

# ApproveAll

## Town Planning

### **Statement of Environmental Effects**

73 Brunker Road, Yagoona NSW 2199

Proposed Construction of Secondary Dwelling



## OVERVIEW

This Statement of Environmental Effects (SEE) forms part of a Development Application submitted to Canterbury-Bankstown Council for a proposed construction of secondary dwelling located at 73 Brunker Road, Yagoona NSW 2199 (the subject site). This application is made pursuant to s4.15 of the Environment Planning & Assessment Act (1979)(the Act) under the Canterbury-Bankstown Local Environmental Plan (2023) (CBLEP2023) and the Canterbury-Bankstown Development Control Plan 2023 (CBDCP2023). More specifically, this report has been prepared in accordance with section 2(4) of schedule 1 of the *Environmental Planning & Assessment Regulations (2021)* which a SEE must include the following:

- a) the environmental impacts of the development
- b) how the environmental impacts of the development have been identified
- c) the steps to be taken to protect the environment or to lessen the expected harm to the environment
- d) any matters required to be indicated by any guideline issued by the Secretary for the purposes of this clause.

The environmental impacts of the proposed development, including measures taken to protect or lessen the expected harm to the environment, are addressed throughout this report.

PROPOSED DEVELOPMENT	
PROPOSAL	Proposed Construction of Secondary Dwelling
PROPERTY	73 Brunker Road, Yagoona NSW 2199
	Lot 3 / 1 / DP 16224
LOCAL GOVERNMENT AREA	Canterbury-Bankstown Council
CLIENT	Mohammad Khan
DATE	14/05/2024
Project Number	AA137

## CONTEXT ANALYSIS

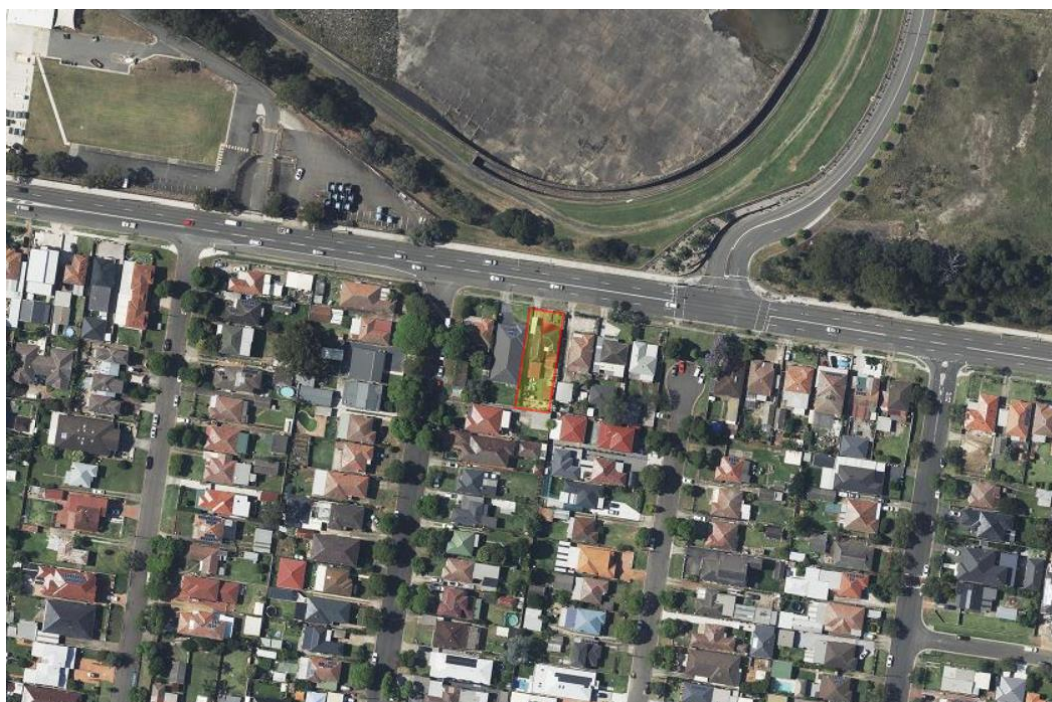
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The subject site is located in the southwestern suburbs of Sydney, within the City of Canterbury-Bankstown. Yagoona is a predominantly residential suburb featuring a mix of single and double-story homes, both older and newer developments, reflecting its gradual evolution. The site, a rectangular lot of approximately 600 square meters, is located in an R2 Low Density Residential zone under the Canterbury Bankstown LEP 2015, which supports a range of low-density residential developments including secondary dwellings.

