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# STATEMENT OF ENVIRONMENT EFFECTS

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38 Windsor Avenue Croydon Park NSW 2133  
August 2023

## CONTENTS

<b>EXECUTIVE SUMMARY .....</b>	<b>2</b>
<b>DESCRIPTION OF PROPOSAL .....</b>	<b>4</b>
<b>SITE &amp; LOCALITY .....</b>	<b>5</b>
<b>CONSIDERATION OF RELEVANT PLANNING DOCUMENTS.....</b>	<b>5</b>
State Environmental Planning Policy - BASIX.....	5
State Environmental Planning Policy No. 55.....	5
Canterbury-Bankstown Local Environmental Plan 2023 .....	5
Canterbury-Bankstown Development Control Plan 2023.....	8
<b>SITE SUITABILITY.....</b>	<b>10</b>
<b>CONCLUSION .....</b>	<b>11</b>
<b>RECOMMENDATION.....</b>	<b>11</b>

August 2023

## Statement of Environment Effects

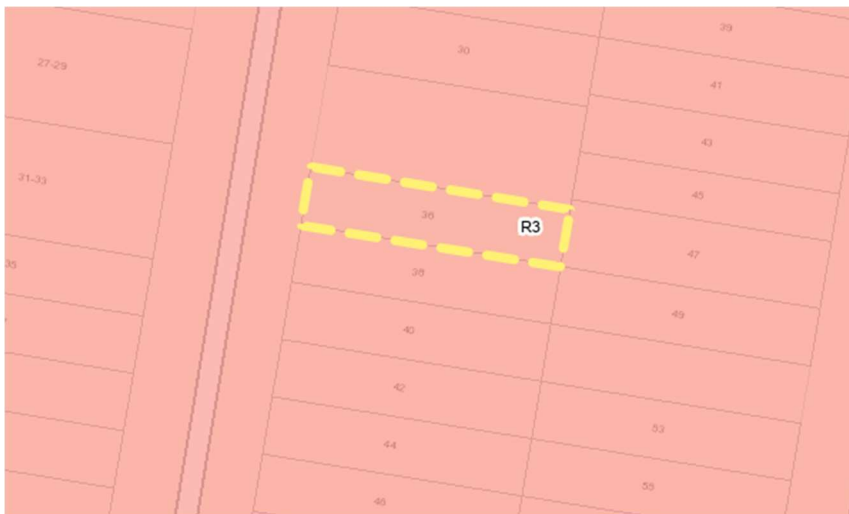
38 Windsor Avenue Croydon Park NSW 2133

### EXECUTIVE SUMMARY:

This Statement of Environmental Effects is prepared in support of a Development Application for the proposed detached secondary dwelling + garage 38 Windsor avenue Croydon park

This site is located within an established low density residential area. This site is zoned R3 Medium Density as per the Canterbury Local Environmental Plan 2023.

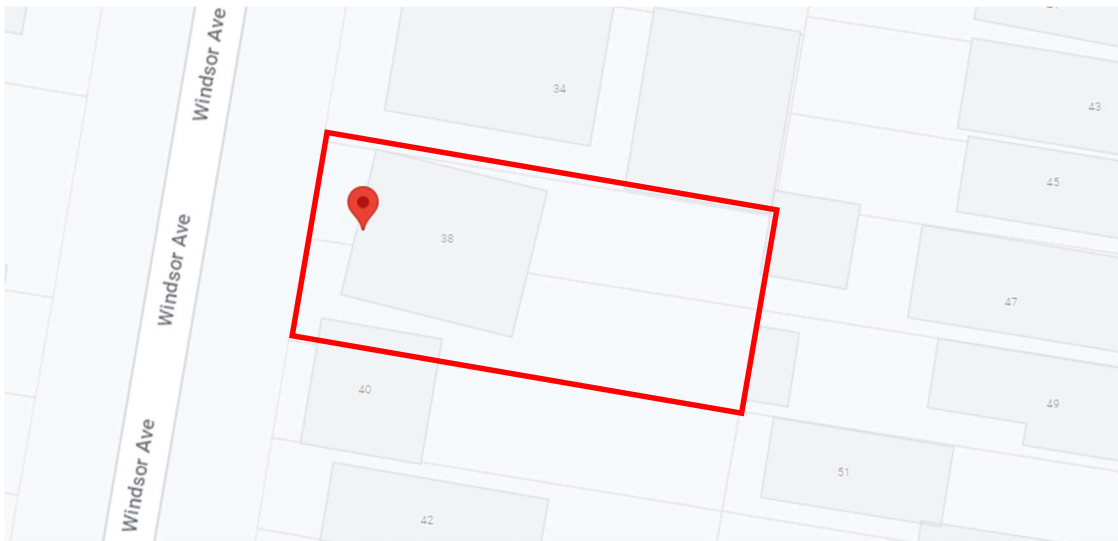
Refer to the below images illustrating the context and zoning of the site:



