

Statement of Environmental Effects

Demolition of existing structures and erection of a detached primary dwelling and detached secondary dwelling

Lot 68 DP 26982 (No. 53)

Mccrossin Avenue, Birrong NSW 2143

Canterbury-Bankstown Council

Prepared for Green Homes Australia Sydney South West Pty Ltd – 8/6/24 - Revision 1



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Executive Summary

This Statement of Environmental Effects (SEE) accompanies a Development Application in relation to the proposed demolition of existing structures and erection of a detached primary dwelling and detached secondary dwelling at 53 Mccrossin Avenue, Birrong NSW 2143.

Under the Canterbury-Bankstown Local Environmental Plan 2023 applying to the land the development type is permitted.

The Canterbury-Bankstown Local Environmental Plan 2023 permits dwelling houses and secondary dwellings with development consent.

This SEE provides an assessment of the proposal under Section 4.15 of the Environmental Planning and Assessment Act (*as amended*) 1979 (EP&A Act) in order to achieve better outcomes for and from the development.

This SEE best-addresses Section 4.15 of the EP&A Act and justifies why the subject development is permitted.

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1.0 Introduction

This Statement of Environmental Effects (SEE) accompanies a Development Application in relation to the proposed demolition of existing structures and erection of a detached primary dwelling and detached secondary dwelling at 53 Mccrossin Avenue, Birrong NSW 2143.

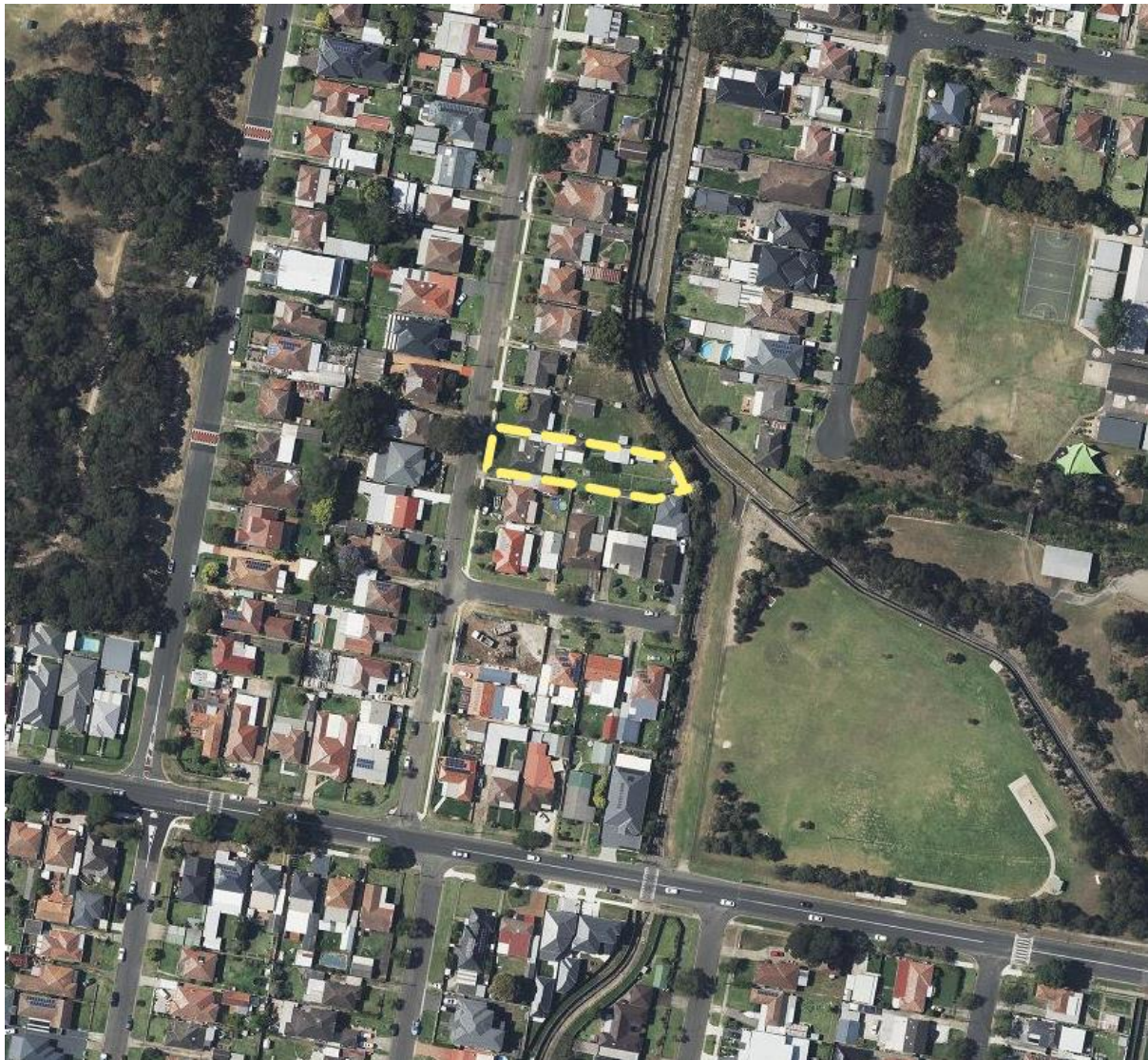
The statement addresses the relevant preliminary matters for consideration under Section 4.15 of the *EP&A Act* as well as matters relating to environmental impacts required by Schedule 1 of the Environmental Planning and Assessment Regulation 2000 (the Regs).

This document should be read in conjunction with the following:

<i>Document</i>	<i>Prepared by</i>	<i>Revision</i>	<i>Date</i>	<i>Drawing No.(s)</i>
Architectural Plans	Green Homes Australia	D	21/5/24	23027
BASIX/NATHERs	Green Builder	-	17/7/24	1756094M
Schedule of Colours/Finishes	Green Homes Australia	-	-	-
Waste Management Plan	Green Homes Australia	-	-	-
Survey	New Way Surveying	A	11/5/24	24195
Landscape plans	Green Homes Australia	D	21/5/24	CD07
Hydraulic Plans	Residential Engineering	-	12/7/24	-

2.0 Locality and Site

The site, comprising Lot 68 in DP 26982, is on the eastern side of Mccrossin Avenue, approximately 40m from the junction with Frazer Place. The allotment comprises an area of 1,017m² and is irregular in shape. The site comprises minor undulations with the subject area relatively level.



The allotment of land is affected by Covenant G771572 however such Covenant has no impact on the proposed development. No significant vegetation is identifiable on the allotment.

All adjoining properties comprise dwellings and ancillary structures for residential purposes. Dual occupancies and secondary dwellings are also common within the locality.