The existing single-storey dwelling and detached garage are set within a gently sloping site that includes mature trees and landscaped areas. The site's proximity to public transport, including bus stops along Brunker Road and the Yagoona train station 1.5 kilometres away, enhances its accessibility. Essential utilities such as water, sewer, electricity, and telecommunications are readily available. Environmental considerations indicate that the site is not within a flood zone and has no heritage or significant biodiversity constraints. The generous lot size, coupled with favourable zoning and infrastructure, presents an excellent opportunity for a secondary dwelling, which will add to Yagoona's housing diversity.

## SITE IMAGES

**Figure 1:** Six Map Image of Subject Site (shaded in yellow) indicating broader location

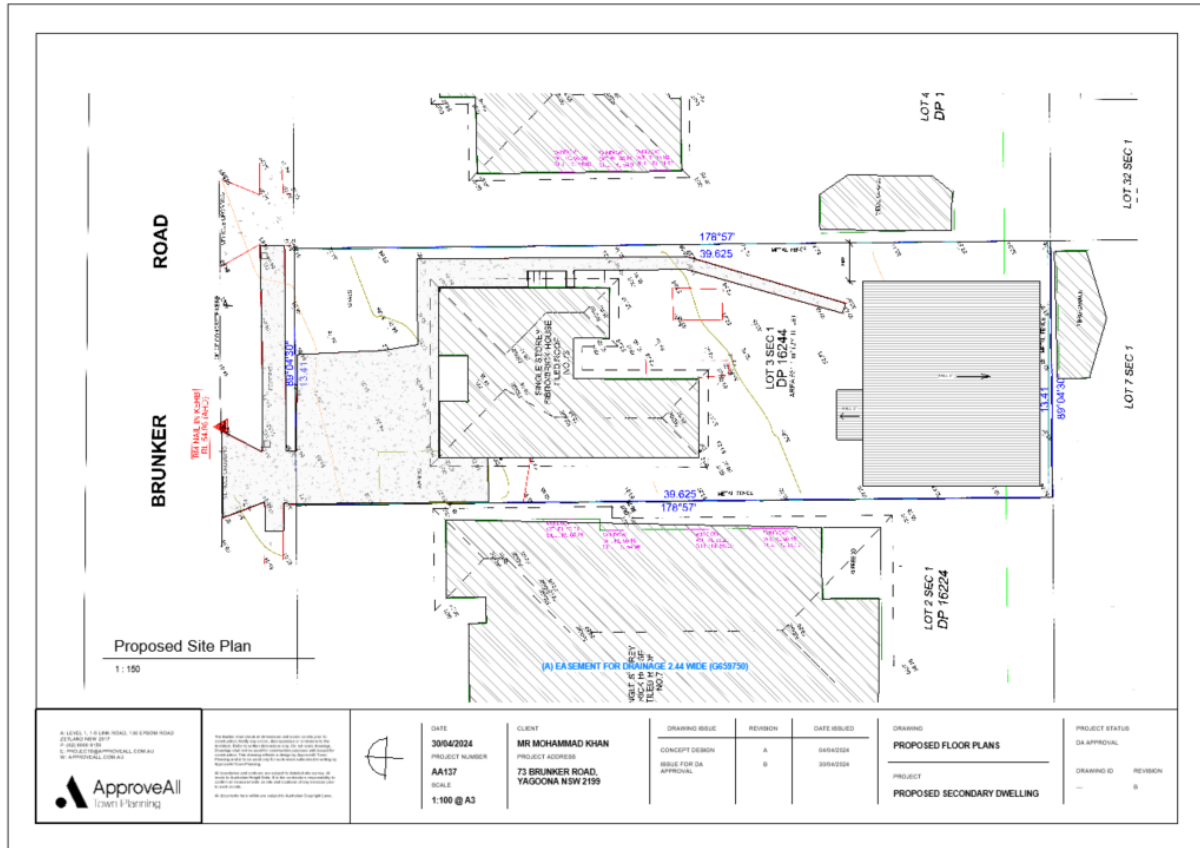


