

## STATEMENT OF ENVIRONMENTAL EFFECTS

Construction of Secondary dwelling, attached garage and a pergola



**PERSPECTIVE VIEW OF THE PROPOSED DEVELOPMENT**

LOT 41 DP 23366  
10 Badger Avenue,  
Sefton, NSW 2162  
Date: 12 February 2025

## Table Of Contents

1. INTRODUCTION	3
2. SITE AND SURROUNDS	3
3. PROPOSAL	7
4. SECTION 4.15 EVALUATION	9
4.1. PROVISIONS OF RELEVANT ENVIRONMENTAL PLANNING INSTRUMENTS (CLAUSE 4.15(1)(A)(I))	11
4.1.1 CONSIDERABLE STATE ENVIRONMENTAL PLANNING POLICIES	11
STATE ENVIRONMENTAL PLANNING POLICY (BUILDING SUSTAINABILITY INDEX: BASIX) 2004	11
STATE ENVIRONMENTAL PLANNING POLICY (HOUSING) 2021	11
STATE ENVIRONMENTAL PLANNING POLICY (RESILIENCE AND HAZARDS) 2021	11
4.1.2 CANTERBURY-BANKSTOWN LOCAL ENVIRONMENTAL PLAN 2023	12
PART 2 PERMITTED OR PROHIBITED DEVELOPMENT	12
PART 4 PRINCIPAL DEVELOPMENT STANDARDS	13
PART 5 MISCELLANEOUS PROVISIONS	13
PART 6 ADDITIONAL LOCAL PROVISIONS	14
4.1.3 CANTERBURY-BANKSTOWN DEVELOPMENT CONTROL PLAN 2023	14
REQUIREMENTS APPLYING TO ALL TYPES OF DEVELOPMENT	14
PARKING REQUIREMENTS	15
RESIDENTIAL ACCOMMODATION (FORMER BANKSTOWN LGA)	17
ANCILLARY DEVELOPMENT (OUTBUILDINGS) - PERGOLA	23
5. STATE ENVIRONMENTAL PLANNING POLICY (HOUSING) 2021	25
6. CONCLUSION	26

## 1. INTRODUCTION

This statement of environmental effects has been prepared by Ehup Pty Ltd to accompany a development application to the City of Canterbury Bankstown Council for the demolition of existing garage, the construction secondary dwelling with attached garage and a new driveway at 10 Badger Avenue Sefton, NSW 2162, Lot 41 DP 23366. The application is being lodged, pursuant to Clause 4.12 of the Environmental Planning and Assessment Act 1979.

The proposal complies with the relevant provisions for the residential development under the Canterbury-Bankstown Development Control Plan 2023. The proposal has been designed to achieve the relevant provisions of Canterbury-Bankstown Environmental Plan 2023, and Clause 4.15 of the *Environmental Planning and Assessment Act 1979*. The development is consistent with the R2 zone objectives and follows the built form, scale and design cues of established dwellings in the surrounding neighbourhood and character area.

This Statement of Environmental Effects provides the following:

- Description of the site and surrounding development
- Description of the proposed development; and
- Assessment of the proposal in accordance with Section 4.15 of the *Environmental Planning and Assessment Act 1979*, Canterbury-Bankstown Environmental Plan 2023 and Canterbury-Bankstown Development Control Plan 2023

This statement should be read in conjunction with the architectural plans by Cedar Design and Construct.

## 2. SITE AND SURROUNDS

The subject site is commonly known as 10 Badger Ave, Sefton NSW 2162 and is legally referred to as Lot 41 DP 23366. The subject site is a regular allotment and rectangular shaped with an eastern frontage to Badger Avenue of 13.71m. The site has a total area of 727.4m<sup>2</sup>. The site is relatively flat and the land across the site falls from eastern boundary at RL41.00 through the western boundary at RL40.25, at an average gradient of 5.45%.



