

STATEMENT OF ENVIRONMENTAL EFFECTS



SITE: Lot 33 DP 11831
84 Lancaster Avenue
Punchbowl

PROPOSED DEVELOPMENT: Construction of a secondary dwelling, double garage and alfresco



CONTENTS

INTRODUCTION.....	3
DESCRIPTION OF PROPOSAL	3
LEGISLATIVE REQUIREMENTS.....	4
(a)(i) Relevant environmental planning instruments.....	4
State Environmental Planning Policy (Sustainable Buildings) 2022.....	4
State Environmental Planning Policy (Resilience and Hazards) 2021.....	4
State Environmental Planning Policy (Transport and Infrastructure) 2021.....	5
State Environmental Planning Policy (Biodiversity and Conservation) 2021.....	6
State Environmental Planning Policy (Precinct – Western Parkland City) 2021.....	7
Canterbury-Bankstown Local Environmental Plan 2023	7
(a)(ii) Relevant draft environmental planning instruments	11
(a)(iii) Relevant development control plans	11
Canterbury-Bankstown Development Control Plan 2023.....	11
Secondary Dwellings (Granny Flat) Policy	16
(iiiia) Relevant planning agreement, or draft planning agreements.....	26
(b) Likely impacts of the development, including environmental impacts on both the natural and built environment of the locality	26
(c) The suitability of the site for the development.....	27
(d) Any submissions made in accordance with this Act or the regulations	27
(e) Public interest.....	27
CONCLUSION.....	28
APPENDIX.....	29
Appendix 1 – Clause 4.6 Height of Buildings – Secondary Dwelling overall wall height.....	30

This work is copyright. Apart from any use permitted under the Copyright Act 1968, no part may be reproduced by any process, nor may any other exclusive right be exercised, without the written permission of © Urban Planning and Building Consultants, 2024.



INTRODUCTION

This Statement of Environmental Effects is submitted to Canterbury-Bankstown Council in accordance with the Environmental Planning and Assessment Act 1979, in support of a development application for the construction of a secondary dwelling and garage. This report is based on plans prepared by Universal Designs, Job No. UD2466 Issue 5, dated 18.08.2024.

The subject site is located on Lancaster Avenue, and is rectangular in shape. The allotment has a frontage of 12.19m, a depth of 76.81m and total site area of 936.3139m². The site currently contains a one storey dwelling which is to be retained and a garage and shed which is proposed to be removed as part of this development.

The site has a gradual fall towards the rear of the allotment, two trees are required to be removed to allow for the proposed development. All required services are available to the allotment with the stormwater to be directed to an approved system in accordance with the attached drainage plan.

The surrounding neighbourhood consists of detached one storey dwellings that vary architectural style. No heritage items are noted on site, or within proximity to the subject site.

The following sections of this statement address the likely impact of the proposal.

DESCRIPTION OF PROPOSAL

The proposed works include:

- Construction of a granny flat consisting of 2 bedrooms, an open plan family, dining and kitchen room along with an attached alfresco located above the proposed garage
- Construction of a garage
- Construction of new driveway to the proposed building
- Demolish shed
- Demolish garage
- Removal of two trees



LEGISLATIVE REQUIREMENTS

The following sections address the matters for consideration as listed in Part 4 Section 4.15 of the Environmental Planning & Assessment Act 1979. A comment is provided against each relevant matter.

(a)(i) Relevant environmental planning instruments

State Environmental Planning Policy (Sustainable Buildings) 2022

Chapter 2 – Standards for Residential Development - BASIX

State Environmental Planning Policy (Sustainable Buildings) 2022 requires all residential development in New South Wales to achieve a minimum target for energy efficiency, water efficiency and thermal comfort. The proposed 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 proposal achieves the required rating for energy efficiency, water efficiency and thermal comfort.

State Environmental Planning Policy (Resilience and Hazards) 2021

Chapter 4 – Remediation of Land

Clause 4.6 Contamination and remediation to be considered in determining development application

- (1) A consent authority must not consent to the carrying out of any development on land unless—*
- (a) it has considered whether the land is contaminated, and*
 - (b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and*
 - (c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.*

The subject site is within an existing area historically utilised for residential purposes. No previous land uses are known to have occurred on the site that would result in potential land contamination. No further assessment is considered necessary in this instance.



State Environmental Planning Policy (Transport and Infrastructure) 2021

Chapter 2 – Infrastructure

Part 2.3 Development controls

Division 15 Railways

Subdivision 2 Development in or adjacent to rail corridors and interim rail corridors

Clause 2.98 Development adjacent to rail corridors

- (1) *This section applies to development on land that is in or adjacent to a rail corridor, if the development—*
- (a) is likely to have an adverse effect on rail safety, or*
 - (b) involves the placing of a metal finish on a structure and the rail corridor concerned is used by electric trains, or*
 - (c) involves the use of a crane in air space above any rail corridor, or*
 - (d) is located within 5 metres of an exposed overhead electricity power line that is used for the purpose of railways or rail infrastructure facilities.*

The subject site is not located within proximity to a railway corridor, and does not have a common boundary with a railway corridor. No further assessment is anticipated in this regard.

Division 17 Roads & Traffic

Subdivision 2 Development in or adjacent to road corridors and road reservations

Clause 2.119 Development with frontage to classified road

- (1) *The objectives of this section are—*
- (a) to ensure that new development does not compromise the effective and ongoing operation and function of classified roads, and*
 - (b) to prevent or reduce the potential impact of traffic noise and vehicle emission on development adjacent to classified roads.*
- (2) *The consent authority must not grant consent to development on land that has a frontage to a classified road unless it is satisfied that—*
- (a) where practicable and safe, vehicular access to the land is provided by a road other than the classified road, and*
 - (b) the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development as a result of—*



- (i) the design of the vehicular access to the land, or*
- (ii) the emission of smoke or dust from the development, or*
- (iii) the nature, volume or frequency of vehicles using the classified road to gain access to the land, and*
- (c) the development is of a type that is not sensitive to traffic noise or vehicle emissions, or is appropriately located and designed, or includes measures, to ameliorate potential traffic noise or vehicle emissions within the site of the development arising from the adjacent classified road.*

The subject site is not located within proximity to a classified road, and does not have a frontage or common boundary with the classified roadway. No further assessment is anticipated in this regard.