**Figure 2:** NSW Planning Portal Spatial Viewer of Subject Site (outlined in yellow)



## SITE ANALYSIS

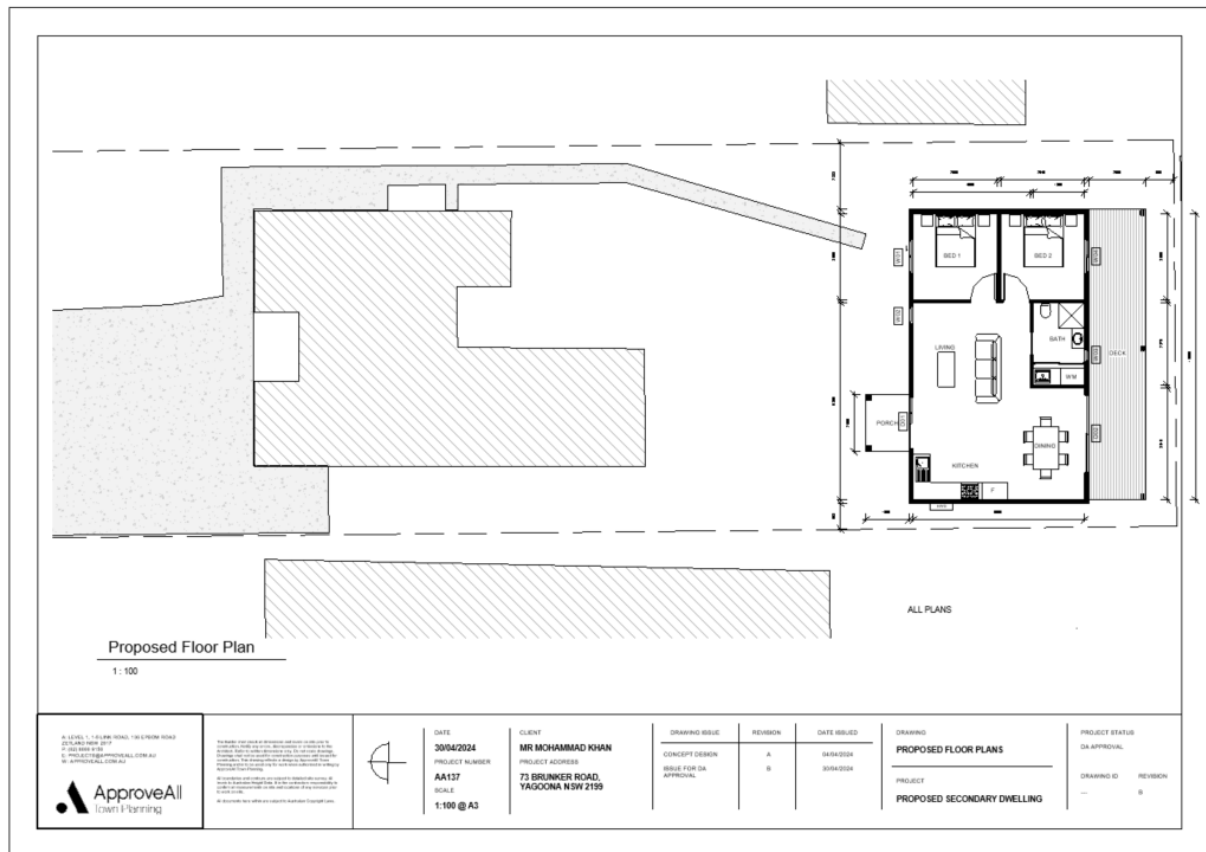
The existing site layout is seen below:



The subject site at 73 Brunker Road, Yagoona, is legally described as Lot 3 / 1 / DP 16224. The site is located on the western end of Brunker Road near the intersection to Rookwood Road. It is situated within a predominantly residential area characterised by single and double -storey dwellings. It is in zone R2 – Low Density Residential. The site is rectangular in form and with a slight slope from the front of site to the rear of site. The northern front boundary is 13.41m, southern boundary of 13.41m, eastern side boundary of 39.625m and western boundary of 39.625m. The site currently has a single storey detached dwelling with a driveway facing Brunker Road.