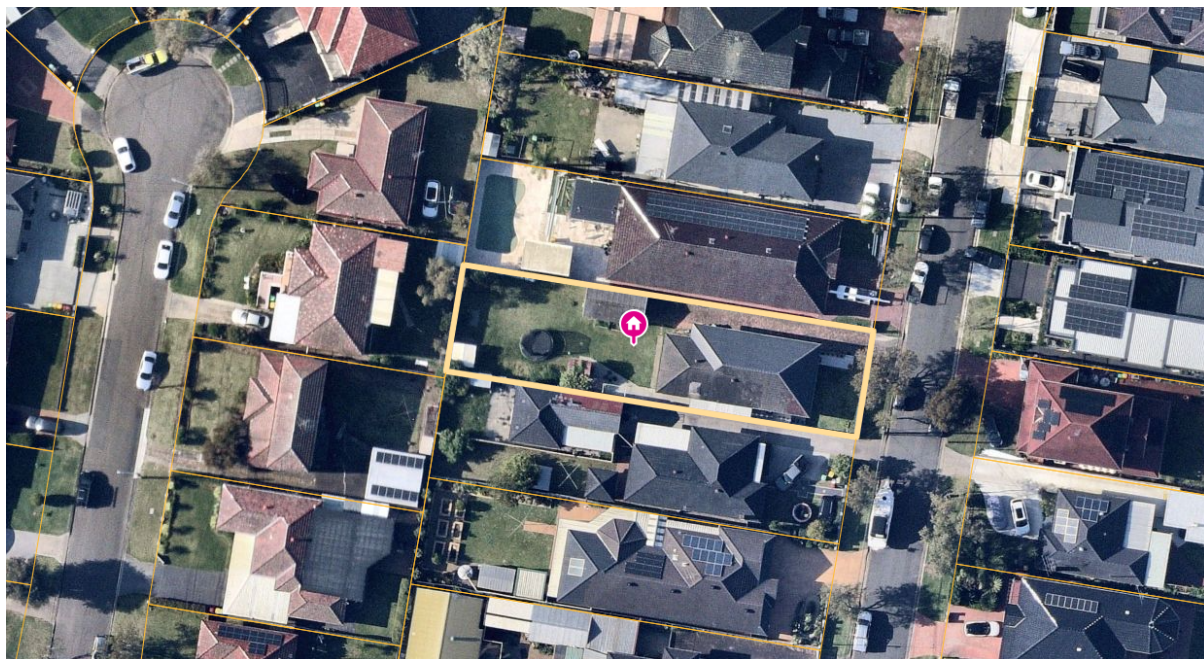


Figure 1: ariel map, Source: Six Map

The site presently contains a single storey dwelling house. Driveway access to detached garage from Badger Avenue. The site is within R2 Low Density Residential under the Canterbury-Bankstown Environmental Plan 2023. The site has been historically used as residential dwelling. Residential development within Badger Avenue is not defined by a single architectural style, but instead ranges from original dwellings to more contemporary double storey dwellings developments.



Figure 2: Front view of the site on Badger Avenue (Google map)





Figure 3: View of neighbouring properties on Badger Ave to the North (Google map).



Figure 4: View of neighbouring properties on Badger Ave to the South.

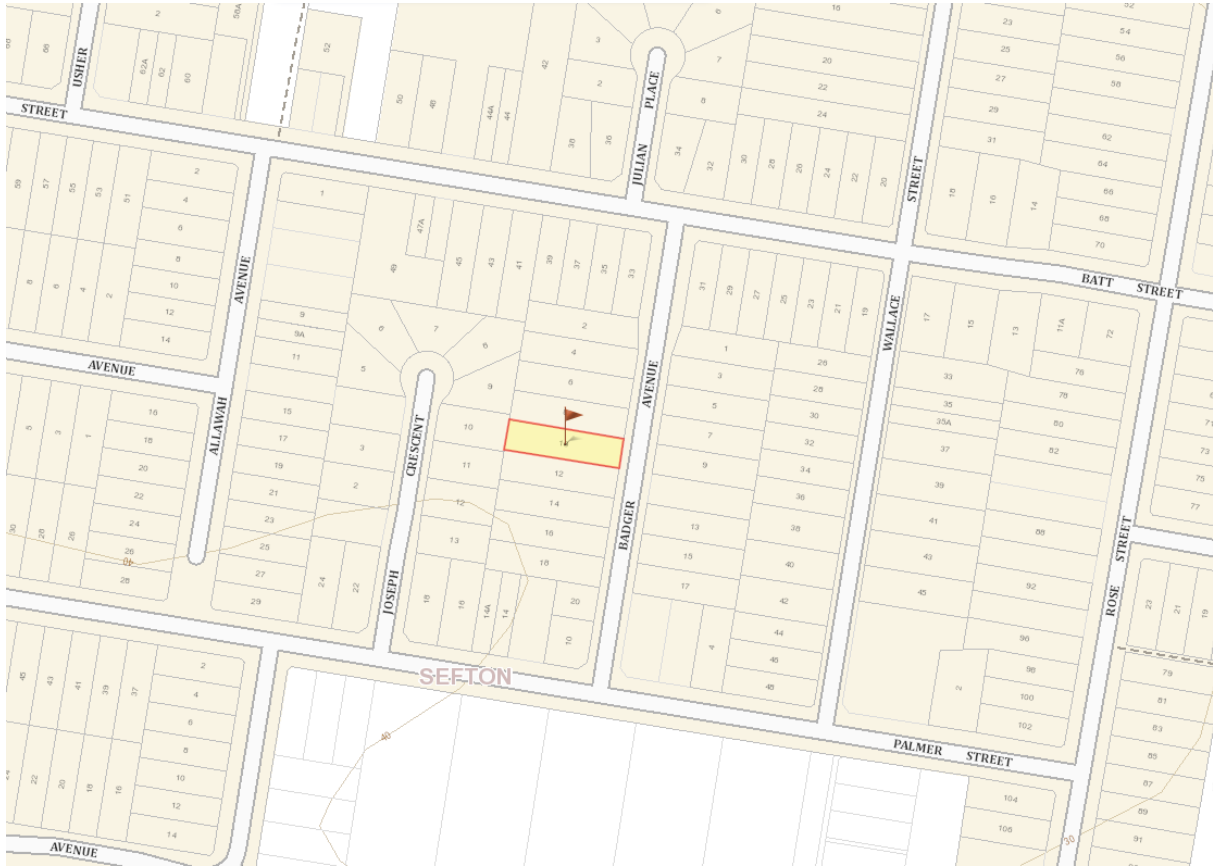


Figure 5: Location of the site, six map.