State Environmental Planning Policy (Biodiversity and Conservation) 2021

Chapter 2 – Vegetation in non-rural areas

The aims of this chapter of the policy are understood to relate to the protection of the biodiversity values of trees and other vegetation in non-rural areas and to preserve the amenity of non-rural area through preservation of trees and other vegetation.

The proposed development requires the removal of two (2) trees to allow the proposed development to be sited. The removal of the identified trees is not known to be of increased biodiversity value and is not anticipated to result in reduced amenity to the proposed development as a result of their removal. Replacement planting is to be provided as part of the proposed development to ensure amenity of the allotment is maintained as a result of the development.

Chapter 6 – Water Catchments

The main objective of this plan is to protect, enhance and maintain the catchments, foreshores, waterways of the Georges River. Given the location of the subject site and the low-density nature of the development, the proposed development is not expected to have any detrimental impact on the objectives of SEPP (Biodiversity and Conservation) 2021.

Stormwater drainage plans have been prepared and are lodged for Council's consideration. The plans demonstrate that the cumulative impact of water quality for the region will be minimal. Subject to appropriate conditions, the proposal will be consistent with SEPP (Biodiversity and Conservation)



2021, particularly in relation to total catchment management, water quality and the metropolitan strategy.

State Environmental Planning Policy (Precinct – Western Parkland City) 2021

Part 4.3 Development – airport safeguards

Clause 4.20 - Wind Turbines

The site is mapped within the 30km buffer zone for wind turbines under this SEPP.

Clause 4.20(3) of the SEPP requires consultation the relevant Commonwealth body for development for the purpose of a wind turbine or large wind monitoring tower, if proposed within the mapped 30km buffer zone. A wind turbine or large wind monitoring tower is not proposed as part of the development. No further assessment is anticipated in this regard.

Canterbury-Bankstown Local Environmental Plan 2023

The LEP is divided into several Parts and the relevant provisions that apply to the subject development are listed, together with a comment with respect to compliance.

Part 2 Permitted or prohibited development

Clause 2.2 Zoning of land to which this plan applies

The subject site is zoned R2 Low Density Residential pursuant to Clause 2.2 of Canterbury-Bankstown Local Environmental Plan 2023.

The proposed development is defined as a “*secondary dwelling*” being “*a self-contained dwelling that—*

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

The identified zone permits the construction of a ‘secondary dwelling’ subject to development consent from Council.



Clause 2.3 Zone Objectives and land use table

The objectives of the R2 Zone are:

- *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 proposed development can satisfy the objectives of the zone as it compliments the existing residential setting. Residential amenity can be maintained by the proposed development as the site is within an existing residential area intended for this form of development.

The proposed secondary dwelling is compatible with the existing and future character of the locality. The development is designed to provide a high level of amenity for adjoining residents whilst considering the natural constraints of the site.

The siting of the secondary dwelling house is in the most appropriate location, which minimises disturbance and follows a similar development density evident throughout the area.

The proposed secondary dwelling is considered to meet the objectives of the R2 Zone.

Part 4 Principal Development Standards

Clause 4.3 Height of Buildings

<i>Requirement</i>	<i>Provision</i>	<i>Compliance</i>
9m ridge height	N/A – see part 2A(a) below	N/A



2A(a) requires secondary dwellings in R2 zone identified in area 1 that are not attached to the principal dwelling to have a maximum height 6m	5.902m	Yes
2B requires secondary dwellings in R2 zone identified in area 1 that are not attached to the principal dwelling to have a maximum wall height 3m	4.96m	No – See appendix 1

Clause 4.4 Floor Space Ratio

<i>Requirement</i>	<i>Provision</i>	<i>Compliance</i>
0.5:1	0.35:1	Yes

Clause 4.6 Exceptions to development standards

The proposed development contravenes Clause 4.3 with regards height of buildings. Please refer to the Appendix of this report for a request to vary the above development standards.

Part 5 Miscellaneous provisions

Clause 5.4 Controls relating to miscellaneous permissible uses

(9) Secondary dwellings on land other than land in a rural zone. If development for the purposes of a secondary dwelling is permitted under this Plan on land other than land in a rural zone, the total floor area of the dwelling (excluding any area used for parking) must not exceed whichever of the following is the greater—

- (a) 60 square metres,*
- (b) 10% of the total floor area of the principal dwelling.*

The secondary dwelling has a gross floor area of 59.36m² and therefore does comply with this requirement.



Clause 5.10 Heritage Conservation

Upon reference to Schedule 5 in relation to local, State or Regional items of heritage significance including conservation areas, it was revealed that the subject property was not identified as a heritage item and is not located within proximity to any heritage items or conservation areas.

Clause 5.11 Bush fire hazard reduction

The subject site is not known to be bushfire prone land.

Clause 5.21 Flood planning

The subject site is not known to be located within a flood planning area.

Part 6 Additional local provisions

Clause 6.1 Acid sulphate soils

The subject property is identified as being affected by Class 5 Acid Sulphate Soils. The proposal does not require excavation more than 1 meter below the existing natural ground level and is not considered to lower the water table by 1 meter. The proposed dwelling requires minor excavation within the footprint area only to provide footings / foundations for the proposed development. The development is not anticipated to have any specific requirement in respect to Acid Sulphate Soils.

Clause 6.2 Earthworks

No earthworks are proposed to site the proposed dwelling, utilising the existing sites typography.

* * *

Conclusion with respect to LEP requirements

The proposal is considered to generally satisfy the relevant objectives and development standards relating to secondary dwellings contained within the Canterbury-Bankstown Local Environmental Plan 2023.



(a)(ii) Relevant draft environmental planning instruments

There are no known draft environmental planning instruments that would prevent the subject development from proceeding.