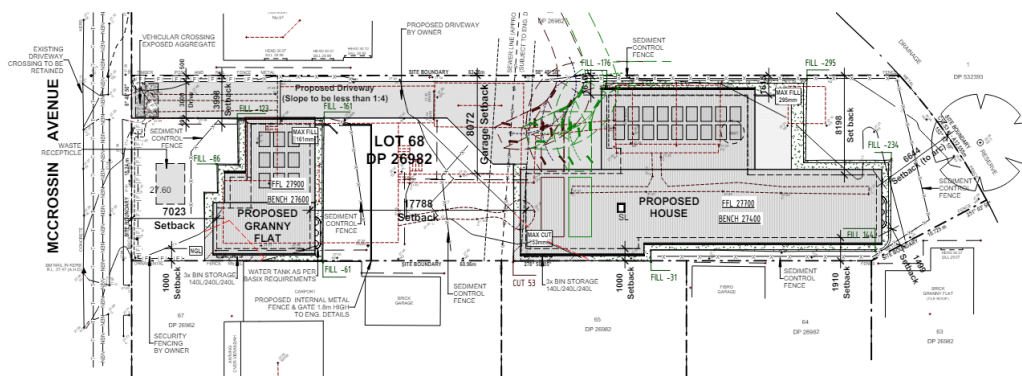
3.0 Subject Development

This Statement of Environmental Effects (SEE) accompanies a Development Application in relation to the proposed demolition of existing structures and erection of a detached primary dwelling and detached secondary dwelling.

The proposed building works comprise the establishment of two dwellings in the form of one main building and one secondary building. The proposed buildings will comprise a slab-on-ground construction with timber framing, light-weight wall cladding and a metal clad skillion roof. The buildings will be positioned in an unorthodox arrangement in that the primary building will be positioned behind the secondary building.

Below is a basic summary of the key aspects of the development:

53 Mccrossin Avenue, Birrong		
	Primary Dwelling	Secondary Dwelling
Site Area	1,017 m ²	1,017 m ²
Floor area	181.5 m ²	54.7 m ²
Building height	< 8 m	< 8 m
Northern set-back	1.61 m	3.998 m
Eastern set-back	6.644 m	> 20 m
Southern set-back	1 m	1 m
Western set-back	> 20 m	7.023 m
Dedicated off-street car parking spaces	2 x covered car parking spaces	Not required



Site Plan

4.0 Heads of Consideration

In determining a development application, a consent authority is to take into consideration those matters that are of relevance to the development under Section 4.15 (1) of the Environmental Planning and Assessment Act 1979.

This *SEE* addresses all of the heads of consideration under Section 4.15 (1) of the *EP&A Act*, which states:

4.15 Evaluation

(1) Matters for consideration—general

In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application:

- (a) the provisions of:*
 - (i) any environmental planning instrument, and*
 - (ii) any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and*
 - (iii) any development control plan, and*
 - (iiia) any planning agreement that has been entered into under section 93F, or any draft planning agreement that a developer has offered to enter into under section 93F, and*
 - (iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph), and*
 - (v) any coastal zone management plan (within the meaning of the Coastal Protection Act 1979), that apply to the land to which the development application relates,*
- (b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,*
- (c) the suitability of the site for the development,*
- (d) any submissions made in accordance with this Act or the regulations,*
- (e) the public interest.*

Note. See section 75P (2) (a) for circumstances in which determination of development application to be generally consistent with approved concept plan for a project under Part 3A.

Note. The consent authority is not required to take into consideration the likely impact of the development on biodiversity values if:

- (a) the development is to be carried out on biodiversity certified land (within the meaning of Part 7AA of the Threatened Species Conservation Act 1995), or*
- (b) a biobanking statement has been issued in respect of the development under Part 7A of the Threatened Species Conservation Act 1995.*

The following Section provides a preliminary assessment under Section 4.15 (1) of the EP&A Act.

4.1 SECTION 4.15 (1)(A)(I) – ENVIRONMENTAL PLANNING INSTRUMENTS

Relevant EPI	<i>Canterbury-Bankstown Local Environmental Plan 2023</i>
Use	<i>Residential</i>
Zoning	<i>Zone R2 – Low Density Residential</i>

Canterbury-Bankstown Local Environmental Plan 2023 Map summary

The following is a map summary of applicable land use controls to the development site as per the Map Index of the LEP.

Acid sulfate soils map	<i>Not known</i>
Foreshore building line map	<i>Not affected</i>
Height of Building Map	<i>9m</i>
Floor Space Ratio	<i>0.5:1</i>
Mines Subsidence	<i>Not Affected</i>
Heritage map	<i>Not Affected</i>
Riparian Lands and Watercourses	<i>Not Affected</i>
Key sites map	<i>Not affected</i>
Land reservation acquisition map	<i>Not affected</i>
Land zoning map	<i>R2 – Low Density Residential</i>
Minimum lot size	<i>450 m²</i>
Local Aboriginal Land Council	<i>Gandagara</i>
Bushfire Prone Land	<i>Not Affected</i>
Drinking Water Catchment	<i>Not Affected</i>
Biodiversity Values Map	<i>Not Affected</i>
Scenic Protection	<i>Not Affected</i>
Environmentally Sensitive Land	<i>Not Affected</i>
Wetlands	<i>Not Affected</i>
Terrestrial Biodiversity	<i>Not Affected</i>

Proposed Use

The R2 – Low Density Residential zoning permits dwelling houses and secondary dwellings with development consent. The subject development type is consistent the zoning of the land.

Zone Objectives

The EPI provides for certain ‘objectives’ of the R2 – Low Density Residential zone. These objectives are detailed below together with a comparison against the outcomes of the subject development:

Zone R2 – Low Density Residential

Objectives of zone

- ***To provide for the housing needs of the community within a low density residential environment***

Subject development: the proposal will provide for two housing choices within the locality of differing size and costings with ample internal and external living areas and solar access

- ***To enable other land uses that provide facilities or services to meet the day to day needs of residents***

Subject development: The proposed development will maintain the residential use of the land in a conservative manner whilst achieving good internal living and external areas with ample solar access and facilities

- ***To allow for certain non-residential development that is compatible with residential uses and does not adversely affect the living environment or amenity of the area***

Subject development: the proposed development will maintain the residential use of the land

- ***To ensure suitable landscaping in the low density residential environment***

Subject development: the proposal is accompanied by a landscape design which affords ample landscape areas

- ***To minimise and manage traffic and parking impacts***

Subject development: the proposed secondary dwelling is not required to be provided with any off-street car parking. Any off-street car parking proposed for the secondary dwelling may impact on the presence of the secondary dwelling given it's bulk. Ample off-street car parking is afforded at the rear portion of the site in association with the primary dwelling as well as the ability for vehicles utilising these spaces to leave the lot in a forward direction