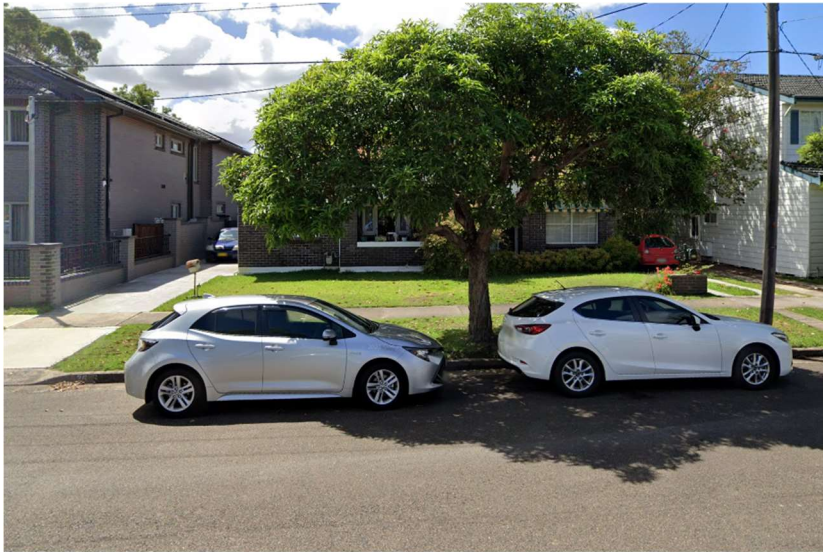
**IMAGE 1:** Extract from NSW planning portal



**IMAGE 2:** Subject Site - Aerial Map (GoogleEarth)



**IMAGE 3:** Subject Site – Street Map (Google Maps)



**IMAGE 4:** Subject Site – Street View (Google Street View)

#### DESCRIPTION OF PROPOSAL:

The subject Development Application seeks approval for the detached secondary dwellings + garages for 36 & 38 Windsor avenue Croydon Park

Secondary Dwellings are consistent with the permissibility of Canterbury-Bankstown LEP 2023

The design of the proposed development incorporates contemporary architectural aesthetics that relates to developments along the streetscape while remaining sympathetic to the character and nature of the area.

The proposal is to consist of:

#### #38

Living
Kitchen
Laundry
Bathroom
Bedroom X2
Porch
Attached Garage
Storage Area
Rainwater Tank

Additionally, open space, bin area withing basement, clothes drying area, landscaping and internal passageways including stairs, pathways and vehicular access is to be provided at ground level.

Architectural plans, BASIX certificates, Cost Summary Report and the Waste management plans, for the proposal have been prepared by Astley Homes, while the below listed reports have been prepared by suitable qualified consultants:

1. Stormwater Concept Plan

Design consideration has been given to the scale, size and form of the proposal in relation to the unique characteristics of the site, as well as other developments and the existing character of the area. Design considerations has also been given to residential amenity including aspects such as privacy and solar access for both future residents of the proposal and those of surrounding properties.

## SITE & LOCALITY:

The subject site is known as 36 & 38 Windsor Avenue Croydon Park, within an established R3 Medium Density Residential area. Both lots are equally 455m<sup>2</sup> each.

A Semi-detached dual occupancy currently exist on site.

The locality consists of medium density residential dwellings of mixed age and architectural style varying from single storey and two storey residential dwellings is nearby a business park, local centres, and community facilities. The site is bound by residential uses to the North, East, & West.

There are no heritage restrictions on the site or within immediate proximity.

## CONSIDRATION OF RELEVANT PLANNING DOCUMENTS:

The following summarises the relevant planning controls applicable to the proposal and its compliance with each.

1. **State Environmental Planning Policy – BASIX**

The application has been assessed and is accompanied by a complying BASIX report. See attached BASIX report for detail.