(a)(iii) Relevant development control plans

Canterbury-Bankstown Development Control Plan 2023

Chapter 2 – Site Considerations

<i>Requirement</i>	<i>Provision</i>	<i>Compliance</i>
<u>Chapter 2.1 Site Analysis</u> Development for the following purposes must submit a site analysis plan: (a) attached dwellings (b) boarding houses (c) manor houses (d) multi dwelling housing (e) multi dwelling housing (terraces) (f) residential flat buildings (g) serviced apartments (h) shop top housing (i) housing estates (j) mixed use development containing dwellings (k) Torrens Title subdivision that proposes three or more lots.	The proposed development relates to a secondary dwelling and therefore does not require a site analysis plan.	N/A
<u>Chapter 2.2 Flood Risk Management</u>	The subject site is not identified as being located in a flood prone area. Therefore, the provisions of this chapter do not apply to the proposed development.	N/A
<u>Chapter 2.3 Tree Management</u>	Two trees are proposed to be removed to site the proposed development.	Yes



	Additional planting can be provided post construction.	
--	--	--

Chapter 3 – General Requirements

<i>Requirement</i>	<i>Provision</i>	<i>Compliance</i>
<u>Chapter 3.1 Development Engineering Standards</u>		
<u>Section 2 civil engineering requirements</u>		
<i>2.1 Vehicular footway crossing design and construction</i> Must provide. widths in accordance with table 2a Residential: Width at boundary Min. 2.75m Max. 5.5m	N/A – no change to existing	N/A
<i>2.3 Internal driveway requirements</i> Car able to access and exit in one motion	Capable of complying	Yes
<i>2.4 Sight distance requirements</i> Refer to the Australian Standard AS 2890.1 for minimum sight distance requirements.	Unchanged by the proposed development.	N/A
<u>Section 3 Stormwater drainage systems</u>		
<i>3.1 Development impacted by stormwater systems</i>	N/A	N/A
<i>3.2. Disposal of stormwater run off</i> To be designed to connect to Council's system at nearest suitable location.	Drainage plans provided	Yes
<i>3.4 Roof gutter design</i>		



<p>Roof, eave and /or box gutters must be sized using formulas in accordance with the Australian Standard AS/NZS 3500 and Table 4b</p> <p><i>3.6 Alternative solutions for stormwater disposal from single dwellings and dual occupancies</i></p> <p>Council will consider alternative system solutions where drainage to a Council system cannot be achieved under gravity.</p>	<p>Capable of complying</p> <p>Suitable stormwater drainage plans provided for Council's consideration</p>	<p>Yes</p> <p>Yes</p>
<p><u>Chapter 3.2 Parking</u></p> <p><u>Section 2 – Off street parking rates</u></p> <p>Secondary dwellings – 1 car space</p> <p>Car parking and associated spaces such as access aisles in excess of requirement will be counted as gross floor area.</p>	<p>Capable of complying</p> <p>Noted – no change to existing dwelling parking provisions.</p>	<p>Yes</p>
<p><u>Section 3 – Design and layout</u></p> <p><i>3.1 Parking location - Must not locate entries:</i></p> <p>Close to intersections/signalised junctions</p> <p>Where adequate sight distance is not available</p> <p>Opposite parking entries</p> <p>Where right turning traffic entering may obstruct through traffic</p> <p><i>3.3 Where above ground parking is the only solution, to be at the rear of buildings.</i></p>	<p>N/A - No change to existing driveway at the boundary or kerb, to be utilised for the proposed garage.</p> <p>Proposed garage located at the rear</p>	<p>N/A</p> <p>Yes</p>



<i>3.8 Location of driveways to allow shortest, most direct access over the nature strip from the road</i>	N/A – no proposed change to existing driveway	N/A
<i>3.11 Residential development driveway widths:</i> One way – 3m clear width min. Two way – 5.5m clear width min.	No proposed change to existing driveway width. New driveway section capable of complying.	Yes
<u>Chapter 3.3 Waste Management</u>	Waste management plan provided.	Yes
<u>Chapter 3.4 Sustainable Development</u>	Basix certificate provided	Yes
<u>3.5 Subdivision</u>	Subdivision does not form part of the proposed development	N/A
<u>3.6 Signage</u>	Signage does not form part of the proposed development	N/A
<u>3.7 Landscape</u> New landscaping to complement existing street landscaping Consider the retention of trees Landscape design is to contribute to and take advantage of the sites characteristic's Retain, protect and enhance indigenous/native vegetation	The proposed development does not include the removal of any important vegetation or trees and has no impact upon the street landscaping with the proposed development located at the rear. Additional planting can be provided following the demolition of the existing dwelling at the rear of the site.	Yes

Chapter 4 - Heritage

Upon reference to LEP Schedule 5 in relation to local, State or Regional items of heritage significance including conservation areas, it was revealed that the subject property was not identified as having heritage significance or located within proximity of heritage items. Therefore, the provisions of this chapter do not apply to the subject site.



