depth of 33.465m and a rear boundary width of 10.15m. The site has an area of 557.9m<sup>2</sup>.

The site has a diagonal crossfall of approximately 1m from the front to the rear boundary. The site is surrounded by low density residential development. There is a public reserve, a motorway and an educational establishment nearby. The site is not bushfire or flood prone. The site contains an existing dwelling which will be demolished.

There are two trees, a conifer and Liquidambar at the front north-eastern corner of the site..



Subject site: 17 Mae Crescent Panania



Subject Site - 17 Mae Crescent Panania

### **3. State Policies**

#### **3.1 SEPP 55 - Remediation of Land**

As the site is located in an environmentally sensitive area, it is considered that the site is unlikely to be contaminated. For this reason, no further investigation is considered necessary.

#### **3.2 BASIX**

A BASIX Certificate has been lodged with the development application.

#### **3.3 State Environmental Planning Policy (Infrastructure) 2007**

*Section 102 Impact of road noise or vibration on non-road development*

- (1) This clause applies to development for any of the following purposes that is on land in or adjacent to the road corridor for a freeway, a tollway or a transitway or any other road with an annual average daily traffic volume of more than 20,000 vehicles (based on the traffic volume data published on the website of RMS) and that the consent authority considers is likely to be adversely affected by road noise or vibration:*
  - (a) residential accommodation,*
  - (b) a place of public worship,*
  - (c) a hospital,*
  - (d) an educational establishment or centre-based child care facility.*
- (2) Before determining a development application for development to which this clause applies, the consent authority must take into consideration any guidelines that are issued by the Secretary for the purposes of this clause and published in the Gazette.*
- (3) If the development is for the purposes of residential accommodation, the consent authority must not grant consent to the development unless it is satisfied that appropriate measures will be taken to ensure that the following LAeq levels are not exceeded:*
  - (a) in any bedroom in the residential accommodation—35 dB(A) at any time between 10 pm and 7 am,*
  - (b) anywhere else in the residential accommodation (other than a garage, kitchen, bathroom or hallway)—40 dB(A) at any time.*

The site is located in proximity to the M5 - South-Western Motorway. Internal noise levels will be required to comply with the above requirements of Clause S102(3) of the Infrastructure SEPP.

### **3.4 SEPP (Biodiversity and Conservation) 2021 - Chapter 11 Georges River Catchment**

The subject site is located within the catchment of the Georges River. Part 11.2 of the Plan contains planning principles that the consent authority must take into account when determining a development application. These include acid sulfate soils, land degradation, effluent disposal and urban/stormwater runoff.

It is considered that the proposed development will not have an adverse environmental impact on the Georges River Catchment for the following reasons:

- Acid Sulfate soils are Category 5 and an Acid Sulfate Soils Management Plan is not required;
- Sediment and erosion will be appropriately controlled during construction
- Stormwater will be appropriately controlled and managed on the site throughout the life of the project including water retention and re-use
- The site benefits from a reticulated sewerage system.

In conclusion, the proposed development is consistent with the aims and objective of the plan.

### **4. Bankstown LEP 2015**

The site is zoned Low Density Residential R2 and is considered to meet the objectives of the Residential R2 zone.

<b>LEP Standard</b>	<b>Compliance</b>
Zoning-R2	Dwelling house is permissible
Height- 9m	Complies - 7.947m
FSR - 0.5:1 278.95 m <sup>2</sup>	0.52:1 289.03m <sup>2</sup> Exceeds FSR limit by 10.08m <sup>2</sup> A variation of 3.6%
Minimum Lot Size - 450m <sup>2</sup>	Complies - 557.9m <sup>2</sup>
Heritage	Not in the vicinity of any heritage items.

It is considered that the proposed dwelling house is consistent with the objectives of the R2 Low Density Residential zone.