## DEVELOPMENT PROPOSAL

This Development Application (DA) is made for the proposed secondary dwelling.



The proposed work for the secondary dwelling is comprised of the following:

1. Construction of a new porch with roof over
2. Construction of the internal walls for Bedroom and Living Room
3. Construction of Deck with roof over
4. Erection of metal roof over secondary dwelling

## PLANNING ASSESSMENT

The application is to be assessed against the relevant Environmental Planning Instrument's below:

### RELEVANT PLANNING INSTRUMENTS

1. *Environmental Planning & Assessment Act (1979)*
2. *Environmental Planning & Assessment Regulations (2021)*
3. *Canterbury-Bankstown Local Environmental Plan (2023)*

And the following Local Provisions:

### RELEVANT LOCAL PLANNING INSTRUMENTS

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

## ***Environmental Planning and Assessment Regulation 2021***

### **Section 25 - Concurrences and/or Approvals**

In accordance with Section 25 of the Regulation there are no concurrences or approvals required for the proposed development.

### **Section 27 - BASIX**

In accordance with Section 27 of the Regulation the Proposal is BASIX Development and accordingly, a BASIX Certificate will be provided with this application.

# CANTERBURY-BANKSTOWN LOCAL ENVIRONMENTAL PLAN (2023)

## Part 2: Permitted or Prohibited Development

### SUITABILITY OF THE SITE

CANTERBURY-BANKSTOWN LOCAL ENVIRONMENTAL PLAN 2023	
R2 – LOW DENSITY RESIDENTIAL	
<b>1 Objectives of Zone</b>	<ul style="list-style-type: none"><li>• To provide for the housing needs of the community within a low density residential environment.</li><li>• To enable other land uses that provide facilities or services to meet the day to day needs of residents.</li><li>• 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.</li><li>• To ensure suitable landscaping in the low density residential environment.</li><li>• To minimise and manage traffic and parking impacts.</li><li>• To minimise conflict between land uses within this zone and land uses within adjoining zones.</li><li>• To promote a high standard of urban design and local amenity.</li></ul>
<b>2 Permitted Without Consent</b>	Home occupations
<b>3 Permitted with consent</b>	Bed and breakfast accommodation; Building identification signs; Business identification signs; Car parks; Centre-based child care facilities; Community facilities; Dual occupancies; 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
<b>4 Prohibited</b>	Any development not specified in item 2 or 3

According to the *CBLEP2023*, the site is zoned R2 – Low Density Residential. The proposed development is for a secondary dwelling, which is permitted with consent under *CBLEP2023*.



## PART 4 PRINCIPAL DEVELOPMENT STANDARDS

### 4.3 Height of Buildings

4.3	Height of Buildings	
	(1)	<p>The objectives of this clause are as follows—</p> <ul style="list-style-type: none"><li>(a) to establish the height of development consistent with the character, amenity and landform of the area in which the development will be located,</li><li>(b) to maintain the prevailing suburban character and amenity by limiting the height of development to a maximum of 2 storeys in Zone R2,</li><li>(c) to provide appropriate height transitions between development, particularly at zone boundaries</li><li>(d) to minimise overshadowing to existing buildings and open space</li><li>(e) to minimise the visual impact of development on heritage items and heritage conservation areas,</li><li>(f) to support building design that contributes positively to the streetscape and visual amenity of an area.</li></ul>
	(2)	<p>The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map.</p>

The maximum height of building according to CBLEP2023 for the subject site is 9m. The proposed secondary dwelling has a maximum height of 4.1m, which is under the 9m limit. Hence, the proposed development complies with the standard.