Chapter 5 – Residential Accommodation

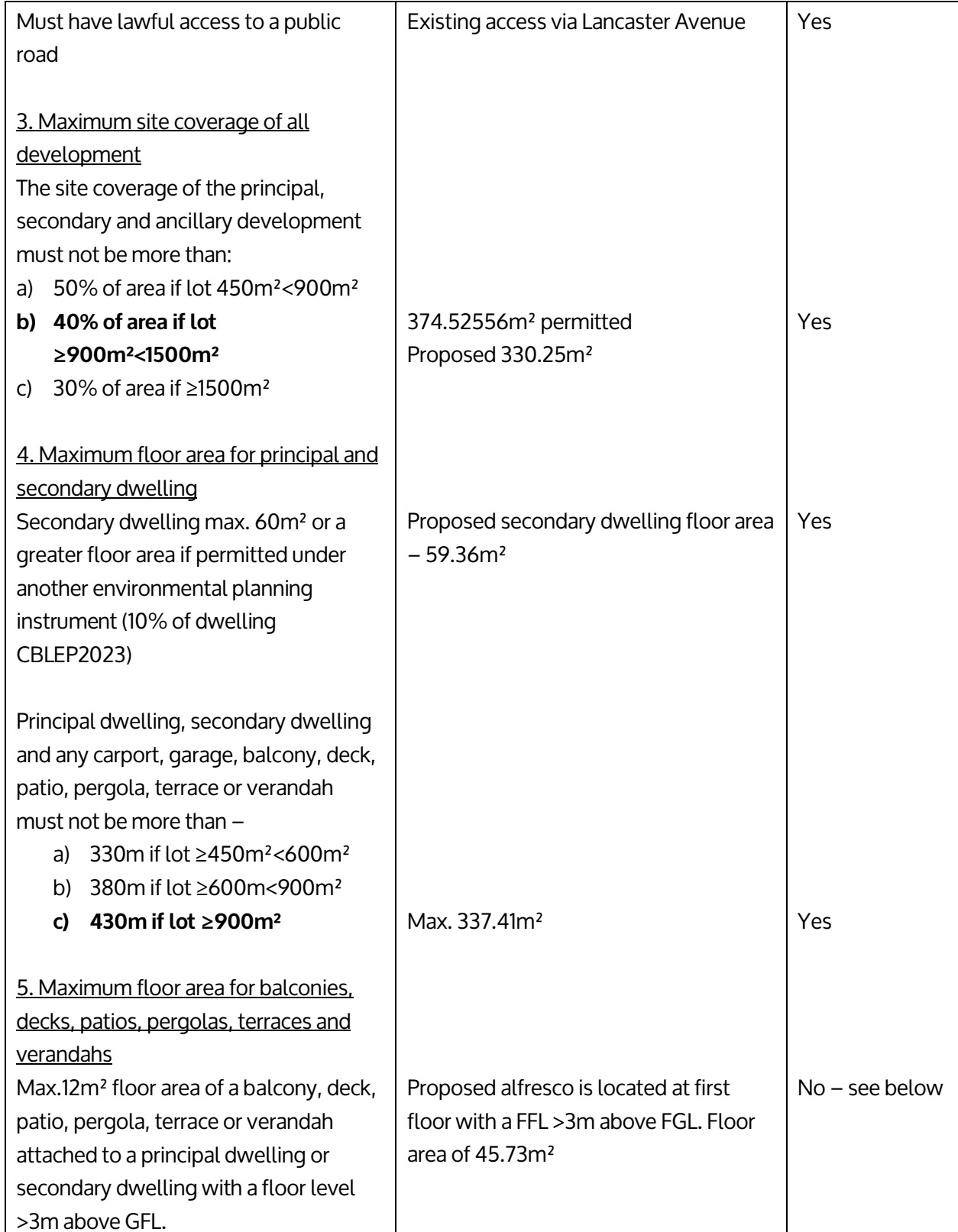
5.2. Former Canterbury LGA

Section 7 – Secondary dwellings

<i>Requirement</i>	<i>Provision</i>	<i>Compliance</i>
Minimum frontage required for secondary dwellings will be considered on merit taking into account compliance with Canterbury City Council's Secondary Dwelling (Granny Flat) Policy	See below	
All development applications for secondary dwellings will be assessed against Schedule 1 of the ARH SEPP 2009.	See below	

Section 9 – Liveable Housing

<i>Requirement</i>	<i>Provision</i>	<i>Compliance</i>
A safe continuous and step free path of travel from the street entrance and/or parking area to a dwelling entrance.	Capable of providing continuous path to building. Steps to dwelling entrance located above garage.	For Council's consideration
Min. 1 step free entrance into the dwelling	No – proposed steps to dwelling entrance	For Council's consideration
Internal doors and corridors that facilitate comfortable and unimpeded movement between spaces	Capable of complying all doors min. 820mm	Yes
A toilet on the ground floor (or entry) level that provides easy access	No – proposed secondary dwelling is located on first floor	For Council's consideration
A bathroom that contains a hobless shower recess	Capable of complying	Yes
Reinforce walls around the toilet, shower and bath to support the safe installation of grabrails at a later date	Capable of complying	Yes





<p><u>Part 3 Building heights and setbacks</u></p> <p><u>6. Building height</u></p> <p>Max. 8.5m</p> <p><u>7. Setbacks from roads, other than classified roads</u></p> <p>Primary road setbacks to be –</p> <p>Average distance of the setbacks of the nearest 2 dwelling houses having a boundary with the same primary road and located within 40m of the lot on which the principal dwelling is erected or</p> <p>Where 2 dwellings are not located within 30m of the lot –</p> <p>Lots $\geq 450\text{m}^2 < 900\text{m}^2$ – min. 4.5m</p> <p>Lots $\geq 900\text{m}^2 < 1500\text{m}^2$ - min. 6.5m</p> <p>Lots $\geq 1500\text{m}^2$ - min. 10m</p> <p>Secondary road setback minimum –</p> <p>Lots $\geq 450\text{m}^2 < 600\text{m}^2$ – min. 2m</p> <p>Lots $\geq 600\text{m}^2 < 1500\text{m}^2$ - min. 3m</p> <p>Lots $\geq 1500\text{m}^2$ - min. 5m</p> <p>Parallel road setback minimum –</p> <p>Lots $\geq 450\text{m}^2 < 900\text{m}^2$ – min. 4.5m</p> <p>Lots $\geq 900\text{m}^2 < 1500\text{m}^2$ - min. 6.5m</p> <p>Lots $\geq 1500\text{m}^2$ - min. 10m</p> <p><u>8. Classified road minimum setbacks –</u></p> <p>As per any other environmental planning instrument or</p> <p>9m in any other case</p>	<p><8.5m</p> <p>No change to existing front setback to road from existing principal dwelling and proposed dwelling is to be located behind.</p> <p>N/A</p> <p>N/A</p> <p>N/A</p>	<p>Yes</p> <p>Yes</p> <p>N/A</p> <p>N/A</p> <p>N/A</p>
--	---	--