**Clause 4.6- Exceptions to Development Standards - Variation to Clause 4.4**  
**Floor space ratio**

**Bankstown Local Environmental Plan 2015**

**Clause 4.6 Exceptions to development standards**

- (1) *The objectives of this clause are as follows—*
- (a) to provide an appropriate degree of flexibility in applying certain development standards to particular development,*
  - (b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.*
- (2) *Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.*
- (3) *Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating—*
- (a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and*
  - (b) that there are sufficient environmental planning grounds to justify contravening the development standard.*
- (4) *Development consent must not be granted for development that contravenes a development standard unless—*
- (a) the consent authority is satisfied that—*
    - (i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and*
    - (ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and*
  - (b) the concurrence of the Planning Secretary has been obtained.*
- (5) *In deciding whether to grant concurrence, the Planning Secretary must consider—*
- (a) whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and*
  - (b) the public benefit of maintaining the development standard, and*

*(c) any other matters required to be taken into consideration by the Planning Secretary before granting concurrence.*

### Extent of Variation

The maximum floor space ratio permitted on the subject site is 0.5:1 (gross floor area 278.95m<sup>2</sup>). The proposed floor space ratio for the attached dual occupancy is 0.52:1 or 289.03m<sup>2</sup>. The proposal exceeds the maximum floor space ratio of 0.5:1 by 10.08m<sup>2</sup> a variation of 3.6%.

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

### Objectives of Zone

#### ***Zone R2 Low Density Residential***

##### ***1 Objectives of zone***

- *To provide for the housing needs of the community within a low density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To allow for certain non-residential 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.*

The proposed development is for an attached dual occupancy that complies with the objectives of the R2 zone as follows:

- The proposal involves construction of an attached dual occupancy on a site that contains an existing dwelling house which is to be demolished. The proposal remains a low density development which will provide for the housing needs of the community within a low density residential environment.
- The proposal is compatible with the existing character of the locality which includes dwelling houses surrounded by landscaped open space and within the environmental capacity of the site to sustain. New development is consistent with the existing setbacks to maintain the streetscape character.



- The proposal includes a soft landscaped area of approximately 40% of the site area including landscape gardens within the front and rear setbacks. This ensures that landscaping remains a key characteristic of the new development.
- The soft landscaped area provided is approximately 40% of the site area and twice that required to be provided under the provisions of the DCP and meets the objective of ensuring that landscape is a as a key characteristic in the low density residential environment.
- The minor variation to the floor space ratio development standard and full compliance with the height standard ensures that the additional floor area will not result in any significant increase in overshadowing to the properties.
- The proposal complies with impervious area and landscape area requirements of the DCP and is within the environmental capacity of the site to sustain. In addition, stormwater will be managed throughout the life of the project including water retention and reuse on site.
- The additional floor space above the floor space ratio limit does not have any adverse environmental impacts and will not impact on adjoining future developments.
- The proposal complies with the guidelines of the Bankstown DCP for privacy and solar access to adjoining properties and will have no unreasonable amenity impacts to neighbouring properties.

For the above reasons, is considered to be consistent with the objectives for development in the R2 Low Density Residential Zone.

## **Objectives of the Development Standard**

### **4.4 Floor space ratio**

#### **4.4 Floor space ratio**

*(1) The objectives of this clause are as follows—*

- (a) to establish the bulk and maximum density of development consistent with the capacity and character of the locality of a development site,*
- (b) to ensure the bulk of non-residential development in or adjoining a residential zone is compatible with the prevailing suburban character and amenity of the residential zone,*
- (c) to encourage lot consolidations in commercial centres to facilitate higher quality built form and urban design outcomes.*

The proposed development is consistent with the objectives of the floor space ratio standard because:

- The proposed dual occupancy is considered to be compatible in bulk and scale with other residences in the locality as the non-compliance with the FSR development standard is only minor at 10.08m<sup>2</sup>.
- The footprint of the building comprises 38.87% of the site area representing an appropriate correlation between the size of the site and the extent of development on the site.
- Approximately 40% of the site will be landscaped garden area ensuring that the proposal is consistent with the landscape character of the existing area.
- The proposed development is considered to be compatible with the character of the locality which provides for the housing needs of the community within low density residential developments surrounded by landscape gardens.
- The proposal because it complies with the DCP guidelines for setbacks, site coverage and private open space will have an appropriate visual relationship with the existing character of the surrounding residential area.
- The non-compliance with the maximum floor space ratio will not cause adverse impacts to adjoining development or the public domain with regard to visual impact, disruption of views, loss of privacy and loss of solar access.
- There are no heritage items or conservation areas in the vicinity of the subject site. The proposed dwelling house has been designed to suit the topography of the site and to maintain the scenic and visual quality of the area.

Whether the objectives of the standard and of the R2 Low Density Residential Zone are satisfied notwithstanding the non-compliance with the standard

As outlined above, the proposed development satisfies the objectives for development in the R2 Low Density Residential Zone and the objectives of the floor space ratio development standard.