2. **State Environmental Planning Policy No. 55 – Contaminated Land**

Given the historical use of this site as residential land, land contamination is not likely. Further investigation and reporting under SEPP 55 is not considered necessary. If any contaminated material or suspected contaminated material is unearthed during the construction process, then actions consistent with the legislative requirements and guideline documents will be undertaken.

3. **CANTERBURY-BANKSTOWN LOCAL ENVIRONMENTAL PLAN 2023**

The subject site is zoned R3 Low Medium Residential under the provisions of Canterbury-Bankstown Local Environmental Plan 2023. The proposed development defined as 'Secondary Dwelling' and is permissible with Council's development consent. Please see below definition of Secondary dwelling under the Canterbury-Bankstown LEP 2023:

**Secondary dwelling** means a self-contained dwelling that—

- (a) is established in conjunction with another dwelling (the **principal dwelling**), and
- (b) is on the same lot of land as the principal dwelling, and
- (c) is located within, or is attached to, or is separate from, the principal dwelling.

The development proposal is also consistent with the prescribed zone objections which are stipulated as:

### **Zone R3 Medium Density Residential**

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

- *To provide for the housing needs of the community within a medium density residential environment.*
- *To provide a variety of housing types within a medium density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To allow for certain non-residential uses that are compatible with residential uses and do not adversely affect the living environment or amenity of the area.*
- *To allow for development that provides a suitable visual transition between high density residential areas and low density residential areas.*
- *To ensure suitable landscaping in the medium density residential environment.*
- *To minimise conflict between land uses within this zone and land uses within adjoining zones.*
- *To allow for increased residential density in accessible locations to maximise public transport patronage and encourage walking and cycling.*
- *To promote a high standard of urban design and local amenity.*

The relevant LEP Controls have been considered in the following compliance table.

<b>Canterbury-Bankstown Local Environmental Plan 2023 – Compliance Table</b>			
<b>CLAUSE</b>	<b>CONTROLS</b>	<b>COMMENT</b>	<b>COMPLIES</b>
<b>Zoning</b>	Zoning – R3 – Low Density Residential	Development for the purpose of ‘ <i>Secondary Dwelling</i> ’ is identified as being permissible with Council consent in the R3 – Medium Residential zone.	YES
<b>Part 2 – Permitted or Prohibited Development</b>			
<b>2.3</b>	Zone Objectives and Land Use Table	The proposal is consistent with the zone objectives of the R3 – Medium Density Residential zone. Most notably the proposal will contribute to the provision of low density housing.  The shadow, solar and amenity impacts on the neighbouring properties are consistent with the desired low density character of the area.	YES
<b>2.6</b>	Subdivision – Consent Requirements	N/A	N/A
<b>2.7</b>	Demolition Requires Consent	Council consent is sought for the demolition of 6 trees, and a small shed	YES
<b>Part 4 – Principal Development Standards</b>			
<b>4.1</b>	Minimum Lot Sizes	Lot is greater than 450sqm	YES
<b>4.3</b>	Height of Buildings	A maximum building height of 9m. the proposed dwelling is less than 9m	YES

<b>4.4</b>	Floor Space Ratio	A maximum floor space ratio of 0.5:1 is allowed. The proposal for both lots is less than 0.5:1	YES
<b>Part 6 – Miscellaneous Provisions</b>			
<b>6.1</b>	Acid Sulphate Soils	The subject site class 4 Acid sulphate	N/a
<b>6.2</b>	Earthworks	No Cut & fill is proposed.	N/A
<b>6.4</b>	Biodiversity	The subject site is not identified as containing terrestrial and aquatic biodiversity. Not applicable	N/A

4. **Canterbury-Bankstown Development Control Plan 2023**

5.

The relevant DCP controls have been considered in the following compliance table.