<p><u>9. Side setbacks –</u> Lots $\geq 450\text{m}^2 < 900\text{m}^2$ – min. 0.9m Lots $\geq 900\text{m}^2 < 1500\text{m}^2$ - min. 1.5m Lots $\geq 1500\text{m}^2$ - min. 2.5m</p>	<p>Min. 0.9m</p>	<p>No – see below</p>
<p><u>10. Rear setbacks –</u> Lots $\geq 450\text{m}^2 < 900\text{m}^2$ – min. 0.9m Lots $\geq 900\text{m}^2 < 1500\text{m}^2$ - min. 1.5m Lots $\geq 1500\text{m}^2$ - min. 2.5m</p>	<p>6m proposed</p>	<p>Yes</p>
<p><u>11. Exceptions to side and rear setbacks</u> Despite any other Clause development for the purposes of secondary dwelling must not:</p> <ul style="list-style-type: none"> - Min. 3m from any part of new building to public reserve boundary - Side and rear setbacks from boundary with road do not apply to allowable encroachments permitted under Clause 3.7.1.7 of Volume 2 of the Building Code of Australia or any eave or roof overhang. 	<p>N/A – subject site is not located within proximity to a public reserve boundary or have a side or rear boundary with a road</p>	<p>N/A</p>
<p><u>13. Articulation Zone</u> Must not result in neither the principal dwelling nor the secondary dwelling having a front door and a window to a habitable room in the building wall that faces a primary road.</p> <p>Must not result in neither principal dwelling nor the secondary dwelling having a window to a habitable room in a building wall that faces a parallel road.</p>	<p>No change to existing dwelling fronting the Lancaster Avenue.</p> <p>N/A -No window to a habitable room which faces a parallel road</p>	<p>Yes</p> <p>N/A</p>



<p>May incorporate an articulation zone from the secondary dwelling to a primary road unless the secondary dwelling has a setback from the primary road of less than 3m.</p>	<p>N/A – proposed secondary dwelling located behind the existing dwelling.</p>	<p>N/A</p>
<p><u>14. Building elements within the articulation zone</u></p> <p>The following building elements are permitted in an articulation zone:</p> <ul style="list-style-type: none">a) An entry feature or porticob) A balcony, deck, patio, pergola, terrace or verandahc) A window box treatmentd) A bay window or similar featuree) An awning or other feature over a window,f) A sun shading feature <p>Building element must not extend above the eave gutter line, other than a pitched roof to an entry feature or portico that has the same pitch as the roof on the building.</p> <p>Max. area of all building elements within the articulation zone, other than an awning or other feature over a window, or a sun shading feature, must not be >25% of the area of the articulation zone, measured through the horizontal plane of the elements.</p> <p><u>15. Privacy</u></p> <p>New window in the principal or secondary dwelling required to have a privacy screen if –</p>	<p>N/A – no building elements proposed in the articulation zone</p>	<p>N/A</p>



<p>a) Is a habitable room, other than a bedroom and has a floor level >1m above EGL</p> <p>b) Setback <3m</p> <p>c) Has a sill <1.5m</p>	<p>Capable of providing - Family, dining and kitchen room located >1m above EGL, windows W07 and W01.</p>	<p>Yes</p>
<p>Balcony, deck, patio, pergola, terrace or verandah to have a privacy screen if</p> <p>a) Setback <3m from side or rear boundary</p> <p>b) Floor area > 3m²</p> <p>c) Floor level >1m above EGL</p>	<p>Privacy screen provided to proposed alfresco.</p>	<p>Yes</p>
<p><u>Part 4 Landscaping</u></p> <p>16. Landscaped Area</p> <p>Lots ≥450m²<600²m – min. 20%</p> <p>Lots ≥600m²<900²m – min. 25%</p> <p>Lots ≥900m²<1500²m – min. 35%</p> <p>Lots ≥1500m² - min. 45%</p>	<p>Min. 327.53m² / proposed 301m²</p>	<p>No – see below</p>
<p><u>17. Principal Private Open Space</u></p> <p>Min. 24m²</p> <p>Is directly accessible from, and adjacent to, a habitable room, other than a bedroom</p> <p>min. 4m wide</p> <p>max. 1:50 gradient</p>	<p>Proposed alfresco area capable of providing private open space to the secondary dwelling.</p> <p>Proposed development does not reduce the principal dwellings POS provision</p>	<p>Yes</p>
<p><u>Part 5 Earthworks and drainage</u></p> <p><u>18. Excavation of sloping sites</u></p> <p><1m below existing ground level</p> <p>A retaining wall must not extend >1m horizontally beyond the external wall of the principal or secondary dwelling</p> <p>An unprotected embankment must not extend >1m horizontally beyond the external wall of the principal or secondary dwelling.</p>	<p>N/A</p>	<p>N/A</p>



<p><u>19. Fill of sloping sites</u></p> <p>Fill must be contained wholly within the external walls of the principal or secondary dwelling.</p> <p>Exposed fill may be constructed using an unprotected embankment if the principal or secondary dwelling has a setback of >2m from side or rear boundary if:</p> <ul style="list-style-type: none"> a) The fill is <0.6m above EGL b) Fill (not the embankment) does not extend more than 1m beyond an external wall of the dwelling c) The toe of the unprotected embankment has a setback min. 0.4m from side or rear boundary 	<p>Capable of complying</p>	<p>Yes</p>
<p><u>20. Run-off and erosion controls</u></p> <p>Run off and erosion controls must be implemented to prevent soil erosion, water pollution or the discharge of loose sediment on the surrounding land by:</p> <ul style="list-style-type: none"> a) Diverting uncontaminated run-off around cleared or disturbed areas, and b) Erecting a silt fence to prevent debris escaping into drainage systems and waterways, and c) Preventing tracking of sediment by vehicles onto roads and d) Stockpiling top soil, excavated materials, construction and landscaping supplies and debris within the lot. 	<p><0.6m fill proposed</p>	<p>Yes</p>
<p><u>20. Run-off and erosion controls</u></p> <p>Run off and erosion controls must be implemented to prevent soil erosion, water pollution or the discharge of loose sediment on the surrounding land by:</p> <ul style="list-style-type: none"> a) Diverting uncontaminated run-off around cleared or disturbed areas, and b) Erecting a silt fence to prevent debris escaping into drainage systems and waterways, and c) Preventing tracking of sediment by vehicles onto roads and d) Stockpiling top soil, excavated materials, construction and landscaping supplies and debris within the lot. 	<p>Sediment and erosion plan provided for Council's consideration</p>	<p>Yes</p>