### 4.4 Floor Space Ratio

4.4	Floor Space Ratio	
	(1)	<p>The objectives of this clause are as follows—</p> <ul style="list-style-type: none"><li>(a) to establish the bulk and maximum density of development consistent with the character, amenity and capacity of the area in which the development will be located,</li><li>(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,</li><li>(c) to encourage lot consolidations in commercial centres to facilitate higher quality built form and urban design outcomes,</li><li>(d) to establish the maximum floor space available for development, taking into account the availability of infrastructure and the generation of vehicular and pedestrian traffic,</li><li>(e) to provide a suitable balance between landscaping and built form in residential areas.</li></ul>
	(2)	<p>The maximum floor space ratio for a building on any land is not to exceed the floor space ratio shown for the land on the Floor Space Ratio Map.</p>

The maximum floor space ratio under CBLEP2023 for the subject site is 50% of the site area. The maximum floor area permitted for the site is  $531.1 \times 50\% = \mathbf{265.55 \text{ m}^2}$ .

The existing primary dwelling has a floor area of  $91.7 \text{ m}^2$ .

The proposed secondary dwelling has a floor area of  $60 \text{ m}^2$ .

The proposed total floor area of the site is  $\mathbf{151.7 \text{ m}^2}$ , which is **under** the  $\mathbf{265.55 \text{ m}^2}$  limit.

Hence, the proposed development complies with the standard.

## CANTERBURY-BANKSTOWN DEVELOPMENT CONTROL PLAN (2023)

### Compliance Summary Table

The below table lists the parts and controls of the *Canterbury-Bankstown Development Control Plan (2023)* that relate to the proposed development. The below table is for reference only and is a summary of the analysis and justification in the body of the report and in the plans submitted as a part of this application.

Final compliance is required to be assessed and authorised by council, but this report seeks to identify elements of the design that comply, do not comply, or those that should comply based on merit through use of justification. Note that controls that are not affected by the proposed development, as well as controls that do not apply to or are not required of the development may not be indicated in the body of the report to follow and may not be summarised in the table. Controls that do apply to the proposed development are contained within the compliance summary table and in the detailed compliance analysis to follow.

### CHAPTER 5.1 – FORMER BANKSTOWN LGA

3	Secondary Dwellings	
	Objectives	<p><b>O1</b> To ensure secondary dwellings are established in conjunction with the principal dwelling on the same site.</p> <p><b>O2</b> To ensure the building form is subservient to the principal dwelling on the same site in terms of visual bulk and scale.</p> <p><b>O3</b> To ensure the building form and building design of secondary dwellings are compatible with the prevailing suburban character of the residential areas.</p> <p><b>O4</b> To ensure the building form and building design of secondary dwellings provide appropriate amenity to residents in terms of private open space, access to sunlight and privacy.</p> <p><b>O5</b> To ensure the building form and building design of secondary dwellings do not adversely impact on the amenity of neighbouring sites in terms of visual bulk, access to sunlight and privacy.</p> <p><b>O6</b> To ensure the building form of secondary dwellings in the foreshore protection area preserves the existing topography, land and rock formations, and the unique ecology of natural bushland and mangrove areas.</p>
	Controls	<p><b>Lot size</b></p> <p>3.1 A secondary dwelling is permissible on a site with a minimum lot size of 450m<sup>2</sup>.</p> <p><b>Comment: Complies. The lot size for the site is 531.1 m<sup>2</sup>.</b></p>

