



# STATEMENT OF ENVIRONMENTAL EFFECTS

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RESTROSPECTIVE APPROVAL  
CONVERSION OF DETACHED GARAGE TO SECONDARY  
DWELLING

132 WILBUR STREET  
GREENACRE NSW 2190  
LOT 90 DP 11603

In Collaboration with [Silver End Pty Ltd](#)



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# 1 INTRODUCTION

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This Statement of Environmental Effects (SEE) has been prepared to support a Development Application for a retrospective approval of the conversion of the existing detached garage to a secondary dwelling on the site at 132 Wilbur Street, Greenacre. This SEE evaluates the proposed development for its compliance with the statutory controls embodied in various statutory planning instruments and demonstrates that the development is consistent with the aims and objectives of these instruments. In preparation of this document, consideration has been given to the following:

- The Environmental Planning and Assessment Act (1979) as amended.
- The Environmental Planning and Assessment Regulation.
- Canterbury-Bankstown Draft Affordable Housing Strategy.
- Canterbury-Bankstown Local Environmental Plan 2013 (CBLEP 2013).
- Canterbury-Bankstown Development Control Plan 2023 (CBDPCP 2013).
- Various State Environmental Planning Policies.

This report clearly and comprehensively addresses the statutory regime applicable to the application and demonstrates that the proposed development is complementary and compatible with the area. This SEE provides a description of the subject site and surrounds, an identification of the development proposed by this application and an assessment of the perceived impacts of this proposal for the matters contained within Section 4.15 of the Environmental Planning & Assessment Act, 1979 (EP&A Act), as amended. Specifically, this SEE provides the following information:

- **SECTION 2** provides a description of the subject site and surrounding locality.
- **SECTION 3** provides a detailed description of the proposed development.
- **SECTION 4** provides an assessment of the proposed development against the relevant planning objectives and controls in accordance with Section 4.15(1) of the EP&A Act.
- **SECTION 5** provides a summary and conclusion.

## 2 SITE ANALYSIS

### 2.1 CONTEXT ANALYSIS

The subject site at 132 Wilbur Street, Greenacre is located within the Canterbury-Bankstown Council Local Government Area (LGA). Residential development within Greenacre is not defined by a single architectural style, but instead ranges from original dwellings to more contemporary developments. The past few years have seen many new homes being constructed in Greenacre and older dwellings undergoing extensive renovations. Future residential development in the locality is to preserve and enhance the landscape setting of the area and achieve compatibility with the established low to high density residential characteristic.

While the immediate area is characterised predominately by low to high density residential development in the form of residential flat buildings, multi dwelling housing, dual occupancies and detached dwelling houses, the site is within close proximity to infrastructure such as schools, shops, transport and recreational facilities. As a result, the site is considered to be in an ideal location that enjoys ease of access to a variety of services that promote social and economic activity within Greenacre.

### 2.2 SITE ANALYSIS

The subject site is located at 132 Wilbur Street, Greenacre and is legally defined as Lot 90 DP 11603. The site is arranged on a north-south tangent and is orientated to address the street frontage of Wilbur Street to the south. The site is adjoined by detached dwelling houses to the north, east and west and multi dwelling housing to the south. The aerial image below shows the orientation of the subject site and its location relative to surrounding properties.



**Figure 1:** Aerial View of Subject Site and Surrounding Properties

The site is rectangular in shape with a 13.17m frontage to Wilbur Street, 40.235m eastern and western side boundaries and a 13.17m rear boundary. The total site area is 531.1m<sup>2</sup>. The site presently contains a single storey detached dwelling house of face brickwork construction with a single carport and driveway access from Wilbur Street. There is a detached outbuilding at the rear of the site formerly used as a garage that has now been converted to a secondary dwelling and is the subject of this application. Images of the subject site are shown below.

## 2.3 SITE IMAGES



**Figure 2:** View of Carport and Secondary Dwelling



**Figure 3:** View of Secondary Dwelling

## 2.4 STREETScape ANALYSIS

The surrounding streetscape is predominately defined by single and two storey residential buildings in the form of detached dwelling houses, secondary dwellings, dual occupancies and multi dwelling housing. To the immediate east of the subject site is 130 Wilbur Street, Greenacre is a two storey dwelling house of metal clad construction with a detached secondary dwelling at the rear. Images of the adjoining property are shown below.



**Figure 4:** View of Dwelling House at 130 Wilbur Street, Greenacre



**Figure 5:** View of Detached Secondary Dwelling at 130 Wilbur Street, Greenacre

To the immediate west of the subject site at 134 Wilbur Street, Greenacre is a single storey detached dwelling house of face brickwork construction with an attached carport and garage behind. The adjoining property is shown below.