The site is located within 700 meters of Sefton Train Station and within close proximity to Birrong Public School, Chester Hill Public School, and Bass Hill town center. Bus stops with regular services are located within a 500m radius of the subject site.

The site is not identified as an item of heritage, nor is it located within a heritage conservation area. The subject site is not within the immediate vicinity of heritage-listed items.

The site is not within flood planning area. The site does not contain any tree.

### 3. PROPOSAL

The works will comprise followings:

Demolition:

- Removal of existing garage,
- Demolition of old concrete pathway leading to the backyard WC (WC will be retained)
- Removal of a detached metal shed at the rear of the property

Construction:

- A detached secondary dwelling
- New Garage attached to the secondary dwelling
- New concrete area at the back (115 m<sup>2</sup>)
- New driveway leading to the garage.
- A Pergola attached to the existing dwelling

A new site landscaping scheme and stormwater drainage network is proposed for new dwellings.

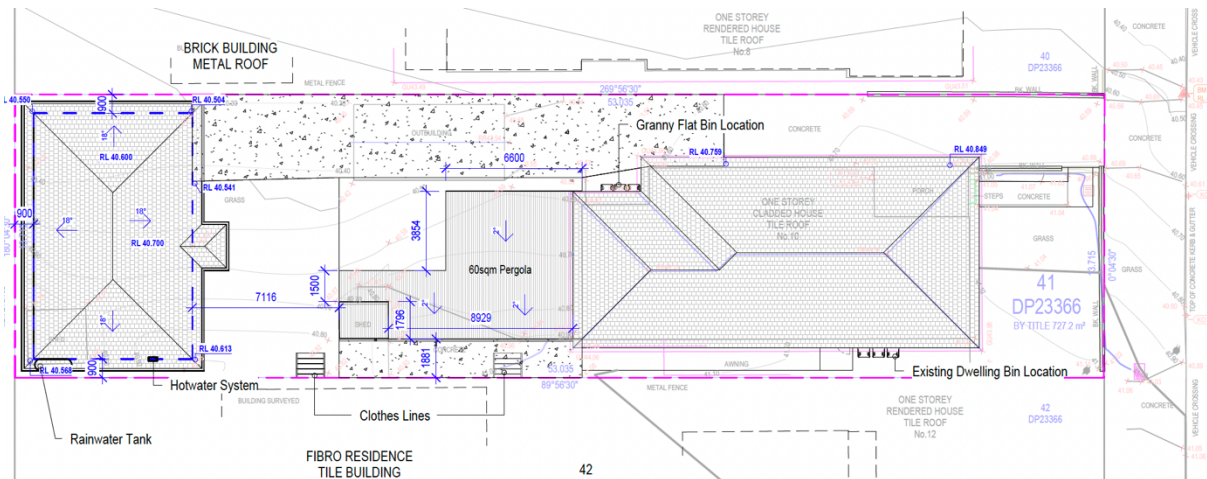


Figure 6: Site Plan



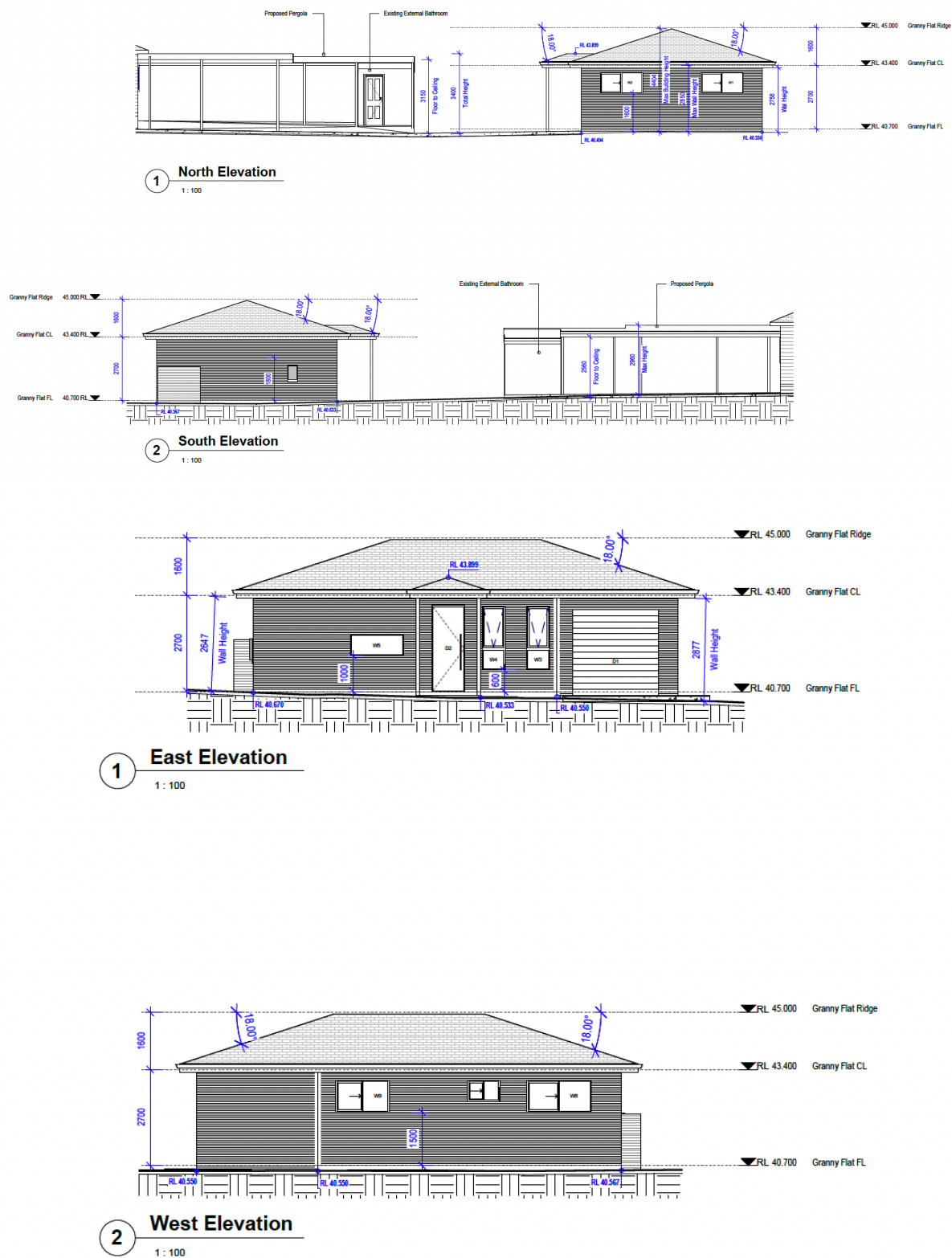


Figure 7: All Elevations

#### 4. SECTION 4.15 EVALUATION

Section 4.15 of the Environmental Planning and Assessment Act 1979 requires the consideration in the table below.

Clause		Assessment
<p><u>Section 4.15(1) Matters for consideration—general</u></p> <p><i>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:</i></p>		
(a) the provision of:	I. any environmental planning instrument	An assessment has been provided against SEPPS and Canterbury-Bankstown Environmental Plan 2023 in part 4.1. of this SEE.
	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	The proposal has been considered in relation to clause 4.15 (1) (ii) in this SEE
	III. any development control plan	The development proposal has been considered against the planning objectives and provisions of the Canterbury-Bankstown Development Control Plan 2023, and no grounds for concern have been identified.
	IV. any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, and the regulations (to the extent that they prescribe matters for the purposes of this paragraph),	The DA is not subject to planning agreement
	V. any coastal zone management plan (within the meaning of the Coastal Protection Act 1979),	There are no coastal zone management plans relevant to the application.

	<i>that apply to the land to which the development application relates,</i>	
<i>(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,</i>		The proposed development does not have any likely impacts.