- ***To minimise conflict between land uses within this zone and land uses within adjoining zones***

Subject development: the allotment does not adjoin any other land zones. A public reserve is within 15m of the eastern fringe of the allotment however the residential use of the subject allotment will be maintained at the completion of the development in a conservative manner

- ***To promote a high standard of urban design and local amenity***

Subject development: the proposal has considered the streetscape, prevailing setbacks, solar access and distance between each proposed building to ensure a presentable streetscape is maintained and the juxtaposition of dwellings conservative and reflective of the predominant built form within the locality

Relevant aspects of Canterbury-Bankstown Local Environmental Plan 2023:

<i>Canterbury-Bankstown LEP 2023</i>		
Clause	Comment	Compliance
1.3	The Canterbury-Bankstown LEP 2015 applies	Achieved
2.2	The land is zoned R2 low Density Residential	Achieved
2.8	The proposed use is not prohibited in the zone and the proposal is not proposed via these provisions	Achieved
4.1	Minimum lot size of 450 m ² applies	Achieved
4.3	The proposal is less than the maximum permitted height	Achieved
4.4	The proposal is less than the permitted 0.5:1 FSR	Achieved
5.4 (9)	The proposed floor area of the secondary dwelling is limited to less than 60m ²	Achieved
5.21	1% AEP (100 YEAR ARI): 26.90M AHD FREEBOARD: 0.5M PMF (PROBABABLE MAXIMUM FLOOD): 28.2M AHD PROPOSED HABITABLE FLOOR LEVELS PRIMARY DWELLING: 27.70M AHD SECONDARY DWELLING: 27.90M AHD	Achieved
6.1	Not affected	Achieved
6.2	Cut and fill is limited to 295mm in depth	Achieved
6.3	Please refer to accompanying hydraulic design details	Achieved
6.9	Existing essential services are available and will be amplified and/or adjusted to suit the proposed development as required	Achieved

State Environmental Planning Policy (Resilience and Hazards) 2021:

This SEPP contains planning provisions:

- for land use planning within the coastal zone, in a manner consistent with the objects of the Coastal Management Act 2016.
- to manage hazardous and offensive development.
- which provides a state-wide planning framework for the remediation of contaminated land and to minimise the risk of harm

Chapter 4 of the SEPP is addressed below:

<i>State Environmental Planning Policy (Resilience and Hazards) 2021</i>		
Clause	Comment	Compliance
4.4	The policy applies to the land	Achieved
4.6	<p>The allotment has been home to a dwelling for at least the last 35 x years.</p> <p>The allotment is not within an investigation area nor has any previous remedial works been undertaken on site. Further, no uses have been undertaken on the allotment that would suspect contaminated lands.</p> <p>It is therefore reasonably expected that the allotment is not considered contaminated land.</p>	Achieved

State Environmental Planning Policy (Transport and Infrastructure) 2021:

The Infrastructure SEPP (State Environmental Planning Policy (Transport and Infrastructure) 2021) sets out the planning rules and controls for infrastructure in NSW. The SEPP simplifies the planning process for providing essential infrastructure like hospitals, roads, railways, emergency services, water supply and electricity delivery.

The Infrastructure SEPP assists the NSW Government, private infrastructure providers, local councils and communities and plays a key role in helping to deliver the NSW Government's infrastructure works.

The SEPP also provides buffers and construction requirements for uses and development types within proximity to such infrastructure.

<i>State Environmental Planning Policy (Transport and Infrastructure) 2021</i>		
Clause	Comment	Compliance
2.99	The allotment is not within 150m of a rail corridor	Achieved
2.119	The allotment is not within close proximity to a classified road	Achieved

4.2 SECTION 4.15 (1)(A)(II) – DRAFT ENVIRONMENTAL PLANNING INSTRUMENTS

Relevant EPI	N/A
Use	N/A
Zoning	N/A
Applicability to proposal	N/A

4.3 SECTION 4.15 (1)(A)(III) – ANY DEVELOPMENT CONTROL PLAN

Development Control plan	Applicability
Canterbury-Bankstown Development Control plan 2023	Chapter 2.2 – Flood Risk Management Chapter 3.1 – Development Engineering Standards Chapter 3.2 – Parking Chapter 3.3 – Waste Management Chapter 3.7 – Landscape Chapter 5.1 – Former Bankstown LGA Waste Design for New Developments – guide A – Single Dwellings

Canterbury-Bankstown Development Control Plan 2023 is the relevant DCP that applies to this land. The relevant Sections of this DCP are investigated below and compared to the subject development.

Canterbury-Bankstown Development Control Plan 2023 – Chapter 2.2 – Flood Risk Management

Clause	Comment	Complies	
		Yes	No
Section 1 – Flood risk management in the former Bankstown LGA			
00	<p>Sections 1 to 8 of this Chapter apply to the subject development.</p> <p><i>This application is accompanied by a SSR that identifies:</i></p> <ul style="list-style-type: none"><i>• An open channel (according to Council records) and associated drainage reserve located along the eastern site boundary adjacent to the site</i><i>• Overland flowpath for excess stormwater runoff from the upstream catchment and associated with this drainage system</i> <p><i>The site will be subject to stormwater inundation from this overland flowpath during large storm events</i></p> <p><i>The estimated 100 year ARI* flood level at the site is RL 27 m AHD</i></p> <p><i>1% AEP (100 YEAR ARI): 26.90M AHD</i> <i>FREEBOARD: 0.5M</i> <i>PMF (PROBABALE MAXIMUM FLOOD): 28.2M AHD PROPOSED HABITABLE FLOOR LEVELS</i> <i>PRIMARY DWELLING: 27.70M AHD</i> <i>SECONDARY DWELLING: 27.90M AHD</i></p>	Yes	

Canterbury-Bankstown Development Control Plan 2023 – Chapter 3.1 – Development Standards

Clause	Comment	Complies	
		Yes	No
Section 2 – Civil Engineering Requirements			
Vehicular footway crossing design and construction			
2.1	Please refer to notation on site plan. Exiting vehicular crossing to be retained	Yes	
Vehicle footway crossing design criteria			
2.2	Please refer to notation on site plan. Exiting vehicular crossing to be retained	Yes	
Internal driveway requirements			
2.3	Please refer to driveway arrangement denoted on plans as well as swept paths to allow vehicles to exit the allotment in a forward direction	Yes	
Site Distance Requirements			
2.4	Existing sight distances will be maintained. No existing or proposed front fencing that would alter this	Yes	
Section 3 – Stormwater Drainage Systems			
Development impacted by stormwater systems			
3.1	<p>This application is accompanied by a SSR that identifies:</p> <ul style="list-style-type: none">• An open channel (according to Council records) and associated drainage reserve located along the eastern site boundary adjacent to the site• Overland flowpath for excess stormwater runoff from the upstream catchment and associated with this drainage system <p>The site will be subject to stormwater inundation from this overland flowpath during large storm events</p>	Yes	
Disposal of stormwater runoff			
3.2	Please refer to accompanying hydraulic details prepared by Residential Engineering dated 12/7/24	Yes	
Drainage line easement widths			
3.3	The proposed development will not result in the creation of any easements	Yes	
Roof gutter design			
3.4	Please refer to accompanying hydraulic details prepared by Residential Engineering dated 12/7/24. Further details to be provided at Construction Certificate stage	Yes	
Stormwater system ARI design criteria			