**Figure 6:** View of Dwelling House at 134 Wilbur Street, Greenacre

A review of the surrounding streetscapes has identified that the following properties in the vicinity of the site contain detached secondary dwellings:

- 155 Wangee Road, Greenacre - Detached garage converted to secondary dwelling
- 187 Wangee Road, Greenacre – Detached garage converted to secondary dwelling
- 192 Wangee Road, Greenacre - Detached garage converted to secondary dwelling
- 200 Wangee Road, Greenacre – Detached secondary dwelling
- 212 Wangee Road, Greenacre – Detached secondary dwelling
- 243 Roberts Road, Greenacre – Detached secondary dwelling
- 68 Juno Parade, Greenacre – Detached secondary dwelling
- 150 Juno Parade, Greenacre – Detached secondary dwelling
- 152 Juno Parade, Greenacre – Detached secondary dwelling
- 60 Macquarie Street, Greenacre – Detached secondary dwelling
- 78 Macquarie Street, Greenacre – Detached secondary dwelling
- 79 Macquarie Street, Greenacre - Detached secondary dwelling
- 48 Chaseling Street, Greenacre – Detached secondary dwelling

### 3 SITE HISTORY

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There have been two previous Development Applications on the site for the retrospective approval of the secondary dwelling. The most recent application (DA-941/2023) was refused for the below reasons. A response to each point of refusal is provided below, demonstrating how this application has sufficiently addressed Council's requirements.

1. *The application fails to satisfy the provisions of Clause 4.3(2B) of the Canterbury Bankstown Local Environmental Plan 2023 in relation to 'Wall Height' [Pursuant to S4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979].*

A variation to the wall height limit is requested in this document and the Clause 4.6 Variation Statement submitted with this application.

2. *The application fails to satisfy Clause 4.6 of Canterbury Bankstown Local Environmental Plan 2023 with regard to departures from development standards [Pursuant to S4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979].*

A Clause 4.6 Variation Statement is submitted with this application in relation to the development's departure from the secondary dwelling wall height limit.

3. *The application fails to satisfy the provisions of Chapter 5.1 Clause 3.10 of Canterbury Bankstown Development Control Plan 2023 with regard to the minimum setback to the side and rear boundaries of the site is 900mm [Pursuant to S4.15(1)(a)(iii) of the Environmental Planning & Assessment Act 1979].*

A variation to the side setback development control is requested in this document on the basis that the secondary dwelling is single storey and as such all windows and openings are entirely screened from the adjoining property to the east by existing fencing along the site boundary to avoid privacy issues. A BCA Report is submitted with this application and demonstrates that the non-compliant side setback distance will not generate adverse impacts by way of fire safety, due to the incorporation of fire rated non-combustible external lining to the external wall elevations.

4. *The application fails to satisfy the provisions of Chapter 3.26 Clause 3.26 of Canterbury Bankstown Development Control Plan 2023 with regard to secondary dwelling must not result in the principal dwelling on the site having less than the required car parking space [Pursuant to S4.15(1)(a)(iii) of the Environmental Planning & Assessment Act 1979].*

The existing carport on the site is retained and additional hardstand parking space is provided on the driveway.

5. *The application fails to satisfy the provisions of Chapter 5.1 Clause 2.29 of Canterbury Bankstown Development Control Plan 2023 with regard to a minimum of 45% of the area between the dwelling house and the primary street frontage is to be landscaped [Pursuant to S4.15(1)(a)(iii) of the Environmental Planning & Assessment Act 1979].*

Existing concrete within the site frontage is to be replaced with landscaping to achieve compliance.

6. *The application is unsatisfactory as it fails to demonstrate compliance with Councils Development Engineer Standards [Pursuant to the provisions of Section 4.15(1)(b) of the Environmental Planning and Assessment Act 1979].*

Engineering input is submitted with this application.



- 7. *The application is unsatisfactory as it fails to demonstrate compliance with Building Code of Australia Standards [Pursuant to the provisions of Section 4.15(1)(b) of the Environmental Planning and Assessment Act 1979].***

A BCA Report is submitted with this application.

- 8. *The development is considered to result in the unorderedly development of land [Pursuant to Section 1.3(c) of the Environmental Planning & Assessment Act 1979]; and***

The final development results in the orderly and economic use of the land by providing additional affordable housing that is in keeping with the built form character of the streetscape and does not compete with the integrity of the principal dwelling house.

- 9. *The site is considered unsuitable for the proposed development [Pursuant to S4.15(1)(c) of the Environmental Planning & Assessment Act 1979]; and***

The secondary dwelling is of architectural render construction with face brickwork subfloor walls and a pitched roof form. The external styling of the secondary dwelling is highly compatible with the existing dwelling house on the site as well as the detached secondary dwelling on the adjoining site at 130 Wilbur Street, Greenacre which is also of architectural render construction with a pitched roof form. The secondary dwelling does not result in adverse privacy, amenity or environmental issues on the site or for adjoining properties and is therefore considered suitable.

- 10. *For the reasons stated above, it is considered that the development is not in the public interest [Pursuant to S4.15(1)(e) of the Environmental Planning & Assessment Act 1979].***

Greenacre is identified as one of the top suburbs experiencing housing and rental stress in the LGA. The development is in line with the objectives of the Canterbury Bankstown Draft Affordable Housing Strategy in contributing to the demand for affordable housing in a highly suitable location and is therefore in the public interest.