<i>(c) the suitability of the site for the development</i>		The land is appropriately zoned to permit the secondary dwelling, and the development meets the objectives of Canterbury-Bankstown Local Environmental Plan 2023.
<i>(d) any submissions made in accordance with this Act or the regulations.</i>		It is envisaged that any submissions made in relation to the proposal will be appropriately assessed by Council.
<i>(e) The public interest.</i>		The public interest would be served by approval of this development. The proposal includes positive economic, social and environmental impacts by creating construction jobs and better meeting needs of the building residents. It is considered that the development is consistent with Council's policies and does not result in any unreasonable impacts. Under the circumstances of the case, it is considered that the development is acceptable and should be supported.



## 4.1. Provisions of Relevant Environmental Planning Instruments (clause 4.15(1)(a)(i))

### 4.1.1 Considerable State Environmental Planning Policies

State Environmental Planning Policy	Comment
<b>State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004</b>	<p>The proposal is deemed to be ‘BASIX affected development’, and accordingly a BASIX certificates have been prepared and accompany the application. The proposal is capable of meeting water, thermal and energy saving targets. The requirements outlined in BASIX certificates are addressed in the proposal.</p>
<b>State Environmental Planning Policy (Housing) 2021</b> This SEPP relates to: <ul style="list-style-type: none"> <li>- <i>Boardinghouses, build-to-rent, seniors, group homes, secondary dwellings, social housing, co-living housing, independent living units, dual occupancy, semidetached dwelling and retention of existing affordable housing.</i></li> </ul>	<p>The development involves the construction of a detached secondary dwelling on the site and is therefore assessed against Chapter 3 Part 1 – Secondary Dwellings of the State Environmental Planning Policy (Housing) 2021</p> <p>Refer to section 5 for Housing SEPP.</p>
<b>State Environmental Planning Policy (Resilience and Hazards) 2021</b> This SEPP contains planning provisions: <ul style="list-style-type: none"> <li>- <i>for land use planning within the coastal zone, in a manner consistent with the objects of the Coastal Management Act 2016.</i></li> <li>- <i>to manage hazardous and offensive development.</i></li> <li>- <i>which provides a state-wide planning framework for the remediation of contaminated land and to minimise the risk of harm.</i></li> </ul>	<p>The site, historically, has been used for residential purposes and has not been used for any activity causing contamination. Therefore, there is no need for any further investigation in this regard.</p>