3.5	Please refer to accompanying hydraulic details prepared by Residential Engineering dated 12/7/24. Further details to be provided at Construction Certificate stage	Yes
Alternative solutions for stormwater disposal from single dwellings and dual occupancies		
3.6	The proposal does not comprise any alternative solution stormwater design	Yes
Alternative drainage of single dwellings		
3.7	The proposal does not comprise any alternative solution stormwater design	Yes
Alternative drainage of dual occupancies		
3.8	The proposal does not comprise a dual occupancy	Yes
Requirements for charged lines		
3.9	Please refer to accompanying hydraulic details prepared by Residential Engineering dated 12/7/24	Yes
Requirements for absorption systems		
3.10	Please refer to accompanying hydraulic details prepared by Residential Engineering dated 12/7/24	Yes
Requirements for pump-out systems		
3.11	The proposed stormwater drainage system does not comprise pump out system	Yes
Evidence to show that offers, to adjoining property owners, to acquire a drainage easement have been made and failed		
3.12	The proposal does not comprise the creation of an easement	Yes
Requirements for rainwater tank storage and infiltration/transpiration system overflow		
3.13	Please refer to accompanying hydraulic details prepared by Residential Engineering dated 12/7/24	Yes
Overland flow paths for stormwater from upstream catchments		
3.14	<p>This application is accompanied by a SSR that identifies:</p> <ul style="list-style-type: none"> • An open channel (according to Council records) and associated drainage reserve located along the eastern site boundary adjacent to the site • Overland flowpath for excess stormwater runoff from the upstream catchment and associated with this drainage system <p>The site will be subject to stormwater inundation from this overland flowpath during large storm events</p> <p>Please refer to accompanying hydraulic details prepared by Residential Engineering dated 12/7/24</p>	Yes
Requirements for site boundary fencing		
3.15	Can be suitably conditioned on development consent	Yes

Earthworks within OLFP		
3.16	<i>The proposal does not comprise and earthworks within this area</i>	Yes
Requirements for flood freeboard and minimum floor levels		
3.17	<p><i>This application is accompanied by a SSR that identifies:</i></p> <ul style="list-style-type: none"> <i>• An open channel (according to Council records) and associated drainage reserve located along the eastern site boundary adjacent to the site</i> <i>• Overland flowpath for excess stormwater runoff from the upstream catchment and associated with this drainage system</i> <p><i>The site will be subject to stormwater inundation from this overland flowpath during large storm events</i></p> <p><i>The estimated 100 year ARI* flood level at the site is RL 27 m AHD</i></p> <p><i>1% AEP (100 YEAR ARI): 26.90M AHD</i> <i>FREEBOARD: 0.5M</i> <i>PMF (PROBABALE MAXIMUM FLOOD): 28.2M AHD PROPOSED HABITABLE FLOOR LEVELS</i> <i>PRIMARY DWELLING: 27.70M AHD</i> <i>SECONDARY DWELLING: 27.90M AHD</i></p>	Yes
Section 4 – On-site Detention Systems		
Single Dwellings and Dual Occupancies		
4.1	<i>Please refer to accompanying hydraulic details prepared by Residential Engineering dated 12/7/24</i>	Yes

Canterbury-Bankstown Development Control Plan 2023 – Chapter 3.2 –

Parking

Clause	Comment	Complies	
		Yes	No
Section 2 – Off-street Parking Rates			
2.1	The proposed primary dwelling will afford 2 x car parking spaces Please refer to clause 53 of the Housing SEPP 2021 re non-discretionary standards for car parking in respect of the secondary dwelling which override this DCP clause	Yes	
2.2	Informational	Yes	
2.3	The subject development/use is associated with only one land use – dwellings	Yes	
2.4	Informational	Yes	
2.5	The subject development/use is listed in the Off-street Parking Schedule and the subject development/use achieves the required spaces. Therefore a parking study is not warranted	Yes	
2.6	The land is not zoned B1, B2 or B4	Yes	
2.7	Not applicable to subject development	Yes	
2.8	Informational	Yes	
2.9	Informational	Yes	
2.10	Informational	Yes	
Section 3 – Design and Layout			
3.1	Not applicable to subject development	Yes	
3.2	Not applicable to subject development	Yes	
3.3	Not applicable to subject development	Yes	
3.4	Not applicable to subject development	Yes	
3.5	Not applicable to subject development	Yes	
3.6	Not applicable to subject development	Yes	
3.7	Not applicable to subject development	Yes	
3.8	The proposal will maintain the pre-existing vehicle crossing as denoted on plan	Yes	
3.9	The proposed driveway width is 3m and is suitable for the proposed development based on the provisions in clause 3.11	Yes	
3.10	The proposal will maintain the pre-existing vehicle crossing as denoted on plan	Yes	
3.11	The vehicle access to the primary dwelling is considered a one-way driveway. Discussions re this have also been had with Council’s Town Planning team. A driveway width of 3m is proposed	Yes	
3.12	A minimum clearance of 2.72m is proposed throughout the vehicular access and enclosed parking spaces	Yes	