## 4 PROPOSED DEVELOPMENT

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### 4.1 PROPOSED LAND USE AND BUILT FORM

This Development Application is made for a retrospective approval of the conversion of the existing detached garage to a secondary dwelling on the site at 132 Wilbur Street, Greenacre. The as-built works have been undertaken in accordance with the Architectural Plans submitted with this application. The secondary dwelling comprises two bedrooms, an open plan kitchen and living area and bathroom.

The intention of the proposed development was to achieve the development potential of the site and satisfy the housing needs of the residents. As demonstrated in **Section 2.4** above,

The development has the following site dimensions:

AREA	CALCULATION
Site Area	531.1m <sup>2</sup>
Dwelling House Floor Area	110m <sup>2</sup>
Secondary Dwelling Floor Area	56.5m <sup>2</sup>
Total Floor Area	166.5m <sup>2</sup>
Landscaped Area	168.67m <sup>2</sup>

### 4.2 LANDSCAPING WORKS

As detailed on the Architectural Plans submitted with this application, the development has retained permeable surfaces and landscaping within the front setback to Wilbur Street, as well as along the side and rear property boundaries. A total of 168.67m<sup>2</sup> of landscaping is retained on the site, including 67.19m<sup>2</sup> within the site frontage. Existing landscape treatment is commensurate with the development and helps to soften the appearance of the built form and hardstand areas, whilst contributing to the well-maintained landscape characteristic of the locality.

### 4.3 SITE ACCESS AND CAR PARKING

The existing concrete driveway and detached carport on the site have been retained and provide for the on-site car parking needs of the residents.

### 4.4 PRIVATE OPEN SPACE

The development has been designed to achieve numerical compliance with the CBDP 2023 requirements for private open space. Private open space is retained for the dwelling house in the form of an outdoor alfresco area and landscaping at the rear of the built form. Private open space is also provided for the secondary dwelling in the form of landscaped open space, also at the rear of the site. Existing fencing and landscape elements within the site boundaries provide for visual screening of the private open space areas from the streetscape and adjoining properties.

### 4.5 EXTERNAL APPEARANCE AND DESIGN

The secondary dwelling is single storey in form and is located at the rear of the site with the least visual impact on the streetscape. As demonstrated by Figure 2 above, the secondary dwelling is predominately screened from view from the public domain and adjoining properties by the existing carport as well as existing fencing and landscaping within the site boundaries. The secondary dwelling is of architectural render construction with face brickwork subfloor walls and a pitched roof form. The external styling of the secondary dwelling is highly compatible with the existing dwelling house on the site as well as the detached secondary dwelling on the adjoining site at 130 Wilbur Street, Greenacre which is also of architectural render construction with a pitched roof form as shown in **Figure 5** above.

## 5 PLANNING ASSESSMENT

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### 5.1 CANTERBURY BANKSTOWN DRAFT AFFORDABLE HOUSING STRATEGY

The Canterbury Bankstown Draft Affordable Housing Strategy provides an overarching, city wide framework for the provision of affordable housing across Canterbury Bankstown, aligning the approaches and strategies of the two former local government areas within the City. Greenacre is identified as one of the top suburbs experiencing housing and rental stress in the LGA. The development is in line with the objectives of the strategy in contributing to the demand for affordable housing in a highly suitable location.

### SECTION 4.15 - ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979

Following is the discussion of matters arising in relation to Section 4.15 of the Environmental Planning and Assessment Act 1979 (EP&A Act) relevant to this application.

### 5.2 SECTION 4.15(1)(a)(i) – ENVIRONMENTAL PLANNING INSTRUMENTS

#### 5.2.1 STATE ENVIRONMENTAL PLANNING POLICY (RESILIENCE AND HAZARDS) 2021

The new State Environmental Planning Policy (Resilience and Hazards) 2021 (Resilience and Hazards SEPP) consolidates three SEPPs and is effectively a house keeping measure and does not introduce any substantive changes to the legal provisions. Chapter 4 of the Resilience and Hazards SEPP introduces planning controls for the remediation of contaminated land and requires an investigation to be made if land contamination is suspected. A review of historical aerial images has revealed that the site has historically been used for residential purposes. No evidence of fill, mines, sheep dips, mixing sheds or contaminating industrial activities are known to have been located on the site from the review of site history. As such, the site is considered highly unlikely to be contaminated and is suitable for the development in accordance with the provisions of Chapter 4.

#### 5.2.2 STATE ENVIRONMENTAL PLANNING POLICY – SUSTAINABLE BUILDINGS (2022)

State Environmental Planning Policy – Sustainable Buildings (2022) (Sustainable Buildings SEPP) requires all residential development in New South Wales to achieve a minimum target for energy efficiency, water efficiency and thermal comfort. The development has been assessed in accordance with the relevant provisions of the Sustainable Buildings SEPP. It is demonstrated on the BASIX Certificate submitted with this application that the secondary dwelling achieves the required rating for energy efficiency, water efficiency and thermal comfort.