<b>Canterbury-Bankstown Development Control Plan 2023 – Compliance Table</b>			
<b>SECTION 7</b>	<b>REQUIREMENT</b>	<b>POPOSED</b>	<b>COMPLIES</b>
<b>01</b>	To ensure that land to be developed is of an adequate size and shape to accommodate development whilst providing adequate amenity for occupants of the site and surrounds.	The land developed appears to accommodate the proposed development while maintain adequate amenity to all occupants.	YES
<b>02</b>	To ensure there is adequate area for vehicle access and parking	Adequate area for vehicular access is proposed	YES
<b>03</b>	To ensure sites have sufficient dimensions to accommodate adequate landscaped open spaces.	The proposed development maintains sufficient landscaped area and private open space	YES
<b>C1</b>	Where a development application to Council is made for a secondary dwelling, the minimum frontage required for secondary dwellings will be considered on merit taking into consideration compliance with Canterbury City Council's Secondary Dwelling (Granny Flat) Policy (adopted on 15 October 2009 by CDC Minute 295).	Subject site has a site frontage of 10m. We seek councils assessment to be assessed on merit with consideration of neighbouring properties.	Councils assessment to be considered on merit.
<b>C2</b>	All development applications for secondary dwellings will be assessed against schedule 1 of the ARH SEPP 2009.	Please see schedule below.	

**Schedule 1 of the ARH SEPP 2009**



<b>Part 2</b>	<b>REQUIREMENT</b>	<b>POPOSED</b>	<b>COMPLIES</b>
<b>2 - Lot Requirements</b>	<p>Development for the purposes of a secondary dwelling or ancillary development may only be carried out on a lot that—</p> <p>(a) at the completion of the development will have only one principal dwelling and one secondary dwelling, and</p> <p>(b) if it is not a battle-axe lot, has a boundary with a primary road, measured at the building line, of at least the following—</p> <p>(i) 12 metres, if the lot has an area of at least 450 square metres but not more than 900 square metres,</p> <p>(ii) 15 metres, if the lot has an area of more than 900 square metres but not more than 1500 square metres,</p> <p>(iii) 18 metres, if the lot has an area of more than 1500 square metres, and</p> <p>(c) if it is a battle-axe lot, has an access laneway of at least 3 metres in width and measuring at least 12 metres by 12 metres, excluding the access laneway.</p> <p>(2) A lot on which a new secondary dwelling is erected must have lawful access to a public road.</p>	Both Subject sites (36 & 38) have lot areas of 455sqm each & frontages of 10m each. All requirements of the dwelling section of canterbury-Bankstown DCP have been met. We see no issues with the site frontage of both lots	Considered on merit
<b>3- Site Coverage</b>	<p>(1) The site coverage of the principal dwelling, secondary dwelling and all ancillary development on a lot must not be more than the following—</p> <p>(a) 50 per cent of the area of the lot, if the lot has an area of at least 450 square metres but not more than 900 square metres,</p> <p>(b) 40 per cent of the area of the lot, if the lot has an area of more than 900 square metres but not more than 1500 square metres,</p> <p>(c) 30 per cent of the area of the lot, if the lot has an area of more than 1500 square metres.</p>	Site Coverage is less than 50%	YES
<b>4 – Max Floor Area</b>	(1) The floor area of a secondary dwelling (excluding	The proposed floor area is 158sqm	YES

	<p>any ancillary development) must not be more than 60 square metres or, if a greater floor area is permitted in respect of a secondary dwelling on the land under another environmental planning instrument, that greater floor area.</p> <p>(2) The floor area of a principal dwelling, secondary dwelling and any carport, garage, balcony, deck, patio, pergola, terrace or verandah attached to either dwelling and enclosed by a wall (other than the external wall of a dwelling) higher than 1.4 metres above the floor level on a lot must not be more than the following—</p> <p>(a) 330 square metres, if the lot has an area of at least 450 square metres but not more than 600 square metres,</p>		
<p><b>5 – Setbacks and maximum floor area for balconies, decks, patios, terraces and verandahs</b></p>	<p>(1) The total floor area of all balconies, decks, patios, terraces and verandahs on a lot must not be more than 12 square metres if—</p> <p>(a) any part of the structure is within 6 metres from a side, or the rear, boundary, and</p> <p>(b) the structure has any point of its finished floor level more than 2 metres above ground level (existing).</p> <p>(2) The balcony, deck, patio, terrace or verandah must not have any point of its finished floor level—</p> <p>(a) if it is located within 3 metres of a side, or the rear, boundary—more than 2 metres above ground level (existing), or</p> <p>(b) if it is located more than 3 metres but not more than 6 metres from a side, or the rear, boundary—more than 3 metres above ground level (existing), or</p> <p>(c) if it is located more than 6 metres from a side, or the rear, boundary—more than 4 metres above ground level (existing).</p> <p>(3) A detached deck, patio or terrace (including any</p>	<p>Proposed Alfresco is 12smq and we have no proposed decks or patios.</p>	<p>YES</p>