3.13	<i>Not applicable to subject development</i>	Yes
3.14	<i>Not applicable to subject development</i>	Yes
3.15	<i>Not applicable to subject development</i>	Yes
3.16	<i>Not applicable to subject development</i>	Yes
3.17	<i>Not applicable to subject development</i>	Yes
3.18	<i>Not applicable to subject development</i>	Yes
3.19	<i>Existing sight distances will be maintained. No existing or proposed front fencing that would alter this</i>	Yes
3.20	<i>Not applicable to subject development</i>	Yes
3.21	<i>Not applicable to subject development</i>	Yes
3.22	<i>Not applicable to subject development</i>	Yes
3.23	<i>Not applicable to subject development</i>	Yes
3.24	<i>Not applicable to subject development</i>	Yes
3.25	<i>Not applicable to subject development</i>	Yes
3.26	<i>Not applicable to subject development</i>	Yes
3.27	<i>Not applicable to subject development</i>	Yes
3.28	<i>Not applicable to subject development</i>	Yes
3.29	<i>Not applicable to subject development</i>	Yes
3.30	<i>Not applicable to subject development</i>	Yes
3.31	<i>Not applicable to subject development</i>	Yes
3.32	<i>Not applicable to subject development</i>	Yes
3.33	<i>Not applicable to subject development</i>	Yes
3.34	<i>Not applicable to subject development</i>	Yes
3.35	<i>Not applicable to subject development</i>	Yes
3.36	<i>Not applicable to subject development</i>	Yes
3.37	<i>Not applicable to subject development</i>	Yes
3.38	<i>Not applicable to subject development</i>	Yes
3.39	<i>Not applicable to subject development</i>	Yes
3.40	<i>Not applicable to subject development</i>	Yes
3.41	<i>Not applicable to subject development</i>	Yes
3.42	<i>Car parking spaces associated with the primary dwelling will be enclosed and located within the rear half of the allotment</i>	Yes
3.43	<i>The proposed driveway is limited in area to serve purpose</i>	Yes
3.44	<i>Not applicable to subject development</i>	Yes
3.45	<i>Not applicable to subject development</i>	Yes
3.46	<i>Not applicable to subject development</i>	Yes
3.47	<i>Not applicable to subject development</i>	Yes

Canterbury-Bankstown Development Control Plan 2015 – Part 3.3 – Waste Management and Minimisation

Clause	Comment	Complies	
		Yes	No
Residential development			
3	Please refer to architectural plans and waste management plan accompanying this application. No significant waste generation is envisaged throughout the period and ample bin storage areas and kerbside collection points are readily available to positioning of retained driveway	Yes	
4	Please refer to architectural plans and waste management plan accompanying this application. No significant waste generation is envisaged throughout the period and ample bin storage areas and kerbside collection points are readily available to positioning of retained driveway	Yes	

Canterbury-Bankstown Development Control Plan 2023 – Chapter 3.7 – Landscape

Clause	Comment	Complies	
		Yes	No
Off-street parking			
00	Please refer to accompanying landscape plan prepared by Green Homes Australia Revision D, dated 21/5/24 Drawing No. CD07	Yes	

Canterbury--Bankstown Development Control Plan 2023 – Chapter 5.1 – Former Bankstown LGA

Clause	Comment	Complies	
		Yes	No
Section 2 – Dwelling Houses			
Storey limit			
2.1	The proposal is limited to a single storey	Yes	
2.2	The allotment of land is relatively level. The proposal will comprise no characteristics that would result in the establishment of elevated platforms, terracing, rock excavation, retaining walls or reclamation	Yes	
Fill			
2.3	At the completion of the establishment of the proposed benching platform, earthworks would not have exceeded 1m in depth		
2.4	At the completion of earth-works, the maximum height of FGL above NGL will be equivalent to 295mm		
Setback restrictions			
2.5	The subject allotment does not adjoin an existing animal boarding or training establishment	Yes	
Street setbacks			
2.6	A primary road setback in excess of 20m is proposed	Yes	
2.7	The allotment is not bounded by a secondary road	Yes	
Side setbacks			
2.8	The proposed external wall minimum side boundary setback is equivalent to 1m	Yes	
2.9	The proposal does not comprise an external wall height that exceeds 7m	Yes	
2.10	The proposal does not comprise a basement	Yes	
Private open space			
2.11	A minimum 162m ² of POS is achieved within the north-eastern corner of the allotment that compromises a combination of grassed are and timber decking	Yes	
Access to sunlight			
2.12	Due to the orientation of the lot, proposed living and dining areas will inherit solar access for majority of the day. This is further enhanced through proposed openings to the eastern, northern and western external walls of the subject rooms	Yes	
2.13	The orientation of the allotment has been considered in respect of the proposed design to ensure ample solar access is achieved to indoor and outdoor areas Solar access impact to living areas of adjoining dwellings to the south are described below:	Yes	

	<ul style="list-style-type: none"> - 5 Frazer Place: minimal living areas are afforded with solar access to the secondary dwelling located on the land. The subject secondary dwelling (without considering the proposed development) provides overshadowing impacts on its own living room and the living room associated with the primary dwelling - 3 Frazer Place: living areas are provided with adequate solar access throughout a 3 x hour period distributed evenly throughout the middle of the day - 1 Frazer Place: living areas are provided with adequate solar access throughout a 3 x hour period distributed evenly throughout the middle of the day - 55 Mccrossin: there is no overshadowing impact to the living area as a result of the proposal from midday to evening 	
2.14	<p>The subject POS area will be afforded with solar access for majority of the day</p> <p>Solar access impact to POS areas of adjoining dwellings to the south are described below:</p> <ul style="list-style-type: none"> - 5 Frazer Place: minimal POS area is afforded to the secondary dwelling located on the land. The subject secondary dwelling (without considering the proposed development) provides overshadowing impacts on its own POS and the POS area associated with the primary dwelling - 3 Frazer Place: a portion of the POS area is provided with adequate solar access throughout a 3 x hour period distributed evenly throughout the middle of the day - 1 Frazer Place: a portion of the POS area is provided with adequate solar access throughout a 3 x hour period distributed evenly throughout the middle of the day - 55 Mccrossin: there is no overshadowing impact to the POS area as a result of the proposal from midday to evening 	Yes
2.15	No solar panelling or the like has been discovered on the adjoining properties to the south	Yes
Visual privacy		
2.16	The proposal does not afford any overlooking opportunities to this effect	Yes
2.17	The proposal does not afford any overlooking opportunities to this effect	Yes
2.18	The proposal does not comprise an upper floor side or rear balcony	Yes
2.19	The proposal does not comprise a roof top balcony or the like	Yes
Building design		
2.20	A maximum roof pitch of 35 degrees is proposed	Yes
2.21	The proposal does not comprise an attic	Yes
2.22	The proposal does not comprise any dormers	Yes
2.23	The allotment is not within the foreshore protection area	Yes
Building design (car parking)		
2.24	The allotment is not bounded by Birdwood Road, Bellevue Avenue or Rex Road in Georges Hall	Yes