Therefore, the proposed development will be in the public interest because it is consistent with the objectives of the development standard and the objectives for

development within the zone in which the development is proposed to be carried out.

#### Reasons in support of the exception

Clause 4.6(3) of the *Bankstown Local Environmental Plan 2015* states that development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:

- (a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and
- The site is uniquely located on a corner and narrows towards the rear. The site only adjoins two properties and one of these common boundaries has a length of only 10.15m. Therefore, given the unique characteristics of the site there will be minimal impacts to the two adjoining properties as a result of the minor variation to the floor space ratio development standard of 10.08m<sup>2</sup> can be justified in this case.
  - The proposed development complies with the *Bankstown Development Control Plan* requirements regarding landscaped area and impervious areas, confirming that the proposal is not an overdevelopment of the site.
  - As detailed above, the proposal satisfies the objectives of the development standard and the objectives for development in the zone.

It is therefore considered that compliance with the floor space ratio development standard is unreasonable and unnecessary in the circumstances of this case.

(b) that there are sufficient environmental planning grounds to justify contravening the development standard.

- The non-compliance is not readily perceivable from adjoining properties or from public domain.
- The non-compliance does not increase amenity impacts on future adjoining developments.

- The proposal causes minor overshadowing to adjoining properties during the winter solstice and complies with the requirements of the DCP for solar access.
- There will be no unreasonable amenity impacts to neighbouring properties with regard to view loss, visual bulk, privacy or overshadowing as a result of the minor variation to the floor space ratio development standard.
- The proposed development provides soft landscaping for 40% of the site area allowing sufficient area for stormwater infiltration and vegetation planting to provide shade. The proposed development is within the environmental capacity of the site to sustain.
- Stormwater overflow will be disposed of to Council's requirements and earthworks comply with the guidelines provided in the Bankstown DCP.

It is therefore considered that there are sufficient environmental planning grounds to justify contravening the development standard in the circumstances of this case.

### **3.4 Conclusion**


As required by Clause 4.6(3) and (4) this written justification adequately demonstrates that:

- compliance with the development standard is unreasonable or unnecessary in the circumstances of the case; and
- there are sufficient environmental planning grounds to justify contravening the development standard; and,
- the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed;
- the concurrence of the Secretary is likely to be forthcoming because there is no identified outcome which would be prejudicial to planning matters of state or regional significance that would result as a consequence of varying the development standard and there are no additional matters which would indicate there is any public benefit of maintaining the development standard in the circumstances of this case.