<p><u>21. Drainage</u></p> <p>All stormwater collecting as a result of development must be conveyed by a gravity fed or charged system to:</p> <ul style="list-style-type: none">a) A public drainage system, orb) An inter-allotment drainage system, orc) An on-site disposal system. <p>All stormwater drainage systems within a lot and the connection to a public or inter-allotment drainage system must:</p> <ul style="list-style-type: none">a) If an approval is required under section 68 of Local Government Act 1993, be approved under that Act, orb) If an approval is not required under section 68 of the Local Government Act 1993, comply with any requirements for the disposal of stormwater drainage contained in a development control plan that is applicable to the land.	<p>Stormwater plan provided</p>	<p>Yes</p>
---	---------------------------------	------------

Variation Requests

Lot width – Council’s DCP requires lots greater than 900m² and less than 1500m² to have a minimum width of 15m for a secondary dwelling development. The subject site has a width of 12.19m and therefore requires a variation to this control.

The lot width, although less than what the development standard seeks, does not present inadequate site width to allow a secondary dwelling. The proposed secondary dwelling has been designed with consideration of the allotment width to ensure that the development is in keeping with residential development in the surrounding area.



The site currently contains a dwelling of which the proposed secondary dwelling would sit behind and therefore is not expected to have a detrimental impact on the residential streetscape character of the area or on the environmental quality of the area.

The subject site is considered to be of a suitable size to accommodate a principal and secondary dwelling without creating a development that would create an undesirable density, or adverse impacts upon the neighbouring dwellings or principal dwellings privacy and private open space. It is therefore requested that a variation to this control is considered acceptable and should be supported in this instance.

Alfresco Floor Area - the proposed alfresco has a total floor area of 45.73m², exceeding Council's maximum floor area of 12m² for a balcony, deck, patio, pergola, terrace or verandah attached to secondary dwelling with a floor level >3m above GFL. Therefore, a variation to this control is requested.

Despite the alfresco floor area exceeding the maximum area, it is considered to be compatible to the subject site and surrounding area providing recreational space that can be utilised by the secondary dwelling without detrimental impact upon the surrounding developments. The proposed alfresco is considered to be appropriately located above the proposed garage utilising existing hard standing space as opposed to further reducing the landscape onsite. Additional consideration to the siting of the proposed alfresco included providing direct access from the proposed secondary dwelling to the alfresco to provide private open space. The proposed floor area is considered to be appropriate to allow sufficient space for the proposed use.

It is requested that Council support the variation in this instance as the overall siting of the development is appropriate for the site and is capable of achieving the objectives of the control.

Side Setbacks – Council's DCP requires lots greater than 900m² and less than 1500m² to have a minimum side setback of 1.5m. The proposed development has a side setback of 0.9m to the northern elevation therefore requiring a variation to this control.

It is understood that the setback controls are designed to ensure that the proposed development is compatible with the surrounding development whilst minimising the impact on the adjoining developments.



The proposed sitting of the double garage and secondary dwelling follows the existing setbacks provided by the existing principal dwelling and is located at the rear with no neighbouring dwellings buildings within proximity to present privacy concerns. Further the proposed siting allows a greater setback to the southern boundary in order to minimise overshadowing of the neighbouring properties.

Despite the required variation it is anticipated that the proposal will have no greater impact in this regard than that of a compliant proposal and will be able to meet the objectives of the clause. Therefore, a variation to the rear setback requirement is considered to be appropriate for the subject site and should be supported in this instance.

Landscape Area – The Council's DCP requires lots greater than 900m² and less than 1500m² to have at least 50% of the lot landscaped. The subject site has a total lot size of 935.8m² and therefore requires 327.53m² landscaped area, the proposed development provides a landscaped area of 310m². Thus, a variation of 17.53m² is requested.

It is understood that the objectives of the landscape area requirement is to ensure that the landscape character and natural vegetation of the allotment is retained and conserved, whilst achieving the desired future character of the area. Furthermore, a reasonable level of amenity and solar access should be provided, along with minimising run-off and bulk of built form through retaining vegetation.

Extensive consideration has been given to providing as much landscaped area as possible to the development, whilst retaining existing features on site and providing amenity to the existing and proposed amenity.

Additional landscape planting to complement existing and proposed development can occur following construction in order to maintain and enhance the landscape character of the area, minimise run-off and soften the bulk of built form on site.

The proposed secondary dwelling will provide high quality landscaping and amenity with reasonable solar access maintained. Providing high quality landscaping and enhanced amenity is considered to outweigh the impact of the reduced landscape area and is considered to result in a suitable outcome for the site.

In this instance the reduced landscaped area will not result in any impact beyond that of a compliant proposal and it is therefore considered reasonable and appropriate for the variation to be supported.



* * *

Conclusion with respect to DCP requirements

The proposed development generally complies with the relevant development controls relating to secondary dwellings within the Canterbury-Bankstown Development Control Plan 2023.

(iia) Relevant planning agreement, or draft planning agreements

There are no known planning agreements that would prevent the proposed development from proceeding.

(b) Likely impacts of the development, including environmental impacts on both the natural and built environment of the locality

The following matters are understood to be relevant when considering on site impacts.

Siting and Design

The proposed secondary dwelling will be compatible in terms of height, bulk and scale with recent developments within the area.

The siting of the proposed development provides appropriate boundary setbacks, contributing to spatial separation and openness between dwellings. The articulated design of the proposed secondary dwelling and double garage will limit the impact on the adjacent properties in terms of bulk, privacy and overshadowing and will not dominate any perceived views enjoyed by others.