2.25	The proposed garage will be located in front of the building line	No
2.26	The proposal does not comprise a carport	Yes
2.27	The enclosed car parking spaces face the northern boundary, not the street	Yes
2.28	The proposal does not comprise a garage with more than two car parking spaces facing the street	Yes
Landscaping		
2.29	The proposal does not seek consent for the removal of any trees	Yes
2.30	A concept landscape plan accompanies this application. The proposal provides for ample landscaped areas throughout the site. (a) 58% of the area in front of the building line will be landscaped at the completion of the development (b) the allotment is not bounded by a secondary road (c) dedicated tree planting is denoted on the accompanying landscape plan (d) the allotment is not within the foreshore area	Yes
Section 3 – Secondary Dwelling		
Lot size		
3.1	The allotment comprises an area of 1,017m ²	Yes
Site cover		
3.2	A maximum permissible FSR of 0.5:1 applies and an FSR of 0.17:1 is proposed. The proposed secondary dwelling will comprise a floor area equivalent to 54.7m ²	Yes
Storey limit (not including basements)		
3.3	The proposed secondary dwelling will be detached	Yes
3.4	The proposed secondary dwelling is limited to a single storey. The transition between opposing skillions will result in an external wall height associated with the higher roof area exceeding 3m in height	No
3.5	The allotment of land is relatively level. The proposal will comprise no characteristics that would result in the establishment of elevated platforms, terracing, rock excavation, retaining walls or reclamation	Yes
Fill		
3.6	At the completion of the establishment of the proposed benching platform, earthworks would not have exceeded 1m in depth	Yes
3.7	At the completion of earth-works, the maximum height of FGL above NGL will be equivalent to 161mm	Yes
Setback restrictions		
3.8	The allotment does not adjoin an existing animal boarding or training establishment	Yes
Street setbacks		
3.9	A minimum primary road setback of 7.023m is proposed	Yes

3.10	<i>The allotment does not comprise a common boundary with a secondary road</i>	Yes
Site and rear setbacks		
3.11	<i>A minimum 1m side boundary setback is proposed to the secondary dwelling</i>	Yes
3.12	<i>The proposed secondary dwelling does not comprise a wall height of more than 7m</i>	Yes
Private open space		
3.13	<i>More than 50% of the site will be landscaped at the completion of the development. The proposed secondary dwelling will not compromise the POS area of the primary dwelling</i>	Yes
Access to sunlight		
3.14	<i>Please refer to openings within the eastern and western external walls of the proposed living room</i>	Yes
3.15	<i>The adjoining dwelling to the south comprises a carport between the external wall of the building and it's northern boundary. As a result of the proposed secondary dwelling, overshadowing impacts will not be exacerbated</i>	Yes
3.16	<i>The POS area associated with the proposed primary dwelling will not be overshadowed as a result of the proposed secondary dwelling. The secondary dwelling affords solar access to the south-eastern corner of the adjoining allotment to the south for a minimum period of three hours between 9:00 AM and 5:00 PM</i>	Yes
Visual Privacy		
3.17	<i>The proposal does not afford any overlooking opportunities</i>	Yes
3.18	<i>The proposed dining room does not comprise a side facing window</i>	Yes
3.19	<i>The proposed secondary dwelling will be detached</i>	Yes
3.20	<i>The proposal does not comprise a roof-top balcony or the like</i>	Yes
Building design		
3.21	<i>The proposal will be detached</i>	Yes
3.22	<i>The proposal comprises no attic space</i>	Yes
3.23	<i>The proposal comprises no dormers</i>	Yes
3.24	<i>A maximum roof pitch of 17 degrees is proposed</i>	Yes
3.25	<i>The allotment is not within the foreshore protection area</i>	Yes
3.26	<i>The proposal entails the construction of a new purpose-built secondary dwelling</i>	Yes
Building design (car parking)		
3.27	<i>The proposed primary dwelling will comprise two covered car parking spaces at the completion of the development</i>	Yes
Landscape		
3.28	<i>There are no existing trees on site</i>	Yes

Waste Design for New Developments – Guide A – Single Dwellings

Clause	Comment	Complies	
		Yes	No
Demolition and Construction			
3	Please refer to accompanying WMP and architectural plans	Yes	
Waste Management Considerations			
4	Bin storage areas are denoted on the accompanying architectural floor plans	Yes	
Waste Management Facilities			
5	Ample facilities available within kitchen area Allotment will remain to be serviced by one vehicular crossing at the norther end of the site and therefore suitable frontage is available for kerbside collection of all bins concurrently	Yes	

4.4 SECTION 4.15 (1)(A)(IIIa) – ANY PLANNING AGREEMENT ENTERED INTO

The development is not associated with any planning agreement or any draft planning agreement entered into under Section 7.4 of the *EP&A Act*.

4.5 SECTION 4.15 (1)(A)(IV) – THE REGULATIONS

The subject development is in relation to residential accommodation.

The development is not subject to the Government's Coastal policy. No master plans are applicable to the development.

4.6 SECTION 4.15 (1)(B) – THE LIKELY IMPACTS OF THAT DEVELOPMENT

The subject development has minimal impact on the environment, neighbourhood and locality. This is due to the scale and lay-out of the development. The likely impacts of the development are provided as follows:

<i>CONTEXT AND SETTING</i>	The streetscape is residential in nature with low density housing. This aspect will be maintained as a result of the development. Semi-detached dwellings and secondary dwellings are also present within the locality
<i>UTILITIES</i>	Relevant utility providers will be informed of the development at Construction Certificate stage in order to advise of their requirements if affected
<i>PUBLIC DOMAIN</i>	The development will in no manner impact on the public domain

HERITAGE	There are no heritage provisions applicable to the site. The site is not located within a heritage conservation area and no item of environmental heritage is located on the allotment
OTHER LAND RESOURCES	The development site does not sustain any land resources
AIR & MICROCLIMATE	The development will have no significant impact on air and microclimate
ACCESS, TRANSPORT & TRAFFIC	The subject development is not of type or scale to effect any access, transport or traffic requirements. Vehicles are able to enter and exit the allotment in a forward direction
ENERGY	A BASIX certificate forms part of this Development Application
WATER	The development will have no significant impact on water resources or conservation for that matter.
SOILS	Refer to structural engineering details at CC stage. It is noted a soil test has been undertaken
NOISE/VIBRATION	The allotment is not within close proximity to any noise generating development, railway line, a classified road nr within an ANEF contour of more than 20 in respect of an airport
WASTE	All waste generation and disposal will be undertaken in accordance with the waste management plan
FLORA & FORNA	The development does not encroach within any conservation area
SAFETY, SECURITY & AND CRIME PREVENTION	Existing safety and public viewing areas will be maintained as a result of the proposal. Habitable rooms have been placed within the front façade to both dwellings
SOCIAL IMPACT	Given the nature of the development, no significant social impacts will be in effect
ECONOMIC IMPACT	The proposal will provide additional work to local industry and trade as well as provide two additional housing choices
NATURAL HAZARDS	The allotment is not mapped as affected by any natural hazards except for flooding
TECHNOLOGICAL HAZARDS	No known technological hazards pose a risk for the development
SITE DESIGN & INTERNAL DESIGN	The proposal is unorthodox in terms of the proposed dwelling arrangement however the width of the secondary maintains the presence of a dwelling similar in width to other dwellings within the streetscape
CONSTRUCTION	To be furthered detailed at Construction Certificate stage
CUMULATIVE IMPACTS	There are no significant or potential cumulative impacts that will detrimentally affect the site or the locality. The minimal cumulative impacts of the development are therefore considered to be acceptable for the site and area