#### 5.2.3 STATE ENVIRONMENTAL PLANNING POLICY (HOUSING) 2021

The development involves the conversion of the previous garage to a detached secondary dwelling and is therefore assessed against Part 1 – *Secondary Dwellings* of the State Environmental Planning Policy (Housing) 2021 (Housing SEPP) below.

#### **Land to which Division Applies**

The subject site is zoned R2 – Low Density Residential and as such Division 2 applies.

#### **Development to which Division Applies**

The development involves the conversion of a previous garage to a detached secondary dwelling and as such Division 2 applies.

#### **Development may be Carried out with Consent**

- (2) *A consent authority must not consent to development to which this Division applies if there is on the land, or if the development would result in there being on the land, any dwelling other than the principal dwelling and the secondary dwelling.*
- (3) *A consent authority must not consent to development to which this Division applies 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 house on the land under another environmental planning instrument, and*
- (b) *the total floor area of the secondary dwelling is no 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.*

The final development will comprise a principal dwelling and a detached secondary dwelling only on the site. The site is subject to a maximum floor space ratio of 0.50:1 under Clause 4.4 of the CBLEP 2023. The final development has a gross floor area of 166.5m<sup>2</sup> which equates to a compliant floor space ratio of 0.32:1. The gross floor area of the secondary dwelling is 56.5m<sup>2</sup>.

- (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.*

The secondary dwelling is detached from the principal dwelling and the site area is 531.1m<sup>2</sup>. On-site car parking is not provided for the secondary dwelling. The principal dwelling house contains a single carport and additional car parking on the hardstand driveway.

#### 5.2.4 CANTERBURY-BANKSTOWN LOCAL ENVIRONMENTAL PLAN 2023

The Canterbury-Bankstown Local Environmental Plan 2023 (CBLEP 2023) is the principal planning instrument that governs all development within the Canterbury-Bankstown LGA. The objectives and provisions of the plan that relate to the proposed development are discussed below.

##### 5.2.4.1 LAND USE ZONING

The subject site is zoned R2 - Low Density Residential under the CBLEP 2023. The objectives of the R2 zone are as follows:

- *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 uses that are compatible with residential uses and do not adversely affect the living environment or amenity of the area.*
- *To ensure suitable landscaping in the low density residential environment.*
- *To minimise and manage traffic and parking impacts.*
- *To minimise conflict between land uses within this zone and land uses within adjoining zones.*
- *To promote a high standard of urban design and local amenity.*

The development achieves the objectives of the R2 zone by providing a form of low impact residential development to meet the housing demand of the locality as identified in the Canterbury Bankstown Draft Affordable Housing Strategy. The development did not require the removal of significant vegetation from the site. The design of the development is in keeping with the residential characteristics of the streetscape including the adjoining property at 130 Wilbur Street, Greenacre containing a dwelling house and detached secondary dwelling. Developments permitted with and without consent within the R2 zone are detailed in the table below. Secondary dwelling developments are permitted within the R2 zone with development consent from Council.

<b>Permitted without Consent</b>	Home occupations
<b>Permitted with Consent</b>	Bed and breakfast accommodation; Building identification signs; Business identification signs; Car parks; Centre-based child care facilities; Community facilities; <b>Dual occupancies</b> ; Dwelling houses; Early education and care facilities; Environmental facilities; Environmental protection works; Exhibition homes; Flood mitigation works; Group homes; Health consulting rooms; Home businesses; Oyster aquaculture; Places of public worship; Pond-

	based aquaculture; Recreation areas; Respite day care centres; Roads; <b>Secondary dwellings</b> ; Semi-detached dwellings; Tank-based aquaculture
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#### 5.2.4.2 HEIGHT OF BUILDINGS

Clause 4.3 of the CBLEP 2023 requires that the height of a building on any land is not to exceed the maximum height shown for the land of the Height of Buildings Map. The maximum building height for the subject site is 9m. The secondary dwelling has a maximum building height of 4.588m and therefore complies.

Clause 4.3(2B) states that the maximum wall height for a secondary dwelling that is not attached to the principal dwelling in Zone R2 in Area 1 is 3m. The secondary dwelling has a maximum external wall height of 3.651m and as such, a Clause 4.6 Variation Statement is submitted with this application.

#### 5.2.4.3 FLOOR SPACE RATIO

Clause 4.4 of the CBLEP 2023 requires that the maximum floor space for a building on any land is not to exceed the floor space ratio shown for the land on the Floor Space Ratio Map. The site is subject to a maximum floor space ratio of 0.50:1. The final development has a gross floor area of 166.5m<sup>2</sup> which equates to a compliant floor space ratio of 0.32:1.

#### 5.2.4.4 HERITAGE CONSERVATION

Clause 5.10 of the CBLEP 2023 states that development consent is required for any works impacting on a Heritage Item, Aboriginal object or Heritage Conservation Area identified on the Heritage Map. The subject site does not contain a Heritage Item or Aboriginal object and is not located within a Heritage Conservation Area.

#### 5.2.4.5 BUSHFIRE HAZARD REDUCTION

Clause 5.11 of the CBLEP 2023 makes provision relating to the carrying out of development on bush fire prone land. The subject site is not located on bushfire prone land.