#### 4.1.2 Canterbury-Bankstown Local Environmental Plan 2023

Zone (Clause 2.2)	Objectives	Comply
R2 Low Density Residential.	<ul style="list-style-type: none"> <li>To provide for the housing needs of the community within a low density residential environment.</li> <li>To enable other land uses that provide facilities or services to meet the day to day needs of residents.</li> <li>To allow for certain non-residential uses that are compatible with residential uses and do not adversely affect the living environment or amenity of the area.</li> <li>To ensure suitable landscaping in the low density residential environment.</li> <li>To minimise and manage traffic and parking impacts.</li> <li>To minimise conflict between land uses within this zone and land uses within adjoining zones.</li> <li>To promote a high standard of urban design and local amenity.</li> </ul>	<p>The proposed development fulfills the R2 zone's objectives by offering a high-impact residential solution that addresses the local housing needs.</p> <p>The development's design aligns with the established residential style in the area and will notably enhance the site's appearance through a blend of contemporary architecture and suitable landscaping efforts.</p> <p>Ultimately, this project will establish a positive example for future developments in Sefton.</p>
<b>Part 2 Permitted or prohibited development</b>		
Relevant Clause	Control	Comply
Clause 2.2 – Zoning The site is zoned R2 Low Density Residential	<i>The proposed development is defined in the plans as an “<b>Secondary dwelling</b>” (as defined under the CBLEP) means self-contained dwelling that—</i> <i>(a) is established in conjunction with another</i>	Yes  The proposed “secondary dwelling” development is permissible in the zone subject to development consent from Council.

	<i>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.</i>	
2.7 Demolition requires development consent	<i>The demolition of a building or work may be carried out only with development consent.</i>	The proposal involves demolition works which are permissible with consent. In any event it is expected that the consent authority would impose relevant standard DA conditions, as applicable, on any consent to manage impacts which may arise during demolition.

#### Part 4 Principal Development Standards

Relevant Clause	Control	Comply
4.1.3 Minimum Subdivision Lot Size.	NA.	NA
4.3 Height of Buildings –6m	<i>6m 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,</i>  <i>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.</i>	A maximum building height is achieved to 4.4 and Maximum wall height is 2.8, therefore compliant.
4.4 Floor Space Ratio (FSR) – 0.5:1	<i>The LEP provides for an FSR of 0.5:1 on the site</i>	Complied  0.26:1 provided
4.5 Calculation of floor space ratio and site area		Yes
4.6 Exceptions to development standards	NA	NA

#### Part 5 Miscellaneous provisions

Relevant Clause	Control	Comply
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5.10 Heritage conservation		The site is not identified as a heritage item nor located within a heritage conservation area nor are any located in the direct vicinity of the site.
5.11 Bush fire hazard reduction		This property is not affected by bush fire.
5.21 Flood Planning		This property is not affected by flood planning.
<b>Part 6 Additional local provisions</b>		
<b>Relevant Clause</b>	<b>Control</b>	<b>Comply</b>
6.1 – Acid sulphate soils		The site is not identified as being affected on the Acid Sulfate Soils Map in the Canterbury Bankstown Local Environmental Plan 2023
6.2 - Earthworks		No significant excavation is proposed as part of this application.
6.9 Essential Services	Adequate services are available to the site	The site is fully serviced by water, electricity, sewage and stormwater infrastructure and appropriate conditions of consent can be imposed to this effect
6.15 Design excellence	The proposed development is not subject to Design Excellence	NA

#### 4.1.3 Canterbury-Bankstown Development Control Plan 2023

The table below provides detail on the development standards relevant to the current proposal.

<b>Canterbury-Bankstown Development Control Plan 2023</b>			
<b>Clause</b>	<b>Controls</b>	<b>Comment</b>	<b>Comply</b>
<b>Chapter 2</b>	<b>Requirements Applying to all Types of Development</b>		
<b>2.1</b>	<b>Site Analysis</b>	A brief site analysis is provided above in Section 2. The proposed secondary dwelling is consistent with the character of lots in the locality.	Yes

2.2	<b>Flood risk management</b>	The land is not subject to flooding.	Yes
2.3	<b>Tree Management</b>  <i>2.1 A person must not cut down, fell, uproot, kill, poison, ringbark, burn or otherwise destroy, lop or otherwise remove a substantial part of any prescribed tree defined in clause 2.3 or carry out excavation and earthworks within the tree protection zone except with a permit from Council and subject to any conditions specified in the permit.</i>	The proposed development does not involve any tree removal within the property.	Yes
<b>Chapter 3</b>	<b>Parking Requirements</b>		
3.2	<b>Off-Street Parking Rates</b>  <i>Secondary Dwellings – 1 car space</i>	Provided	Complied Yes
	<b>Access driveway width and design</b>  <i>3.8 The location of driveways to properties should allow the shortest, most direct access over the nature strip from the road.</i>  <i>3.9 The appropriate driveway width is dependent on the type of parking facility, whether entry and exit points are combined or separate, the frontage road type and the number of parking spaces served by the access facility.</i>  <i>3.10 Driveway widths for existing dwellings and extensions to the existing properties are assessed on their merits.</i>  <i>3.11 For new residential development, necessary clear</i>	The location of driveways to properties allows the shortest, most direct access over the nature strip from Badger Avenue.  3m width driveway provided	Yes