	alterations or additions to the deck, patio or terrace) must not have a floor level that is more than 600 millimetres above ground level (existing		
<b>Part 3 – 6 - Building Heights &amp; Setbacks</b>	<p>(1) Development for the purposes of a secondary dwelling or ancillary development must not result in a new building or a new part of an existing building having a building height above ground level (existing) of more than 8.5 metres.</p> <p>(2) Development for the purposes of ancillary development must not result in a new building or a new part of an existing building having a building height above ground level (existing) of more than—</p> <p>(a) if an outbuilding—4.8 metres, or</p> <p>(b) if a fence—1.8 metres.</p>	Proposed Side setbacks are 900mm & proposed rear setback is 3000mm	YES
<b>7 – Setbacks from roads other than classified roads</b>	<p>(1) Development for the purpose of a secondary dwelling or ancillary development on a lot must result in a new building or a new part of an existing building having a setback from a primary road that is not a classified road of at least—</p> <p>(a) the average distance of the setbacks of the nearest 2 dwelling houses having the same primary road boundary and located within 40 metres of the lot on which the principal dwelling is erected, or</p> <p>(b) if 2 dwelling houses are not located within 40 metres of the lot—</p> <p>(i) in the case of a lot that has an area of at least 450 square metres but not more than 900 square metres—4.5 metres, or</p> <p>(ii) in the case of a lot that has an area of more than 900 square metres but not more than 1,500 square metres—6.5 metres, or</p> <p>(iii) in the case of a lot that has an area of more than 1,500 square metres—10 metres.</p>	N/A	N/A

	<p>(2) Development for the purpose of a secondary dwelling or ancillary development on a lot must result in a new building or a new part of an existing building having a setback from a boundary of the lot with a parallel road that is not a classified road of at least 3 metres.</p> <p>(3) Development for the purpose of a secondary dwelling or ancillary development on a corner lot must result in a new building or a new part of an existing building on the lot having a setback from the boundary with a secondary road that is not a classified road of at least—</p> <p>(a) if the lot has an area of at least 450 square metres but not more than 600 square metres—2 metres, or</p> <p>(b) if the lot has an area of more than 600 square metres but not more than 1,500 square metres 3 metres, or</p> <p>(c) if the lot has an area of more than 1500 square metres—5 metres.</p> <p>(4) For the purposes of this clause, if a lot is a corner lot—</p> <p>(a) one of the boundaries that is 6m or more in length is taken to be a boundary with a primary road, and</p> <p>(b) the other boundaries are taken to be boundaries with a secondary road.</p> <p>(5) For the purposes of this clause, if a lot has contiguous boundaries with a road or roads but is not a corner lot, the lot is taken to have a boundary only with a primary road.</p>		
<b>9 -Setbacks from side boundaries</b>	<p>(1) Development for the purposes of a secondary dwelling or ancillary development must not result in a new building or a new part of an existing building or any new carport, garage, balcony, deck, patio, pergola, terrace or verandah having a setback</p>	900mn side setbacks provided	YES

	<p>from a side boundary of less than the following—</p> <p>(a) 0.9 metres, if the lot has an area of at least 450 square metres but not more than 900 square metres,</p> <p>(b) 1.5 metres, if the lot has an area of more than 900 square metres but not more than 1500 square metres,</p> <p>(c) 2.5 metres, if the lot has an area of more than 1500 square metres.</p> <p>(2) Development for the purposes of a secondary dwelling or ancillary development that involves the construction of a new building or additions to an existing building where the new or existing building will, at the end of the development, have a building height at any part of more than 3.8 metres must not result in the new building or any new part of the existing building or any new carport, garage, balcony, deck, patio, pergola, terrace or verandah, having a setback from a side boundary of less than the sum of—</p> <p>(a) the amount of the setback specified for the relevant sized lot in subclause (1), and</p> <p>(b) an amount that is equal to one-quarter of the additional building height above 3.8 metres.</p>		
<b>10 – Setbacks from rear boundaries</b>	<p>(1) Development for the purposes of a secondary dwelling or ancillary development must not result in a new building or a new part of an existing building or any new carport, garage, balcony, deck, patio, pergola, terrace or verandah having a setback from a rear boundary of less than the following—</p> <p>(a) 3 metres, if the lot has an area of at least 450 square metres but not more than 900 square metres,</p> <p>(b) 5 metres, if the lot has an area of more than 900 square</p>	3m Rear setback proposed	YES