#### 5.2.4.6 FLOOD PLANNING

Clause 5.21 of the CBLEP 2023 applies to development within the Flood Planning Area. The subject site is not identified as flood prone land.

### 5.3 SECTION 4.15(1)(a)(ii) – PROPOSED ENVIRONMENTAL PLANNING INSTRUMENTS

Not applicable to the subject site.

### 5.4 SECTION 4.15(1)(a)(iii) – DEVELOPMENT CONTROL PLANS, COUNCIL POLICIES OR CODES

#### 5.4.1 CANTERBURY DEVELOPMENT CONTROL PLAN 2023

The Canterbury-Bankstown Development Control Plan 2023 (CBDP 2023) provides more detailed objectives and controls to guide the form of development across the Canterbury-Bankstown LGA. The table below provides a compliance assessment of the proposed development against the relevant controls of the CBDP 2023.



## CANTERBURY-BANKSTOWN DEVELOPMENT CONTROL PLAN 2023

PART 2.3 – TREE MANAGEMENT		
DCP CONTROL	ASSESSMENT	COMPLIANCE
<b>TREE MANAGEMENT</b>		
A person must not cut down, fell, uproot, kill, poison, ringbark, burn or otherwise destroy, lop or otherwise remove a substantial part of any prescribed tree defined in clause 2.3 or carry out excavation and earthworks within the tree protection zone except with a permit from Council and subject to any conditions specified in the permit.	The development did not require the removal of significant trees or vegetation on the site.	Yes
PART 3.2 – PARKING		
<b>OFF-STREET PARKING RATES</b>		
Dwelling houses; <ul style="list-style-type: none"> <li>1 car space per 2 or less bedrooms; or</li> <li>2 car spaces per 3 or more bedrooms</li> </ul>	The existing concrete driveway and detached carport on the site have been retained and provide for the on-site car parking needs of the residents.	Yes
<b>ACCESS DRIVEWAY WIDTH AND DESIGN</b>		
The location of driveways to properties should allow the shortest, most direct access over the nature strip from the road.	The existing driveway has been retained.	N/A
CHAPTER 5 – RESIDENTIAL ACCOMODATION SECTION 2 – DWELLING HOUSES		
<b>STOREY LIMIT</b>		
The storey limit for dwelling houses is two storeys.	The existing dwelling house is single storey and remains unchanged.	Yes
The siting of dwelling houses and landscape works must be compatible with the existing slope and contours of the site and any adjoining sites. Council does not allow any development that involves elevated platforms on columns; or excessive or unnecessary terracing, rock excavation, retaining walls or reclamation.	The siting of the dwelling house has not been changed.	N/A
Any reconstituted ground level on the allotment must not exceed a height of 600mm above the ground level (existing).	Excavation for the dwelling house has not occurred.	N/A
<b>SETBACK RESTRICTIONS</b>		


The erection of dwelling houses is prohibited within 9 metres of an existing animal boarding or training establishment.	The subject site is not located within 9m of an existing animal boarding or training establishment.	Yes
<b>STREET SETBACKS</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.	The development has retained the location of the dwelling house including the existing front setback distance.	Yes
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.	The subject site is not a corner lot.	N/A
<b>SIDE SETBACKS</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 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.	The development has retained the location of the dwelling house including the existing side setback distances.	Yes
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.	The existing dwelling house is single storey.	N/A
<b>PRIVATE OPEN SPACE</b>		
Dwelling houses must provide a minimum 80m <sup>2</sup> of private open space per dwelling behind the front building line. This may be in the form of a single area or a sum of areas per dwelling provided the minimum width of each area is 5 metres throughout.	98m <sup>2</sup> of private open space is retained at the rear of the dwelling house in the form of the outdoor alfresco area and landscaping.	Yes
<b>ACCESS TO SUNLIGHT</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 secondary dwelling is single storey and does not preclude solar access provision to the dwelling house.	Yes
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.	The secondary dwelling is single storey and does not preclude solar access provision to adjoining properties.	Yes
A minimum 50% of the private open space required for the dwelling house and a minimum 50% of the private open space of a dwelling on an adjoining allotment must receive 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.	The secondary dwelling is single storey and does not preclude solar access provision to the private open space area of the dwelling house.	Yes