	<p><i>driveway widths are provided in the following table:</i></p> <table><tr><td><i>Driveway width</i></td><td><i>Minimum clear width</i></td></tr><tr><td><i>One-way</i></td><td><i>3m</i></td></tr><tr><td><i>Two-way</i></td><td><i>5.5</i></td></tr></table>	<i>Driveway width</i>	<i>Minimum clear width</i>	<i>One-way</i>	<i>3m</i>	<i>Two-way</i>	<i>5.5</i>		
<i>Driveway width</i>	<i>Minimum clear width</i>								
<i>One-way</i>	<i>3m</i>								
<i>Two-way</i>	<i>5.5</i>								
3.3	<p><b>Waste Management</b></p> <p><i>2.2 The bin sizes for residential development (secondary dwellings)</i></p> <p><i>General waste- 140L</i> <i>Recycling – 240L</i> <i>Garden Organics -240L</i></p> <p><i>3.3 Development must provide an adequate sized bin storage area behind the front building line to accommodate all allocated bins.</i></p> <p><i>3.4 The location of the bin storage area must not adversely impact on the the streetscape, building design or amenity of dwellings.</i></p> <p><i>3.5 The location of the bin storage area should ensure this area:</i></p> <p><i>(a) is screened or cannot be viewed from the public domain; and</i></p> <p><i>(b) is away from windows of habitable rooms to reduce adverse amenity impacts associated with noise, odour and traffic.</i></p>	<p>Provided</p> <p>Proposed bin storage area does not adversely impact the streetscape, building design or amenity of the dwelling.</p> <p>Achieved</p>	Yes						

3.7	<p><b>Landscape</b></p> <p><i>2.1 New landscaping is to complement the existing street landscaping and improve the quality of the streetscape.</i></p> <p><i>2.3 The landscape design is to contribute to and take advantage of the site characteristics.</i></p> <p><i>3.1 Development must retain, protect and enhance indigenous/native vegetation and natural site features and incorporate it into the landscape design.</i></p>	<p>A concept Landscape Plan is included in the architectural drawings.</p> <p>All controls related to landscaping have been taken into consideration.</p>	Yes
<b>Chapter 5.1</b>	<b>Residential Accommodation (Former Bankstown LGA)</b>		
<b>3</b>	<b>Secondary Dwelling</b>		
3.1	<p><b>Lot size –</b></p> <p>Minimum 450 m<sup>2</sup></p>	Lot size is 727.4m <sup>2</sup>	Yes
3.2	<p><i>(a) the total floor area of the principal dwelling and the secondary dwelling is no more than the maximum floor area allowed for a dwelling house on the land under an environmental planning instrument; and</i></p> <p><i>(b) the total floor area of the secondary dwelling is no more than 60m<sup>2</sup> or, if a greater floor area is permitted in respect of a secondary dwelling on the land under an environmental planning instrument, that greater floor area.</i></p>	<p>Site area is 727.4 m<sup>2</sup>  Allowable Floor area is 363.7m<sup>2</sup>  Existing dwelling 134 m<sup>2</sup>  Secondary dwelling 60m<sup>2</sup>  Total Floor area is 194 m<sup>2</sup> proposed.</p> <p>60m<sup>2</sup> proposed</p>	Yes
3.3	<b>Story limit –</b> Two Storeys	Single storey proposed	Yes
3.4	<b>Wall height –</b> 3m	2.8m proposed	Yes



3.5	<p><b>Sitting –</b></p> <p><i>The siting of secondary dwellings and landscape works must be compatible with the existing slope and contours of the site and any adjoining sites.</i></p>	Development does not involve elevated platforms on columns; or excessive or unnecessary terracing, rock excavation, retaining walls or reclamation.	
3.6	<p><b>Fill-</b></p> <p><i>Any reconstituted ground level on the site within the ground floor perimeter of secondary dwellings must not exceed a height of 1m above the ground level (existing). For the purposes of this clause, the ground floor perimeter includes the front porch.</i></p>	Proposed secondary dwelling does not exceed height of 1m fill.	Yes
3.7	<p><b>Fill -</b></p> <p><i>Any reconstituted ground level on the site outside of the ground floor perimeter of dwelling houses must not exceed a height of 600mm above the ground level (existing) of an adjoining site. For the purposes of this clause, the ground floor perimeter includes the front porch.</i></p>	Achieved	Yes
3.8	<p><b>Setback restrictions –</b></p> <p><i>The erection of secondary dwellings is prohibited within 9 metres of an existing animal boarding or training establishment.</i></p>	Not applicable	NA
3.9	<p><b>Primary Street setbacks –</b></p> <p><i>The minimum setback for a building wall to the primary street frontage is:</i></p> <p><i>(a) 5.5 metres for the first storey (i.e. the ground floor); and</i></p> <p><i>(b) 6.5 metres for the second storey.</i></p>	Satisfies	Yes