Utilities

The site is connected to all necessary services and utilities including reticulated water and sewerage, overhead electricity and telecommunications.



Waste Minimisation

All waste will be deposited within the waste receptacle in accordance with the waste management plan attached to this application.

Noise and Vibration

All work will be undertaken during hours specified within the development consent. No vibration damage is envisaged to occur during construction.

(c) The suitability of the site for the development

The subject site is within an established residential area within reasonable driving distance to local commercial, retail and transport facilities. The existing road network provides easy access to all locations.

The proposed secondary dwelling and double garage, the subject of the application, can be constructed with all services necessary and have been designed to suit site constraints and the character of the surrounding residential setting.

The proposed works are permissible with development consent under the provisions of Canterbury-Bankstown Local Environmental Plan 2023, and generally satisfies the objectives of the Canterbury-Bankstown Development Control Plan 2023, as discussed above.

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

Council will consider any submissions received during the relevant notification period for this development application.

(e) Public interest

As the proposal can satisfy the objectives of all relevant planning instruments and development control plan, approval of the subject dwelling is considered to be in the public interest.



CONCLUSION

The proposed development has been considered in respect of the relevant Environmental Planning Instruments and is deemed to be satisfactory with respect to those requirements taking into consideration the overall merits of the design presented.

The residential use of the site is permissible with development consent under the provisions of Canterbury-Bankstown Local Environmental Plan 2023, and can satisfy the objectives of the relevant development control plan for the area.

It is considered that the construction of a secondary dwelling will complement and blend with the existing and likely future character of Punchbowl. The proposal is not expected to have an adverse impact on the surrounding natural or built environment.

The appropriateness of the development has been evident within this statement and within the supporting documentation submitted to Council. The proposed secondary dwelling and double garage appropriately identifies and relates to the sites use as a residential development.

Having considered the requirements of all environmental planning instruments and DCP's the proposed landuse activity is considered acceptable and maintains the integrity of the existing locality. There are no potential adverse impacts from the development having considered the relevant heads of consideration under S4.15 of the E P and A Act 1979.

Given the relevant planning policies, codes and requirements of the EP & A Act 1979 have been duly satisfied the proposed development is on balance worthy of approval.

Olivia McQuaid

Town Planner (PIA (Assoc.))

Urban Planning & Building Consultants

9 October 2024



APPENDIX



Appendix 1 – Clause 4.6 Height of Buildings – Secondary Dwelling overall wall height

It is requested that Council consider the following request for a variation under the provision of Clause 4.6 of Canterbury-Bankstown Local Environmental Plan 2023 during assessment of this application:

Canterbury-Bankstown Local Environmental Plan 2023

4.6 Exceptions to development standards

- (1) *The objectives of this clause are as follows—*
- (a) *to provide an appropriate degree of flexibility in applying certain development standards to particular development,*
 - (b) *to achieve better outcomes for and from development by allowing flexibility in particular circumstances.*

Clause 4.6 of the LEP - Exceptions to development standards provides the opportunity for Council to vary the controls based on the merits of the application. The case of *Randwick v Micaul* indicates that Council, as the consent authority, maintains a high level of discretion with regard to the level of justification required in order to support a variation request. As detailed below, it is considered that the current application satisfies the Clause 4.6 criteria in the LEP, and therefore should be supported.

- (2) *Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.*

The wall height for a secondary dwelling standard is not expressly excluded from the operation of Clause 4.6.

- (3) *Development consent must not be granted to development that contravenes a development standard unless the consent authority is satisfied the applicant has demonstrated that—*
- (a) *compliance with the development standard is unreasonable or unnecessary in the circumstances, and*

As discussed below, it is unreasonable and unnecessary to require compliance with the secondary dwelling wall height control as all key Clause 4.6 requirements are satisfied despite the non-



compliance. The proposed non-compliant development can meet the objectives of the wall height and zone as outlined below.

The proposed wall height exceeds the maximum height for secondary dwellings by 1.96m. It is considered that the application, and in particular the proposed FSR should be supported as:

The subject site is zoned R2 Low Density Residential pursuant to Clause 2.2 of Canterbury-Bankstown Local Environmental Plan 2023.

- *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 proposed development is compatible with the existing and future character of the locality. The development is designed to provide a high level of amenity for adjoining residents whilst considering the natural constraints of the site. The proposed works provide high quality architectural features that complement and enhance the streetscape and character of the surrounding area.

The proposed secondary dwelling is considered to meet the objectives of the R2 Zone.

The objectives of Clause 4.3 are:

- (1) *The objectives of this clause are as follows—*
 - (a) *to establish the height of development consistent with the character, amenity and landform of the area in which development will be located,*
 - (b) *to maintain the prevailing suburban character and amenity by limiting the height of development to a maximum of 2 storeys in Zone R2,*



- (c) to provide appropriate height transitions between development, particularly at zone boundaries,*
- (d) to minimise overshadowing to existing buildings and open space,*
- (e) to minimise the visual impact of development on heritage items and heritage conservation areas,*
- (f) to support building design that contributes positively to the streetscape and visual amenity of the area,*

The objectives of this control are understood to be a measure to ensure the dwelling does not have an unreasonable impact on adjoining properties or the streetscape by way of bulk and scale whilst ensuring that the existing character of the area is respected by the development. Further the objective of the development standard is to control the density and intensity of land uses.

The proposal is for a secondary dwelling at the rear of an existing two storey dwelling that has a compliant overall height and total floor space. The proposal therefore does not result in an unreasonable bulk and scale of the built form within the established streetscape. Further the proposed non-compliant wall height relates to the proposed building not purely relating to a secondary dwelling, with a double garage proposed on the ground floor. As above, the wall height proposed represents a numerical non-compliance whereby the proposal sits well within the locality and presents a compatible built form, bulk and scale to other existing dwellings in the area, and to the desired building scale as intended by Clause 4.3 building height controls.