4.7 SECTION 4.15 (1)(C) – THE SUITABILITY OF THE SITE FOR THE DEVELOPMENT

<i>DOES THE STRUCTURE FIT THE LOCALITY</i>	The proposed structure is considered to fit in the locality well and will compliment the neighbouring residential development whilst taking advantage of the lot depth
<i>ARE SITE ATTRIBUTES CONDUCIVE TO DEVELOPMENT</i>	The site attributes are considered to be conducive to the development. There are no risks or factors associated with the site that will significantly affect the development, or that cannot be ameliorated with the structure

4.8 SECTION 4.15 (1)(E) – THE PUBLIC INTEREST

The type of development will require neighbour notification. The development will have minimal impact on both public infrastructure and the locality as a whole.

It is evident that the proposed works will not significantly affect any neighbouring dwellings in terms of privacy, overshadowing, amenity, economic loss. This will be tested throughout the development application assessment process.

4.9 SECTION 4.15 (1) – CONCLUSION

The heads of consideration have been assessed and reviewed against the subject structure based on its merits. The subject structure is permissible and in general conformity with the relevant LEP and DCP.

5.0 Variation to DCP

The content of this Variation Request seeks consent to vary Clauses 2.25 and 3.4 of Chapter 5.1 of the Canterbury-Bankstown Development Control Plan 2023. The non-compliances are in relation to the position of the enclosed car parking spaces associated with the proposed primary dwelling and height of a portion of the external wall of the secondary dwelling. The subject clauses are referenced below:

- 2.25 – *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 clause, Council may allow one car parking space to locate forward of the front building line provided: (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 (b) the covered car parking space is setback a minimum 6 metres from the primary and secondary street frontages*
- 3.4 – *The storey limit for detached secondary dwellings is single storey and the maximum wall height is 3m*

The content herein provides an assessment of the non-compliance against the relevant objectives, site attributes, applicable controls and other statutory requirements.

5.1 Is the Control a Development Standard

As defined in Section 4 of the EP&A Act, development standard means:

Provisions of an environmental planning instrument or the regulations in relation to the carrying out of development, being provisions by or under which requirements are specified or standards are fixed in respect of any aspect of that development, including, but without limiting the generality of the foregoing, requirements or standards in respect of:

- (a) the area, shape or frontage of any land, the dimensions of any land, buildings or works, or the distance of any land, building or work from any specified point,*

.....

It is clear that the content of Clause 2.25 and 3.4 of Chapter 5.1 of the Canterbury-Bankstown Development Control plan 2023 meet the criteria of being considered a development standard

5.2 Extent of Breach of Standard

Clause 2.25 - Two covered car parking spaces are proposed in front of the building line of the primary dwelling

Clause 3.4 - A portion of the secondary dwelling's external walls exceed 3m in height above NGL

5.3 Underlying Object or Purpose of Standard

The Objectives of the Development Standard are denoted in Section 2 (Dwelling Houses) and Section 3 (Secondary Dwellings) of Chapter 5.1 of the DCP. The relevant objectives are as follows:

Section 2

- O1 To ensure the building form, building design, setbacks and landscape of dwelling houses are compatible with the prevailing suburban character of the residential areas.
- O2 To ensure the building form, building design, room sizes and internal layout of dwelling houses provide appropriate amenity to residents in terms of private open space, access to sunlight, privacy and useability.
- O3 To ensure the building form and building design of dwelling houses do not adversely impact on the amenity of neighbouring sites in terms of visual bulk, access to sunlight and privacy.
- O4 To ensure the size, location and design of private open spaces provide appropriate amenity to residents in terms of useability, access to sunlight, privacy and landscape.
- O5 To ensure the landscape design contributes to a high quality streetscape and amenity.
- O6 To provide deep soil zones to allow for and support healthy plant and tree growth.
- O7 To ensure the building form of dwelling houses in the foreshore protection area preserves the existing topography, land and rock

formations, and the unique ecology of natural bushland and mangrove areas.

- O8 To minimise the visual impact of off-street parking on the streetscape.
- O9 To ensure basements are well-designed and integrate into the overall design of the development.

Section 3

- O1 To ensure secondary dwellings are established in conjunction with the principal dwelling on the same site.
- O2 To ensure the building form is subservient to the principal dwelling on the same site in terms of visual bulk and scale.
- O3 To ensure the building form, building design and setbacks of secondary dwellings are compatible with the prevailing suburban character of the residential areas.
- O4 To ensure the building form, building design, room sizes and internal layout of secondary dwellings provide appropriate amenity to residents in terms of private open space, access to sunlight, privacy and useability.
- O5 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.
- O6 To ensure the size, location and design of private open spaces provide appropriate amenity to residents in terms of useability, access to sunlight, privacy and landscape.
- O7 To ensure the landscape design contributes to a high quality streetscape and amenity.
- O8 To provide deep soil zones to allow for and support healthy plant and tree growth.
- O9 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.

5.4 Grounds for Objection

The proposal is consistent with the objectives of the development standard and thus is the underlying principle in seeking variation to the development standard. This Section will investigate this concept.

5.4.1 Compliance with the objective of the development standard

The objectives prescribed within Section 2 (Dwelling Houses) and Section 3 (Secondary Dwellings) of Chapter 5.1 of the DCP are considered below and a comment provided in comparing those objectives to the development proposal:

Objective	Comparison	Justified	
		Yes	No
Section 2			
O1	- The proposal is within the development standards imposed on the development as a result of this objective, however, this objective does not apply too the variation request sought	Yes	
O2	- The proposed design, siting, formation, roof form and connection between indoor and outdoor areas have considered the attributes of the site however these elements are not relevant to the variation sought	Yes	
O3	- The proposal is within the development standards imposed on the development as a result of this objective, however, this objective does not apply too the variation request sought	Yes	
O4	- The POS area associated with the primary dwelling will be centrally located along the width of the allotment, behind the building line however this objective is not compatible with the variation request sought	Yes	
O5	- Please refer to accompanying landscape plan, although this element is not relevant to the variation request	Yes	
O6	- Please refer to accompanying landscape plan, although this element is not relevant to the variation request	Yes	
O7	- The allotment is not within a foreshore protection area nor is this objective relevant to the variation request	Yes	
O8	- As a result of the covered car parking spaces being located in front of the building line of the proposed primary dwelling, the parking spaces will not be located in front of the building line of the proposed secondary dwelling. This combined with the northern orientation of the proposed garage ensures there is no visual impact on the streetscape as a result of the non-compliance as such non-compliance will be merely visible as a result of a normal line of site from the kerb	Yes	
O9	- The proposal does not comprise a basement, nor is this objective relevant to the variation sought	Yes	
Section 3			
O1	- Not relevant to the variation request however the proposed secondary dwelling will be established concurrently with the proposed primary dwelling	Yes	
O2	- Despite the proposal being positioned in front of the proposed primary dwelling, the secondary dwelling is subservient in built form in comparison to the primary dwelling based on height, width and area. As a result of these	Yes	