3.10	<p><b>Secondary Street setbacks -</b></p> <p><i>The minimum setback to the secondary street frontage is:</i></p> <p><i>(a) 3 metres for a building wall; and</i></p> <p><i>(b) 5.5 metres for a garage or carport that is attached to the building wall.</i></p>	Not applicable.	NA
3.11	<p><b>Side setbacks –</b></p> <p><i>For the portion of the building wall that has a wall height less than or equal to 7 metres, the minimum setback to the side boundary of the site is 0.9 metre.</i></p>	0.9 m provided	Yes
3.12	<p><i>For the portion of the building wall that has a wall height greater than 7 metres, the minimum setback to the side boundary of the site is 1.5 metre.</i></p>	Not applicable	Yes
3.13	<p><b>Private Open space –</b></p> <p><i>Secondary dwellings must not result in the principal dwelling on the site having less than the required landscaped area and private open space.</i></p>	170 m2 proposed for landscaping which is 24%	Yes
3.14	<p><b>Access to sunlight –</b></p> <p><i>At least one living area must receive a minimum 3 hours of sunlight between 8.00am and 4.00pm at the mid–winter solstice. Council may allow light wells and skylights to supplement this access to sunlight provided these building elements are not the primary source of sunlight to the living areas.</i></p>	The north point on the plan is oriented toward the side boundary, with the east facing the front of the site. This orientation ensures that both the private open space (POS) and the proposed living room of the granny flat will receive ample sunlight. The site's orientation is ideal for maximizing the sun's path, making it well-suited for this development to achieve the required sunlight access	Yes
3.15	<p><i>At least one living area of a dwelling on an adjoining allotment must receive a</i></p>	There will overshadowing on the adjoining allotment	Yes

	<i>minimum 3 hours of sunlight between 8.00am and 4.00pm at the mid–winter solstice. Where this requirement cannot be met, the development must not result with additional overshadowing on the affected living areas of the dwelling.</i>		
<b>3.16</b>	<i>A minimum 50% of the private open space required for the dwelling and a minimum 50% of the private open space of a dwelling on an adjoining allotment must receive at least 3 hours of sunlight between 9.00am and 5.00pm at the equinox. Where this requirement cannot be met for a dwelling on an adjoining allotment, the development must not result with additional overshadowing on the affected private open space.</i>	The development will not introduce additional overshadowing on the private open space of adjoining properties, ensuring compliance with council requirements for solar access.	Yes
<b>3.17</b>	<p><b>Visual privacy –</b></p> <p><i>Where development proposes a window that directly looks into the living area or bedroom window of an existing dwelling, the development must:</i></p> <p><i>(a) offset the windows between dwellings to minimise overlooking; or</i></p> <p><i>(b) provide the window with a minimum sill height of 1.5 metres above floor level; or</i></p> <p><i>(c) ensure the window cannot open and has obscure glazing to a minimum height of 1.5 metres above floor level; or</i></p> <p><i>(d) use another form of screening to the satisfaction of Council.</i></p>	Windows have been carefully sited, offset and feature increased sill heights where necessary to avoid direct view into adjoining properties.	yes
<b>3.18</b>	<p><i>Where development proposes a window that directly looks into the private open space of an existing dwelling, the window does not require screening where:</i></p> <p><i>a) the window is to a bedroom, bathroom, toilet, laundry,</i></p>	The proposed development is situated within a suitable building envelope on the site and does not provide for overlooking into adjoining private open space areas. The proposed side and rear windows have been carefully sited	Yes

	<p><i>storage room, or other non-habitable room; or</i></p> <p><i>b) the window has a minimum sill height of 1.5 metres above floor level; or</i></p> <p><i>c) the window has translucent glazing to a minimum height of 1.5 metres above floor level; or</i></p> <p><i>d) the window is designed to prevent overlooking of more than 50% of the private open space of a lower-level or adjoining dwelling.</i></p>	and feature increased sill heights where necessary.	
<b>3.19</b>	<p><i>Council may allow attached secondary dwellings to have an upper floor side or rear balcony solely where the balcony is not accessible from a living area or hallway, and the balcony design:</i></p> <p><i>a) does not have an external staircase; and</i></p> <p><i>b) does not exceed a width of 1.5 metres throughout; and</i></p> <p><i>c) incorporates a form of screening to the satisfaction of Council such as partially recessing the balcony into the building.</i></p>	Not Applicable	Yes
<b>3.20</b>	<p><i>Council does not allow dwelling houses to have roof-top balconies and the like</i></p>	Not proposed	Yes
<b>Building design</b>			
<b>3.21</b>	<p><i>The maximum roof pitch for attached secondary dwelling is 35degrees.</i></p>	Not Applicable	NA
<b>3.22</b>	<p><i>Council may allow attached secondary dwellings to have an attic provided the attic design:</i></p> <p><i>(a) accommodates no more than two small rooms (for the purposes of a bedroom and/or study) and a bathroom plus an internal link to the storey below; and</i></p> <p><i>(b) ensures the attic does not give the external appearance of a storey.</i></p>	Not applicable	NA