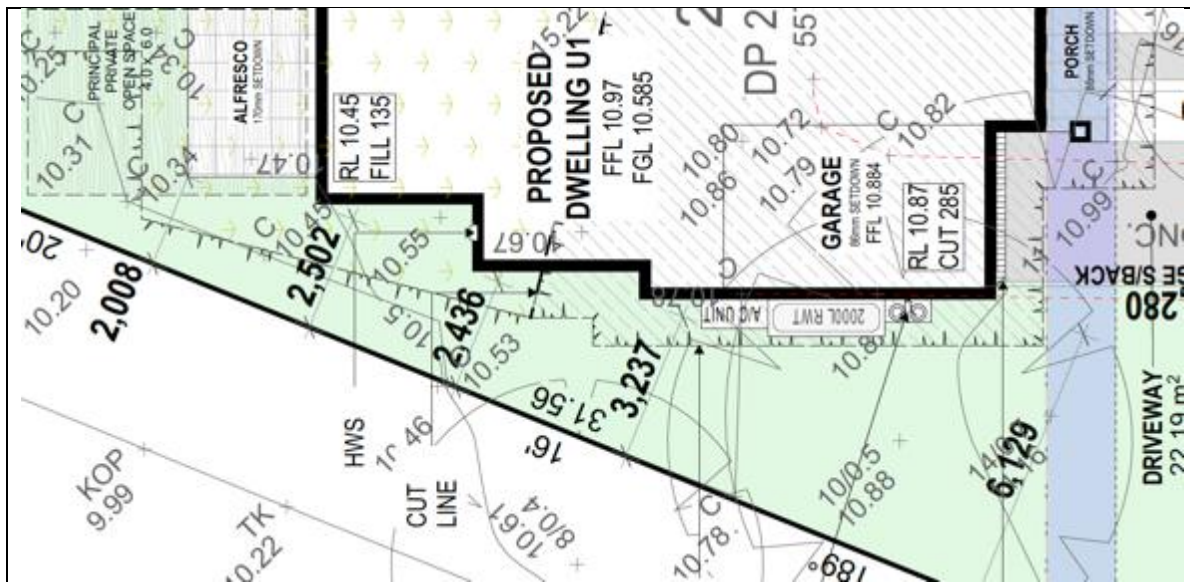
## 5. Bankstown DCP 2015

### Table of Compliance

Design Element or Item	Minimum Standard or Control
Front Setback	<ul style="list-style-type: none"> <li>• Minimum 5.5m primary setback for first storey (ground floor).</li> <li>• Minimum 6.5m primary setback for second storey.</li> </ul> <p>NOTE: Front setback is measured to the wall of the dwelling.</p> <p><i>Both dwellings have a front setback of 6.2m to the ground floor and first floor wall, excluding the porch/first floor balcony. The garage is setback 7.28m.</i></p> <p><i>There is a non-compliance of 300mm with the front setback requirement to the front wall for the first floor only.</i></p> <p><u>Planning Justification</u></p> <p><b>Dual Occupancy Objectives</b></p> <p>(a) To ensure lot sizes provide adequate space for dwellings, setbacks to adjoining residential land, landscaped areas, open space, driveways, vehicle manoeuvring areas and the like.</p> <p>(b) To ensure the building form, building design and landscaping of dual occupancies are compatible with the prevailing suburban character of the residential areas, particularly the single dwelling suburban character of the low density residential areas.</p> <p>(c) To ensure the building form and building design of dual occupancies provide appropriate amenity to residents in terms of private open space, access to sunlight and privacy.</p> <p>(d) To ensure the building form and building design of dual occupancies do not adversely impact on the amenity of neighbouring properties in terms of visual bulk, access to sunlight and privacy.</p> <p>(e) To ensure the building form of dual occupancies in the foreshore protection area preserves the existing topography,</p>

	<p>land and rock formations, and the unique ecology of natural bushland and mangrove areas.</p> <p>(f) To minimise the visual impact of off-street parking on the streetscape.</p> <p><i>It is considered that the proposed front setback to the first floor will not adversely impact the streetscape as the non-compliance applies to only a small section of wall. Most of the first floor setback at 6.2m comprises an open balcony. This is shown in the plan below:</i></p>  <p><i>It is considered that the building form and building design including the proposed front setback is compatible with the prevailing suburban character of the low density residential area notwithstanding the numerical non-compliance.</i></p>
Side Setback	<p><u>1 or 2 storey</u></p> <p>For wall heights less than or equal to 7m - 0.9m minimum side setback</p> <p>For wall heights &gt;7m - 1.5m minimum side setback</p> <p><i>Wall heights are &lt;7m. Dwelling 2 has a minimum side setback of 1m to the ground floor and 1.6m to the first floor. Complies.</i></p>
Corner Lot Setback	<p>Minimum secondary setback of 3m to dwelling wall and 5.5m to the garage.</p> <p><i>Garage is on the primary street.</i></p> <p><i>Minimum setback to Dwelling 1 is mostly &gt;3m, however due to the irregular lot shape, there is a small part of the</i></p>

	<p><i>secondary street frontage which has a setback of less than 3m.</i></p> <p><b>Dual Occupancy Objectives</b></p> <p>(a) To ensure lot sizes provide adequate space for dwellings, setbacks to adjoining residential land, landscaped areas, open space, driveways, vehicle manoeuvring areas and the like.</p> <p>(b) To ensure the building form, building design and landscaping of dual occupancies are compatible with the prevailing suburban character of the residential areas, particularly the single dwelling suburban character of the low density residential areas.</p> <p>(c) To ensure the building form and building design of dual occupancies provide appropriate amenity to residents in terms of private open space, access to sunlight and privacy.</p> <p>(d) To ensure the building form and building design of dual occupancies do not adversely impact on the amenity of neighbouring properties in terms of visual bulk, access to sunlight and privacy.</p> <p>(e) To ensure the building form of dual occupancies in the foreshore protection area preserves the existing topography, land and rock formations, and the unique ecology of natural bushland and mangrove areas.</p> <p>(f) To minimise the visual impact of off-street parking on the streetscape.</p> <p><i>Due to the irregular shaped lot there is a non-compliance with the minimum secondary setback of 3m. However, the building has an articulated façade that is consistent with the shape of the site and there will be no adverse amenity impacts as a result of the non-compliance.</i></p> <p><i>The proposed setback provides for landscaping within the secondary setback to ensure the building form, building design and landscaping of the dual occupancy is compatible with the prevailing suburban character of the residential areas, particularly the single dwelling suburban character of the low density residential areas, notwithstanding the numerical non-compliance.</i></p>