VISUAL PRIVACY		
Where development proposes a window that directly looks into the living area or bedroom window of an existing dwelling, the development must: a) offset the windows between dwellings to minimise overlooking; or b) provide the window with a minimum sill height of 1.5 metres above floor level; or c) ensure the window cannot open and has obscure glazing to a minimum height of 1.5 metres above floor level; or d) use another form of screening to the satisfaction of Council.	The existing dwelling house is single storey.	N/A
Where development proposes a window that directly looks into the private open space of an existing dwelling, the window does not require screening where: a) the window is to a bedroom, bathroom, toilet, laundry, storage room, or other non-habitable room; or b) the window has a minimum sill height of 1.5 metres above floor level; or c) the window has translucent glazing to a minimum height of 1.5 metres above floor level; or d) the window is designed to prevent overlooking of more than 50% of the private open space of a lower-level or adjoining dwelling.	The existing dwelling house is single storey.	N/A
BUILDING DESIGN		
The maximum roof pitch for dwelling houses is 35 degrees.	The existing roof form of the dwelling house is retained.	N/A
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.	Dormers are not proposed.	N/A
Development in the foreshore protection area (refer to map in Appendix 1) must use non-reflective materials that are compatible with the natural characteristics and colours of the area (such as olive green, grey and dark brown).	The subject site is not located in the foreshore protection area.	N/A
BUILDING DESIGN (CAR PARKING)		
Development on land bounded by Birdwood Road, Bellevue Avenue and Rex Road in Georges Hall must: a) comply with the road pattern shown in Appendix 2; and b) ensure vehicle access from Balmoral Crescent to land at Nos. 107–113 Rex Road in Georges Hall is provided for no more than 10 dwellings as shown in Appendix 3.	Not applicable.	N/A
Development must locate the car parking spaces behind the front building line with at least one covered car parking space for weather protection. Despite this	Existing car parking for the dwelling house is in the form of a single carport and hardstand parking on the driveway.	Yes

<p>clause, Council may allow one car parking space per dwelling to locate forward of the front building line provided:</p> <ul style="list-style-type: none"> <li>a) the car parking space forward of the front building line is uncovered and located in a stacked arrangement on the driveway in front of the covered car parking space; and</li> <li>b) the covered car parking space is setback a minimum 6 metres from the primary and secondary frontages.</li> </ul>		
Where development proposes a garage with up to two car parking spaces facing the street, Council must ensure the garage architecturally integrates with the development and does not dominate the street facade. Council does not permit internal stacked or tandem garages.	The dwelling house does not contain a garage.	N/A
<p>Where development proposes a garage with more than two car parking spaces facing the street, Council must consider the architectural merit of the development and may allow the garage provided:</p> <ul style="list-style-type: none"> <li>a) the building is at least 2 storeys in height, and</li> <li>b) the garage is architecturally integrated with the upper storey by: <ul style="list-style-type: none"> <li>i. ensuring the garage does not project more than 3 metres forward of the upper storey street facade; and (ii) designing a covered balcony, rooms or other architectural features of the upper storey to extend over the garage roof.</li> </ul> </li> </ul>	The dwelling house does not contain a garage.	N/A
<b>LANDSCAPING</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 dual occupancy.	The development did not require the removal of any significant trees or vegetation.	Yes
<p>Development must landscape the following areas on the allotment by way of trees and shrubs with preference given to native vegetation endemic to the City of Bankstown (refer to Appendix 4 and Appendix 5 for a list of suitable species):</p> <ul style="list-style-type: none"> <li>a) a minimum 45% of the area between the dwelling house and the primary road frontage; and</li> <li>b) a minimum 45% of the area between the dwelling house and the secondary road frontage; and</li> <li>c) plant at least one 75 litre tree between the dwelling house and the primary road frontage (refer to Appendix 5 for a list of suitable trees in the City of Bankstown or Appendix 6 for allotments that adjoin the Hume Highway); and</li> <li>d) for development in the foreshore protection area (refer to map in Appendix 1), plant native trees with a mature height greater than 12 metres adjacent to the waterbody.</li> </ul>	A total of 168.67m <sup>2</sup> of landscaping is retained on the site, including 67.19m <sup>2</sup> within the site frontage.	Yes
<b>CHAPTER 5 – RESIDENTIAL ACCOMODATION</b>		

SECTION 3 – SECONDARY DWELLINGS		
<b>LOT SIZE</b>		
A secondary dwelling is permissible on a site with a minimum lot size of 450m <sup>2</sup> .	The site has an area of 531.1m <sup>2</sup> and is therefore suitable for a secondary dwelling.	Yes
<b>SITE COVER</b>		
<p>Council must not consent to development for the purpose of secondary dwellings unless:</p> <ul style="list-style-type: none"> <li>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 house on the land under an environmental planning instrument; and</li> <li>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.</li> </ul>	The site is subject to a maximum floor space ratio of 0.50:1. The final development has a gross floor area of 166.5m <sup>2</sup> which equates to a compliant floor space ratio of 0.32:1. The secondary dwelling has a floor area of 56.5m <sup>2</sup> .	Yes
<b>STOREY LIMIT</b>		
The storey limit for attached secondary dwellings is two storeys.	Not applicable.	N/A
The storey limit for detached secondary dwellings is single storey and the maximum wall height is 3 metres.	The secondary dwelling is single storey. As discussed above, the secondary dwelling has a maximum external wall height of 3.651m and as such, a Clause 4.6 Variation Statement is submitted with this application. The external wall height does not adversely impact on the visual quality of the site or the privacy and amenity of adjoining properties.	Variation Requested
The siting of secondary dwellings and landscape works must be compatible with the existing slope and contours of the site and any adjoining sites. Council does not allow any development that involves elevated platforms on columns; or excessive or unnecessary terracing, rock excavation, retaining walls or reclamation.	The extended portions of the secondary dwelling have been designed in response to the gentle slope of the land to avoid excavation.	Yes
<p>Any reconstituted ground level on the site must not exceed a height of 600mm above the ground level (existing) of an adjoining site except where:</p> <ul style="list-style-type: none"> <li>a) the secondary dwelling is required to be raised to achieve a suitable freeboard in accordance with Chapter 2.2 of this DCP; or</li> <li>b) the fill is contained within the ground floor perimeter of the secondary dwelling to a height no greater than 1 metre above the ground level (existing) of the site.</li> </ul>	Not proposed.	N/A
<b>SETBACK RESTRICTIONS</b>		
The erection of secondary dwellings is prohibited within 9 metres of an existing animal boarding or training establishment.	The subject site is not located within 9m of an existing animal boarding or training establishment.	Yes