The proposed secondary dwelling is located at the rear of an existing dwelling and would not be visible from the street. As the overall height of the dwelling remains within the allocated 8.5m height limit and the increase in wall height will not result in excessive overshadowing of the adjoining sites.

As there is no perceived impact on the streetscape character of the area or the amenity of adjoining properties as a result of the additional wall height, the proposed development is considered to be able to meet the objectives of the wall height control despite the numerical non-compliance. It is recommended that the application be supported, despite the required variation, as it will complement and blend with the character of the area and is in keeping with the objectives of the zone and specific development control.

The proposed design is considered to be a practical result for the site and creating no adverse environmental effects on the neighbourhood or directly adjoining properties. In the circumstances of



this particular case, it is considered that strict compliance with the wall height requirements of Canterbury-Bankstown Local Environmental Plan 2023 is unreasonable and unnecessary as the 1.96m increase to the wall height of the development is generally in keeping with the existing development theme in this area of Punchbowl. The required variation does not result in a development that is inconsistent with the developing character of the area and will result in no greater impact than that of the existing dwelling and a compliant proposal. Further, the wall height for the proposed development can still attain the objectives of the Environmental Planning and Assessment Act 1979, Zone R2 Low Density Residential and the subject development standard despite the numerical non-compliance. The streetscape theme of Lancaster Avenue is maintained by the development and is considered to provide sufficient environmental planning ground to justify the minor variation. Thus, the variation should be supported in this instance

(b) there are sufficient environmental planning grounds to justify the contravention of the development standard.

The requested variation relates to Clause 4.3(2B) as shown below

4.4 Floor space ratio

(2B) The maximum wall height for a secondary dwelling that is not attached to the principal dwelling in Zone R2 on land identified as "Area 1" on the Clause Application Map is 3m.

The subject site is identified as Area 1 and therefore has a maximum permitted wall height of 3m.

In this instance a total wall height of 4.96m is proposed. Thus, the proposed development requires an overall variation of 1.96m to the development standard.

The variation is not considered to have detrimental impact on the streetscape. The proposed development is not considered to be excessive in size, having a compliant overall building height and provides a garage on the ground floor.

Whilst being numerically non-compliant with the secondary dwelling wall height control the proposed development is not anticipated to detrimentally impact the streetscape or surrounding developments by way of solar access or privacy.



The objects of the Environmental Planning and Assessment Act 1979 are understood to be as follows:

1.3 Objects of Act

The objects of this Act are as follows—

- (a) to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources,*
- (b) to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,*
- (c) to promote the orderly and economic use and development of land,*
- (d) to promote the delivery and maintenance of affordable housing,*
- (e) to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats,*
- (f) to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),*
- (g) to promote good design and amenity of the built environment,*
- (h) to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,*
- (i) to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State,*
- (j) to provide increased opportunity for community participation in environmental planning and assessment.*

Most relevant objects to this development are objects 1.3(c), 1.3(g) and 1.3(h) as outlined above.

The proposed development relates to construction of a secondary dwelling and garage within an established residential setting. Allowing redevelopment of the subject site, despite the numerical non-compliance with the secondary dwelling wall height, ensures that subject site provides housing choice within this area of Punchbowl and off-street parking. Further, allowing the increase in wall height ensures that the proposed development provides both parking and residential accommodation on the subject site reflecting the two-storey development which is considered to promote orderly and economic use and development of the land.

The design of the proposed development is of architectural styling that promotes good design through improved functionality of the floor plans of the development. Further the proposed



development provides open areas within the design ensuring that the amenity of the development is enhanced as a result of the development.

Whilst “environmental planning grounds” are not separately defined within the EP&A Act 1979 the proposed development is considered to provide orderly and economic use and development of the land through utilising an existing residential allotment. Further the proposal meets good design principals and enhanced amenity of the dwelling through the provision of off-street parking without detrimentally impacting the surrounding development by way of visual bulk, privacy, amenity and solar access.

(4) The consent authority must keep a record of its assessment carried out under subclause (3).

Council is to keep records of their assessment of the subject application.

- (6) Development consent must not be granted under this clause for a subdivision of land in Zone RU1 Primary Production, Zone RU2 Rural landscape, Zone RU3 Forestry, Zone RU4 Primary Production Small Lots, Zone RU6 Transition, Zone R5 Large Lot Residential, Zone C2 Environmental Conservation, Zone C3 Environmental Management or Zone C4 Environmental Living if –*
- (a) The subdivision will result in 2 or more lots of less than the minimum area specified for such lot by a development standard, or*
 - (b) The subdivision will result in at least one lot that is less than 90% of the minimum area specified for such lot by a development standard.*

The subject site is not identified to be located in the above zones and does not seek subdivision of the site.

- (8) This Clause does not allow development consent to be granted for development that would contravene any of the following –*
- (a) A development standard for complying development*
 - (b) A development standard that arises, under the regulations under the Act, in connection with a commitment set out in BASIX certificate for a building to which State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 applies or for the land on which such a building is situated*



ba) Clause 4.4, to the extent that it applies to land in Zone B4 that has a maximum floor space ratio of 3:1.

(c) Clause 5.4,

caa) Clause 5.5

ca) Clause 6.27

The subject site is not identified to be located in the above zones, does not conflict the requirements set out in Clause 5.4(9) relating to secondary dwellings providing a compliant floor space area less than 60m² or located at Auburn Road, Regents Park. As such 4.6 remains a relevant clause to the proposed development and subject site.

SUMMARY

As discussed above, compliance with the wall height development standard is considered to be unreasonable and unnecessary in the circumstances of this case. There are sufficient environmental grounds to justify the development contravening the development standard as the proposed development provides good architectural design and amenity which fosters orderly and economic use of the land.

Accordingly, Council's agreement is sought to the proposed variation in maximum wall height of the secondary dwelling.

The proposed development is able to achieve the objectives of the zone and height of buildings clause through the design of the development. As such the proposed development is considered to be in the public interest and there is no public benefit in maintaining the development standard in this instance.

Accordingly, Council's agreement is sought to the proposed variation in height of buildings for the site.