## Secondary setback to Mae Crescent

Rear Setback	<p>The setback to the rear boundary of an allotment should complement the rear building alignment of any adjoining dwelling house and dual occupancy.</p> <p><i>The minimum proposed rear setback is 3.035m to Dwelling 2.</i>  <i>Complies.</i></p>
Height Limit	<p>Maximum height is 2 storeys. The maximum roof pitch is 35 degrees.</p> <p><i>Both dwellings are two storey.</i>  <i>Maximum roof pitch is 12 degrees.</i>  <i>Complies</i></p>
Site Coverage	<p>For dual occupancy, site coverage (total impervious surfaces) is not to exceed 66%. If the site coverage (total impervious surfaces) is more than 66% then on site detention is required for a dual occupancy.</p> <p><i>Total impervious area is approximately 60% of the site area.</i>  <i>Complies.</i></p>
Design Requirements	<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>



- (b) The street facade of dual occupancies (attached) or dual occupancies (detached) incorporate architectural elements that are compatible with the asymmetrical appearance of neighbouring dwelling houses, particularly where a pattern is established by a group of adjoining dwelling houses; and
- (c) The front porch and one or more living area or bedroom windows to each dwelling face the street; and
- (d) the garage, driveway and front fence do not dominate the front of the building and front yard; and
- (e) the two dwellings on a corner allotment each face a different frontage.

*The two dwellings both face the same street, due to the irregular lot shape. Both garages on the primary frontage will be 1m behind the main dwelling and have a balcony on top so that they do not dominate the dwelling. The location of the garages will not adversely impact the landscaping within the front setback or amenity of the dwellings or the visual impact on the streetscape*



*The street facade of the dual occupancies (attached) adopt an asymmetrical design to provide each dwelling with an individual identity when viewed from the street as required by the DCP.*

*It is considered that the design of the attached dual occupancy complies with the objectives below:*

#### **Dual Occupancy Objectives**

	<p>(a) To ensure lot sizes provide adequate space for dwellings, setbacks to adjoining residential land, landscaped areas, open space, driveways, vehicle manoeuvring areas and the like.</p> <p>(b) To ensure the building form, building design and landscaping of dual occupancies are compatible with the prevailing suburban character of the residential areas, particularly the single dwelling suburban character of the low density residential areas.</p> <p>(c) To ensure the building form and building design of dual occupancies provide appropriate amenity to residents in terms of private open space, access to sunlight and privacy.</p> <p>(d) To ensure the building form and building design of dual occupancies do not adversely impact on the amenity of neighbouring properties in terms of visual bulk, access to sunlight and privacy.</p> <p>(e) To ensure the building form of dual occupancies in the foreshore protection area preserves the existing topography, land and rock formations, and the unique ecology of natural bushland and mangrove areas.</p> <p>(f) To minimise the visual impact of off-street parking on the streetscape.</p>
Landscape and Open Space Requirements	<p>For a dual occupancy: 80sqm minimum private open space. The private open space must be provided as a single space with a minimum width of 5m.</p> <p><i>Each dwelling has 24m<sup>2</sup> of Private Open Space with minimum dimensions of 6m x 4m.</i></p> <p><i>Total private Open Space;</i></p> <p><i>Dwelling 1: approximately 50m<sup>2</sup> of POS</i></p> <p><i>Dwelling 2: approximately 50m<sup>2</sup> of POS</i></p> <p><b>Dual Occupancy Objectives</b></p> <p>(a) To ensure lot sizes provide adequate space for dwellings, setbacks to adjoining residential land, landscaped areas, open space, driveways, vehicle manoeuvring areas and the like.</p> <p>(b) To ensure the building form, building design and landscaping of dual occupancies are compatible with the prevailing suburban character of the residential areas, particularly the single dwelling suburban character of the low density residential areas.</p>