	attributes, the proposal is also less dominant when viewed from the streetscape and, as a result, is able to accommodate an increased northern boundary setback	
O3	<ul style="list-style-type: none"> - The subject secondary dwelling will, in this case, be situated in front of the proposed primary dwelling and as such form part of the streetscape. The locality and LGA are currently transforming through the implementation of new buildings and as such a combination of new designs and building materials in comparison to traditional housing stock is presently apparent. The proposal recognises and respects this through the implementation of a skillion roof formation with two roof planes and light-weight vertical cladding whilst ensuring minimal presence is observed from the kerbside. This is further purveyed by limiting the proposal to a single storey whilst achieving a primary road setback in excess of that of the minimum required 	Yes
O4	<ul style="list-style-type: none"> - The proposal has considered lot orientation to ensure the best use of solar access to outdoor and indoor living areas. Room sizes and layout have been established to ensure that despite the building inheriting the status of a secondary building, ample living arrangements can be made for occupiers with good use of well thought out room and openings positioning. The ability to maintain a similar ground level to that of the existing as well as the proposal being limited to a single storey ensures no potential privacy issues or the like can become present throughout occupation of the premises. The roof plane is staggered to create visual interest and articulation to the roof form. The portion of the roof nearest the southern boundary falls toward the southern end of the building footprint to limit overshadowing and presence to the adjoining properties to the south. The proposed private open space will enjoy morning solar access and privacy and security in the form of a designated fenced area 	Yes
O5	<ul style="list-style-type: none"> - The ability to maintain a similar ground level to that of the existing as well as the proposal being limited to a single storey ensures no potential privacy issues or the like can become present throughout occupation of the premises. The roof plane is staggered to create visual interest and articulation to the roof form. The portion of the roof nearest the southern boundary falls toward the southern end of the building footprint to limit overshadowing and presence to the adjoining properties to the south. This and the fact that the design does not take advantage of the overall permissible building height ensures a balanced approach is taken between the registered property owners interests and interests of registered property owners on adjoining allotment, particularly to the south 	Yes
O6	<ul style="list-style-type: none"> - The POS area associated with the secondary dwelling will be centrally located along the width of the allotment, behind the building line however this objective is not compatible with the variation request sought 	Yes

O7	- Please refer to accompanying landscape plan, although this element is not relevant to the variation request	Yes
O8	- Please refer to accompanying landscape plan, although this element is not relevant to the variation request	Yes
O9	- The allotment is not within a foreshore protection area nor is this objective relevant to the variation request	Yes

5.5 Aims of the policy

In the circumstances of this case, compliance with the development standard would not be consistent with the aims of the Policy because it would not allow flexibility in the application of the control.

Compliance would tend to hinder the objectives of the Act relating to *development...for... the social and economic welfare of the community and a better environment and to the orderly and economic use and development of land for the following reasons:*

- The garage associated with the primary dwelling will be situated more than 30m from the primary road and as such form little presence on the streetscape
- The garage associated with the primary dwelling will merely be visible when viewed from the street due to it's alignment behind the proposed secondary dwelling and orientation of the garage door opening
- The position and orientation of the garage will contribute to an easier to manoeuvre swept path when navigating to and from the garage
- The secondary dwelling will not be dwarfed by the primary dwelling in the foreground as the primary dwelling is a considerable distance from the streetscape and will also be limited to a single storey
- The buildings have been strategically placed to ensure minimal impact on existing sewerage infrastructure within the confines of the allotment
- Reducing the overall height of the secondary dwelling to achieve a compliant wall height would not result in a better outcome because it would limit the ability for the proposal to integrate with the streetscape in terms of building height and presence similar to that imposed by adjoining dwellings and other dwellings within the streetscape
- The wall height exceedance associated with the secondary dwelling is present toward the centre of the allotment and provides no direct impact on adjoining properties nor does it present a situation for an undesired precedence

- The bulk, scale and affectation on adjoining properties remains minimal as a result of the proposed non-compliances with the development standards the relevant objectives are addressed and achieved
- The proposal complies with all other applicable controls

5.6 Is Compliance Unreasonable or Unnecessary

The arguments set out in the grounds for objection show that strict compliance with the standard is unnecessary to achieve the objectives of the planning control, and it would therefore be unreasonable to require compliance

5.7 Matters of Significance for State or Regional planning

The implications of a primary dwelling and secondary dwelling not achieving development standards in respect of car parking siting and wall overall wall height is local in scope and raises no matters of significance for State or Regional planning.

5.8 Public Benefit of Maintaining the Control

The circumstances of the case should be balanced against the usual presumption of public benefit in maintaining a planning control.

On a merit basis, the proposal is compatible with the locality and objectives of the relevant development standards. The proposal will adhere to all other controls and perhaps in some cases, in a more conservative manner. The proposal will not provide any significant view sharing impacts, not significantly increase the extent of proposed overshadowing and not create an undesirable streetscape. Allowing the variance to the relevant control will provide for a well-balanced development that provides for local employment opportunities and work for local trades and the like.

The proposal is not considered an overdevelopment of the site and will provide for enhanced amenity for new occupants.

It is therefore considered the proposed shortfall will provide minimal impact on the locality and thus be within the public interest.

6.0 Conclusion

The subject development will enhance the aesthetics of the allotment and provide two functional dwellings with no appreciable adverse impact on the amenity of the adjoining neighbour or the locality.

No adverse effects on neighbouring properties or the locality have been identified. The development will meet the objectives of the relevant EPI and DCP and will be in harmony with the future outlook of the locality.

7.0 Summary

The subject development was assessed in accordance with the provisions of Section 4.15 of the EP&A Act. Any non - compliances with the relevant LEP and DCP were identified and compared with the development based on its merits and the Objectives of the relevant LEP and DCP. It was found that the subject development complies with the development standards and objectives of Canterbury Bankstown Council's development controls.

8.0 Stakeholders

<i>Name</i>	<i>Status</i>	<i>Contact</i>	<i>Email</i>
Green Homes Australia Sydney South West Pty Ltd	Dennis Persson	0405 837 203	dennis.persson@greenhomesaustralia.com.au
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