STREET SETBACKS		
The minimum setback for a building wall to the primary street frontage is: a) 5.5 metres for the first storey (i.e. the ground floor); and b) 6.5 metres for the second storey.	The secondary dwelling is located at the rear of the site and maintains the existing front setback distance of the dwelling house.	Yes
The minimum setback to the secondary street 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.	The subject site is not a corner lot.	N/A
SIDE AND REAR SETBACKS		
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 site is 0.9 metre.	<p>The secondary dwelling is setback a minimum of 2.064m from the rear boundary and 0.73m from the side boundary at the eastern corner of the building. A variation to the prescribed side setback control is requested on the basis that the secondary dwelling is single storey and as such all windows and openings are entirely screened from the adjoining property to the east by existing fencing along the site boundary to avoid privacy issues. A BCA Report is submitted with this application and demonstrates that the non-compliant side setback distance will not generate adverse impacts by way of fire safety, due to the incorporation of fire rated non-combustible external lining to the external wall elevations.</p> <p>It is noted again that the adjoining property at 130 Wilbur Street, Greenacre contains a detached secondary dwelling at the rear built to the property boundary as shown by the aerial image below. Further, the rhythm of development throughout the streetscape sees detached outbuildings at the rear of the site often built to the property boundary. The development is therefore not out of character with the street.</p> 	Variation Requested
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 site is 1.5 metres.	The secondary dwelling is single storey.	N/A

<b>PRIVATE OPEN SPACE</b>		
Secondary dwellings must not result in the principal dwelling on the site having less than the required landscaped area and private open space.	The dwelling house achieves compliant landscape and private open space areas as discussed above.	Yes
<b>ACCESS TO SUNLIGHT</b>		
At least one living area must receive a minimum three 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 dwelling house and secondary dwelling are both single storey and receive sufficient solar access.	Yes
At least one living area of a dwelling on an adjoining site must receive a minimum three 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.	The secondary dwelling is single storey and does not preclude solar access provision to adjoining properties.	Yes
A minimum 50% of the private open space required for the principal dwelling on the site and a minimum 50% of the private open space of a dwelling on an adjoining site must receive at least three hours of sunlight between 9.00am and 5.00pm at the equinox. Where this requirement cannot be met for a dwelling on an adjoining site, the development must not result with additional overshadowing on the affected private open space.	The secondary dwelling is single storey and does not preclude solar access provision to the private open space area of the dwelling house.	Yes
<b>VISUAL PRIVACY</b>		
Where development proposes a window that directly looks into the living area or bedroom window of an existing dwelling, the development must: <ul style="list-style-type: none"> <li>a) offset the windows between dwellings to minimise overlooking; or</li> <li>b) provide the window with a minimum sill height of 1.5 metres above floor level; or</li> <li>c) ensure the window cannot open and has obscure glazing to a minimum height of 1.5 metres above floor level; or (d) use another form of screening to the satisfaction of Council.</li> </ul>	The secondary dwelling is single storey.	N/A
Where development proposes a window that directly looks into the private open space of an existing dwelling, the window does not require screening where: <ul style="list-style-type: none"> <li>a) the window is to a bedroom, bathroom, toilet, laundry, storage room, or other non-habitable room; or</li> <li>b) the window has a minimum sill height of 1.5 metres above floor level; or</li> <li>c) the window has translucent glazing to a minimum height of 1.5 metres above floor level; or</li> <li>d) the window is designed to prevent overlooking of more than 50% of the private open space of a lower-level or adjoining dwelling.</li> </ul>	The secondary dwelling is single storey.	N/A