	<p>metres but not more than 1500 square metres,</p> <p>(c) 10 metres, if the lot has an area of more than 1500 square metres.</p> <p>(2) Development for the purposes of a secondary dwelling or ancillary development that involves the construction of a new building or additions to an existing building where the new or existing building will, at the end of the development, have a building height at any part of more than 3.8 metres must not result in the new building or any new part of the existing building or any new carport, garage, balcony, deck, patio, pergola, terrace or verandah, having a setback from a rear boundary of less than the sum of—</p> <p>(a) 3 metres, plus an amount that is equal to three times the additional building height above 3.8 metres, up to a maximum setback of 8 metres, if the lot has an area of at least 450 square metres but less than 900 square metres, or</p> <p>(b) 5 metres, plus an amount that is equal to three times the additional building height above 3.8 metres, up to a maximum setback of 12 metres, if the lot has an area of at least 900 square metres but less than 1500 square metres, or</p> <p>(c) 10 metres, plus an amount that is equal to three times the additional building height above 3.8 metres, up to a maximum of 15 metres, if the lot has an area of at least 1500 square metres.</p> <p>(3) Despite subclauses (1) and (2), a dwelling on a lot that has a rear boundary with a laneway may have a building line that abuts that boundary for up to 50 per cent of the length of that boundary.</p>		
<b>Part 16 - Landscaping</b>	(1) A lot on which development for the purposes	Greater than 20% landscaping is proposed	YES

	<p>of a secondary dwelling or ancillary development is carried out must have a landscaped area of at least the following—</p> <p>(a) 20 per cent, if the lot has an area of at least 450 square metres but not more than 600 square metres,</p> <p>(b) 25 per cent, if the lot has an area of more than 600 square metres but not more than 900 square metres,</p> <p>(c) 35 per cent, if the lot has an area of more than 900 square metres but not more than 1500 square metres,</p> <p>(d) 45 per cent, if the lot has an area of more than 1500 square metres.</p> <p>(2) At least 50 per cent of the landscaped area must be located behind the building line to the primary road boundary.</p> <p>(3) The landscaped area must be at least 2.5 metres wide</p>		
<b>17 – Principle Private Open Space</b>	<p>(1) A lot on which development for the purposes of a secondary dwelling is carried out must have more than 24 square metres of principal private open space.</p> <p>(1A) The principal private open space may be shared by both the principal dwelling and secondary dwelling and may be in the form of a balcony or deck.</p> <p>(2) In this clause, <b><i>principal private open space</i></b> means an area that—</p> <p>(a) is directly accessible from, and adjacent to, a habitable room, other than a bedroom, and</p> <p>(b) is more than 4 metres wide, and</p> <p>(c) is not steeper than 1:50 gradient.</p>	Greater than 24sqm of POS is proposed	YES

### **Air & Noise**

The proposed secondary dwelling(s) have no significant impact to the existing noise environment and air quality.

### **Heritage**

There are no heritage restrictions on the site or within immediate proximity.

### **SITE SUITABILITY:**

The site has been assessed as being suitable for the proposed Secondary dwellings development for the following reasons:

- The proposal is permissible with consent within the R3 Medium Density Residential zone under the provisions of Canterbury-Bankstown Local Environmental Plan 2023
- The site area is in compliance with the minimum requirements for lot size for a secondary dwelling(s) as per the Canterbury-Bankstown Local Environmental Plan 2023
- The Secondary dwelling(s) have been designed in accordance with the principals of the ARH SEPP 2009

It is determined that the site is suitable for the secondary dwellings as proposed.

### **CONCLUSION:**

This Statement of Environmental effects has been prepared to support the development application for a secondary dwelling at No.38 Windsor Avenue Croydon Park.

Following a review of the relevant planning controls, it is concluded that the proposed development is consistent with the objectives, planning strategies and detailed controls of these planning documents.

Consideration has been given to the potential environmental and amenity impacts that are relevant to the proposed development and this report addresses these impacts.

### **RECOMMENDATION:**

Having regard to the benefits of the proposal and taking into account the absence of adverse environmental, social or economic impacts, the application is submitted to Council for assessment.