	<p><b><u>Site Cover</u></b></p> <p>3.2 Council must not consent to development for the purpose of secondary dwellings unless:</p> <p>(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</p> <p><b>Comment: Complies. The total floor area of the principal dwelling and the secondary dwelling is 151.7m<sup>2</sup>, which is less than the maximum floor area of 265.55m<sup>2</sup>.</b></p> <p>(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.</p> <p><b>Comment: Complies. The total floor area of the secondary dwelling is 60m<sup>2</sup>.</b></p> <p><b><u>Storey Limit</u></b></p> <p>3.3 The storey limit for attached secondary dwellings is two storeys.</p> <p><b>Comment: Not applicable as proposed secondary dwelling is detached.</b></p> <p>3.4 The storey limit for detached secondary dwellings is single storey and the maximum wall height is 3 metres.</p> <p><b>Comment: Complies. The proposed secondary dwelling is single storey and the maximum wall height is 2.95m, which is under the 3-metre limit.</b></p> <p>3.5 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.</p> <p><b>Comment: Complies. The proposed secondary dwelling does not have an adverse impact on the existing slope and contours of the site and any adjoining sites. There is no rock excavation and excessive terracing or retaining walls involved.</b></p> <p><b><u>Street setbacks</u></b></p> <p>3.8 The minimum setback for a building wall to the primary street frontage is:</p> <p>(a) 5.5 metres for the first storey (i.e. the ground floor); and</p> <p>(b) 6.5 metres for the second storey.</p> <p><b>Comment: Complies. The proposed secondary dwelling is located at the rear of the lot.</b></p> <p><b><u>Side and rear setbacks</u></b></p>
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	<p>3.10 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> <p><b>Comment: Complies. The side setbacks for the proposed secondary dwelling are 908mm and 2333mm. The rear setback is 956mm, which are all greater than the minimum 900mm requirement.</b></p> <p><b><u>Private open space</u></b></p> <p>3.12 Secondary dwellings must not result in the principal dwelling on the site having less than the required landscaped area and private open space.</p> <p><b>Comment: Complies. The minimum private open space requirement for the primary dwelling is 80m<sup>2</sup>. The private open space provided in the proposed development is 94m<sup>2</sup>.</b></p> <p><b><u>Access to sunlight</u></b></p> <p>3.13 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.</p> <p><b>Comment: Complies. The living area of the proposed secondary dwelling receives more than three hours of sunlight at mid-winter solstice. The living area is facing North which allows plenty of sunlight into the space.</b></p> <p>3.14 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.</p> <p><b>Comment: Complies. The proposed secondary dwelling does not cast shadow to adjoining site's living area.</b></p> <p>3.15 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.</p> <p><b>Comment: Complies. The proposed secondary dwelling does not increase the overshadowing to adjoining property.</b></p> <p><b><u>Visual privacy</u></b></p> <p>3.16 Where development proposes a window that directly looks into the living area or bedroom window of an existing dwelling, the development must:</p> <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;</li> </ul>
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	<p>(c) or ensure the window cannot open and has obscure glazing to a minimum height of 1.5 metres above floor level;</p> <p>(d) or use another form of screening to the satisfaction of Council.</p> <p><b>Comment: Complies. The window does not look directly into living area or bedroom window of the primary dwelling.</b></p> <p>3.19 Council does not allow secondary dwellings to have roof-top balconies and the like.</p> <p><b>Comment: Complies. The proposed secondary dwelling does not have roof-top balconies or the like.</b></p> <p><b><u>Building design</u></b></p> <p>3.23 The maximum roof pitch for detached secondary dwellings is 25 degrees. An attic or basement is not permitted as part of the dwelling.</p> <p><b>Comment: Complies. The proposed secondary dwelling has a roof pitch of 3 degrees.</b></p> <p><b><u>Building design (car parking)</u></b></p> <p>3.26 Secondary dwellings must not result in the principal dwelling on the site having less than the required car parking spaces.</p> <p><b>Comment: Complies. The proposed secondary dwelling does not remove any of the existing car parking spaces of the principal dwelling.</b></p> <p><b><u>Landscape</u></b></p> <p>3.27 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.</p> <p><b>Comment: Complies. The proposed secondary dwelling does not involve removing of any trees on the site and adjoining sites.</b></p>
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## **CONCLUSION**

This report concludes that the environmental impacts generated by the proposal, whether considered individually or cumulatively in the context of the site and broader area, are not significant. Therefore, the application warrants the support of Council and the issue of development consent. The proposal made in this application is considerate and relative to the site's immediate context of the area. This report finds that:

- The proposed secondary dwelling is compatible with the surrounding development, and does not compete with the integrity of the surrounding streetscape,
- The proposed secondary dwelling achieves the relevant provisions of CBLEP2023 and CBDP2023

In conclusion, the proposed secondary dwelling to this particular site is considered to be acceptable and it has considered the impact on the existing character and streetscape of the surrounding, therefore should be approved.