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: a) does not have an external staircase; and b) does not exceed a width of 1.5 metres throughout; and c) incorporates a form of screening to the satisfaction of Council such as partially recessing the balcony into the building.	Not applicable.	N/A
Council does not allow secondary dwellings to have roof-top balconies and the like.	Not proposed.	N/A
<b>BUILDING DESIGN</b>		
The maximum roof pitch for attached secondary dwellings is 35 degrees.	Not applicable.	N/A
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.	Not proposed.	N/A
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.	Not proposed.	N/A
The maximum roof pitch for detached secondary dwellings is 25 degrees. An attic or basement is not permitted as part of the dwelling.	The secondary dwelling roof pitch does not exceed 35 degrees.	Yes
Development in the foreshore protection area (refer to map in Appendix 1) must use non-reflective materials that are compatible with the natural characteristics and colours of the area (such as olive green, grey and dark brown).	The subject site is not located within the foreshore protection area.	N/A
The change of use of outbuildings to secondary dwellings must comply with the National Construction Code.	A BCA Report is submitted with this application.	Yes
<b>BUILDING DESIGN (CAR PARKING)</b>		
Secondary dwellings must not result in the principal dwelling on the site having less than the required car parking spaces.	Existing car parking for the dwelling house is retained in the form of a single carport and hardstand parking on the driveway.	Yes
<b>LANDSCAPE</b>		
Development must retain and protect any significant trees on the site and adjoining sites. To achieve this clause, the development may require a design alteration or a reduction in the size of the secondary dwelling.	The development did not require the removal of significant trees or vegetation from the site.	Yes

#### **5.4.2 CANTERBURY BANKSTOWN DEVELOPMENT CONTRIBUTIONS PLAN**

The applicable development contribution may be imposed as a condition of consent.

#### **5.5 SECTION 4.15(1)(a)(iiia) – PLANNING AGREEMENTS**

Not applicable to the subject site.

#### **5.6 SECTION 4.15(1)(a)(iv) – THE REGULATIONS**

The development is consistent with the provisions of the Environmental Planning and Assessment Regulation 2021.

#### **5.7 SECTION 4.15(1)(b) – LIKELY IMPACTS OF THE DEVELOPMENT**

The likely impacts of the proposed development upon the surrounding area are discussed as follows:

Impact on the natural environment:

- The development will not have any adverse impact on the natural environment. The secondary dwelling is generally contained to the hardstand surfaces of the site and did not require the removal of significant trees or vegetation.
- Impact of the built environment:
  - The development does not adversely impact on the existing built form on the site. The development has enhanced the existing garage.
- Social and Economic impacts in the locality:
  - The proposal will not have any adverse social/economic impacts.

#### **5.8 SECTION 4.15(1)(c) – SUITABILITY OF THE SITE FOR THE DEVELOPMENT PROPOSED**

- No hazard to the health and safety of residents of the subject site and owners of adjoining properties is anticipated from the proposed development.
- The development comprising the conversion of the existing garage to a secondary dwelling is safe and can be supported.
- Council may consider imposing a relevant condition of consent satisfying any safety concern.

#### **5.9 SECTION 4.15(1)(e) – THE PUBLIC INTEREST**

The proposed development is consistent with the objectives of the EP&A Act 1979. The proposal is consistent with the public interest and is deemed satisfactory from an environmental planning perspective.

It is understood that Council will undertake public notification procedures to ensure that neighbouring property owners have been provided with the opportunity to make submissions to the consent authority on the likely amenity and environmental impacts on their properties.

## 6 CONCLUSION

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The development at 132 Wilbur Street, Greenacre involves a retrospective approval for the conversion of the detached garage to a secondary dwelling. The intention of the works was to achieve the development potential of the site and provide an additional form of low impact residential development that is in keeping with the built form characteristics of the streetscape and will meet the needs of the residents.

The impact of the development has been assessed in accordance with the provisions of Section 4.15 of the EP&A Act and is found to be satisfactory. The development has also been assessed against the relevant provisions of the Canterbury-Bankstown Local Environmental Plan 2023 (CBLEP 2023) and the Canterbury-Bankstown Development Control Plan 2023 (CBDCP 2023) and is considered to be appropriate for the subject site for the following reasons:

- The scale and form of the secondary dwelling is not out of character with the streetscape and does not compete with the integrity of the existing dwelling house on the site.
- The development retains a sufficient and compliant amount of landscaped open space and deep soil zoning throughout the site to reflect the well-maintained landscaped setting of the area and maintain a high level of amenity and visual privacy on the site and for adjoining properties.
- The development generally complies with the relevant guiding objectives and provisions for secondary dwelling development under the CBLEP 2023 including land use zoning, height of buildings and floor space ratio. A Clause 4.6 Variation Statement is submitted as the secondary dwelling presents a departure from the maximum external wall height limit.
- The development generally complies with the guiding principles of the CBDCP 2023 including building form, landscaped area, solar access and private open space.

The site is therefore considered to be suitable for the proposed development and will generally have acceptable environmental, social and economic impacts on the immediate area. The proposal is unlikely to result in adverse impacts on the amenity of the locality and accordingly, the proposal is considered to be in the public interest and worthy of Council's support.



Peer reviewed by  
 Firas Naji – Senior Building Surveyor – Fire Safety  
 Restricted All classes of building (BDC 3315)  
 Town Planning Consultant

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### Academic Qualifications

- Diploma of Architectural Technology - TAFE
- Bachelor of Design in Architecture - UTS
- Master of Urban Management and Planning - UWS
- Advanced Diploma of Building Surveying – TAFE
- Graduate Diploma of Building Surveying – UNISA