	<p>(c) To ensure the building form and building design of dual occupancies provide appropriate amenity to residents in terms of private open space, access to sunlight and privacy.</p> <p>(d) To ensure the building form and building design of dual occupancies do not adversely impact on the amenity of neighbouring properties in terms of visual bulk, access to sunlight and privacy.</p> <p>(e) To ensure the building form of dual occupancies in the foreshore protection area preserves the existing topography, land and rock formations, and the unique ecology of natural bushland and mangrove areas.</p> <p>(f) To minimise the visual impact of off-street parking on the streetscape.</p> <p><i>Due to the site constraints, it is not possible to achieve a minimum of 80m<sup>2</sup> of private open space for each dwelling. However each dwelling achieves a minimum of 50m<sup>2</sup> private open space directly accessible to the internal living areas for each dwelling.</i></p> <p><u>Landscaping</u> A minimum of 45% of the area between the dual occupancy and the primary frontage and secondary frontage where applicable, must be landscaped by way of trees, shrubs, ground cover and grass planting (this does not include the car parking area, driveway and paths).</p> <p><i>Complies.</i></p>
Energy Efficiency	<p>All new dwellings require a Basix Certificate.</p> <p><i>Complies.</i></p>
Overshadowing	<p>The windows to at least one living area of the dwelling and adjoining dwellings must receive at least 3 hours of sunlight between 8am and 4pm on 21 June. <i>Complies.</i></p> <p>A minimum 50% of the private open space for adjoining dwellings on an allotment must receive at least 3 hours of sunlight between 9am and 5pm on 21 June.</p> <p><i>Shadow diagrams have been provided showing that solar access to any front facing and side facing living area</i></p>

	<p>windows at 17 Mae Crescent and the adjoining dwelling will be available for up to three hours between 9am and 5pm during the winter solstice.</p> <p>50% of the adjoining dwelling’s private open space and adjoining private open space will receive 3 hours of sunlight between 9am and 5pm on 21<sup>st</sup> June.</p> <p>Complies.</p>						
Stormwater	<p>If the site coverage (total impervious surfaces) is more 66% then on site detention is required for dual occupancy.</p> <p>Site coverage is approximately 57% of the site area. A 2,000L tank is proposed for stormwater collection and re-use for each dwelling. Excess stormwater is to be disposed of according to Council requirements.</p> <p>Complies.</p>						
Parking	<p><u>Car parking spaces</u></p> <ul style="list-style-type: none"><li>• 1 car space per 2 or less bedrooms;</li><li>• 2 car spaces per 3 or more bedrooms.</li></ul> <table><tr><td></td><td>Single Garage</td><td>Double Garage</td></tr><tr><td>Minimum Internal Garage Dimensions</td><td>3m (width) x 5.5m (length) Note: clear opening of 2.4m between doorjambes).</td><td>5.4m (width) x 5.5m (length) Note: clear opening of 4.8m between doorjambes).</td></tr></table> <p>Car parking spaces should be located behind the building line however Council will permit one car parking space forward of the building line if:</p> <ul style="list-style-type: none"><li>• it is uncovered and located in a stacked arrangement on the driveway in front of the covered car parking spaces; and</li><li>• the covered car parking space is setback a minimum 6m from the primary and secondary frontages.</li></ul>		Single Garage	Double Garage	Minimum Internal Garage Dimensions	3m (width) x 5.5m (length) Note: clear opening of 2.4m between doorjambes).	5.4m (width) x 5.5m (length) Note: clear opening of 4.8m between doorjambes).
	Single Garage	Double Garage					
Minimum Internal Garage Dimensions	3m (width) x 5.5m (length) Note: clear opening of 2.4m between doorjambes).	5.4m (width) x 5.5m (length) Note: clear opening of 4.8m between doorjambes).					

	<p><i>The proposal contains a single garage for each dwelling. There is room for an additional parking space on the driveway.</i></p> <p><i>Garage width of Dwelling 1 is 3.6m x 5.86m.</i> <i>Garage width of Dwelling 2 is 3.72m x 6.35m.</i> <i>Complies.</i></p>											
Access	<table><tr><th>Maximum Gradient</th><th>Straight Ramps &gt; 20m</th><th>Straight Ramps up to 20m</th></tr><tr><td>Private or Residential Car Parks</td><td>1 in 5 (20%)</td><td>1 in 4 (25%)</td></tr><tr><td>Domestic Driveways</td><td>1 in 4 (25%)</td><td>1 in 4 (25%)</td></tr></table> <p>Minimum 3m driveway width.</p> <p><i>Each driveway is 3m.</i> <i>Dwelling 1 has a driveway length of 7.28m with a maximum gradient of 5.06%</i>  <i>Dwelling 2 has a driveway length of 7.28m with a maximum gradient of 4.09%.</i> <i>Complies.</i></p>			Maximum Gradient	Straight Ramps > 20m	Straight Ramps up to 20m	Private or Residential Car Parks	1 in 5 (20%)	1 in 4 (25%)	Domestic Driveways	1 in 4 (25%)	1 in 4 (25%)
Maximum Gradient	Straight Ramps > 20m	Straight Ramps up to 20m										
Private or Residential Car Parks	1 in 5 (20%)	1 in 4 (25%)										
Domestic Driveways	1 in 4 (25%)	1 in 4 (25%)										
Privacy and Noise	<p><u>Privacy</u></p> <p>The windows of proposed dwellings that directly look into the living area/bedroom windows of an adjoining dwelling must:</p> <ul style="list-style-type: none"><li>• Offset the windows to minimize overlooking.</li><li>• Have a minimum sill height of 1.5m above floor level or</li><li>• Have fixed obscure glazing to a minimum height of 1.5m above floor level or</li><li>• Use another form of screening to the satisfaction of Council</li></ul> <p>The outlook from a window of a proposed dwelling looking directly into the private open space of another dwelling does not require screening where:</p> <ul style="list-style-type: none"><li>• The window is to a bathroom, bedroom, toilet, laundry, storage room or other non-habitable room;</li></ul>											

	<ul style="list-style-type: none"> <li>Window has a minimum sill height of 1.5m above floor level or translucent glazing to a minimum height of 1.5m above floor level;</li> <li>The window is designed to prevent overlooking of more than 50% of the private open space of a lower level or neighbouring dwelling.</li> </ul> <p><i>The living areas are located on the ground floor with one living area, a sitting room, on the first floor for each dwelling.; the window of this room for Dwelling 1 has views over the street and the window of this room for Dwelling 2 has a narrow and high window to maximise privacy and prevent overlooking.</i></p> <p><i>Windows on the first floor are mainly for bedrooms and bathrooms, which do not require screening. The first-floor balconies for both dwellings face the street.</i></p> <p><i>All windows from the ground floor will be partially screened from the fence.</i></p> <p><i>Complies.</i></p>
Safety (security)	<p>The front porch to a dwelling house must face the street. <i>Complies.</i></p> <p>A window to the living area or bedroom of a dwelling house must face the street. <i>Complies.</i></p>
Cut & Fill	<p>Maximum 500mm of cut and 500mm of fill permitted.</p> <p><i>Dwelling 1:</i> <i>Maximum Cut - 285mm</i> <i>Maximum Fill - 135mm</i></p> <p><i>Dwelling 2:</i> <i>Maximum Cut - 125mm</i> <i>Maximum Fill - 275mm</i></p> <p><i>Complies.</i></p>

## 6. Matters for Consideration Pursuant to Section 4.15 (79C) of the Environmental Planning and Assessment (Amendment) Act, 1997

**(a) The provisions of:**

- (i) Any environmental planning instrument;**
- (ii) Any draft environmental planning instrument**
- (iii) Any planning agreement**
- (iv) Any development control plan;**
- (v) Any matters prescribed by the regulations**
- (vi) Any coastal management plans that apply to the land to which the development application relates.**

The subject site at 17 Mae Crescent Panania is zoned Residential R2 and the proposed dual occupancy is a permissible use under the provisions of the *Bankstown Local Environmental Plan 2015*. The proposed dual occupancy complies with the development standards contained within the *Bankstown LEP 2015* apart from the floor space ratio. A written request for a variation to the floor space ratio development standard has been submitted under Clause 4.6 of the LEP. The proposed dual occupancy complies with the guidelines for development contained in the *Bankstown Development Control Plan 2015*. Any non-compliances with the numerical requirements of the DCP are considered to be minor and justified in the table above.

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

- It is considered that the proposed development will not have an adverse impact on the environment.
- Stormwater will be disposed of according to Council requirements and sedimentation will be appropriately controlled during construction.
- It is considered that the potential impact of the proposed development in terms of privacy and solar access to adjoining residences is reasonable;
- The social and economic impacts of the development are considered minor due to the size of the development proposal.

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

- The site is considered suitable for the construction of a two storey dual occupancy and has no major environmental constraints to development.

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

- The development will be subject to Council's Notification Policy

**(e) The public interest**

- The proposed development will make a positive contribution to the existing housing stock and is recommended for approval.