3.23	<i>The design of dormers must: (a) be compatible with the form and pitch of the roof; and (b) must not project above the ridgeline of the main roof; and (c) must not exceed a width of 2 metres; and (d) the number of dormers must not dominate the roof plane.</i>	Not applicable	NA
3.24	<i>The maximum roof pitch for detached secondary dwellings is 25 degrees. An attic or basement is not permitted as part of the dwelling</i>	18 degrees proposed	NA
3.26	<i>The change of use of outbuildings to secondary dwellings must comply with the National Construction Code</i>	Not applicable	NA
<b>Building design (car parking)</b>			
3.27	<i>Secondary dwellings must not result in the principal dwelling on the site having less than the required car parking spaces.</i>	Complied	Yes
3.28	<b>Landscape-</b> <i>Development must retain and protect any significant trees on the site and adjoining sites. To achieve this clause, the development may require a design alteration or a reduction in the size of the the secondary dwelling</i>	The proposed development does not require the removal of any significant trees or vegetation.	Yes
<b>Section 11 Livable Housing (Secondary dwellings)</b>			
11.1	<i>Capability for a safe and continuous path of travel from the street or car parking area into the dwelling;</i>  <i>Internal doors with a clearance of 820mm and corridors with a clearance of 1000mm, that facilitate comfortable unimpeded movement between spaces;</i>	The design includes a clear, unobstructed, and safe pathway from the street or car parking area to the dwelling entrance, ensuring ease of access for all occupants.  All internal doors provide a minimum clearance of 820mm,  The bathroom includes a hobless shower recess, ensuring improved accessibility and safety,	Yes

	<p><i>A bathroom that contains a hobless shower recess;</i></p> <p><i>Reinforced walls around the toilet, shower and bath to support safe installation of grabrails at a later date.</i></p>	<p>particularly for individuals with mobility challenges.</p> <p>The walls around the toilet, shower, and bath have been reinforced to support the safe and secure installation of grab rails if required in the future, promoting adaptability and safety over time</p>	
<b>Section 12</b>	<b>ANCILLARY DEVELOPMENT (OUTBUILDINGS) - PERGOLA</b>		
<b>12.1</b>	<i>Council allows a maximum of one outbuilding on a site</i>	One proposed	Yes
12.2	<p><i>The outbuilding must be established in conjunction with the principal dwelling on the same site and must ensure that:</i></p> <p><i>(a) it is separate from the principal dwelling and any secondary dwelling on the same site, and</i></p> <p><i>(b) it is not used as a separate dwelling, and</i></p> <p><i>(c) it does not contain cooking facilities, toilet and shower, and</i></p> <p><i>(d) it does not function or can be adapted to function for industrial purposes.</i></p>	<p>a) it is separate from the secondary dwelling</p> <p>b) Not proposed</p> <p>c) comply</p> <p>d) comply</p>	
12.3	<p><i>Site cover</i></p> <p><i>12.3 The maximum site cover of the outbuilding is:</i></p> <p><i>(a) 36m<sup>2</sup> where the site is less than 300m<sup>2</sup> in area</i></p> <p><i>(b) 45m<sup>2</sup> where the site is 300m<sup>2</sup> to 600m<sup>2</sup> in area</i></p> <p><i>(c) 60m<sup>2</sup> where the site is greater than 600m<sup>2</sup> in area.</i></p>	Site cover 60 m <sup>2</sup> proposed	
12.4	<i>The outbuilding must not result in the principal dwelling on the site having less than the required landscaped area and private open space.</i>	Comply	Yes
12.5	<i>The storey limit for the outbuilding is single storey. An attic or basement is not permitted in the outbuilding.</i>	Comply	Yes
12.6	<i>The maximum building height for the outbuilding is 4.5m above ground level (existing).</i>	3.4 proposed	Yes

12.7	<i>The siting of the outbuilding and landscape works must be compatible with the existing slope and contours of the site and any adjoining sites. Council does not allow any development that involves elevated platforms on columns; or excessive or unnecessary terracing, rock excavation, retaining walls or reclamation.</i>	Comply	Yes
12.8	<i>The outbuilding must locate behind the front building line.</i>	Located at the rear	Yes
12.9	<i>Side and rear setbacks The minimum setback to the side and rear boundaries of the site is: (a) zero setback for carports or masonry walls that do not contain windows, eaves and gutters provided the structures comply with the National Construction Code; or (b) 0.45m for non-masonry walls that do not contain a windows, eaves and gutters; or (c) 0.9m for walls with windows.</i>	Side setbacks 1.8 proposed	
12.10	<i>The minimum setback to a dwelling, building, roof, awning, balcony, deck, patio, pergola, terrace, verandah, carport, garage and the like on the same site is 1.8m.</i>	1.8m proposed	Yes
12.11	<i>The maximum roof pitch for the outbuilding is 25 degrees.</i>	Comply	Yes
12.12	<i>Council does not allow the outbuilding to have roof-top balconies and the like.</i>	Not proposed	NA
12.13	<i>Development must retain and protect any significant trees on the site and adjoining sites. To achieve this clause, the development may require a design alteration or a reduction in the size of the outbuilding.</i>	No impact on any trees	Yes
<b>14</b>	<b>Site Facilities</b>		
14.1	<b>Building design (utilities and building services)</b>	Satisfies	Yes

	<i>The location and design of utilities and building services (such as plant rooms, hydrants, equipment and the like) must be shown on the plans</i>		
<b>14.2</b>	<i>Utilities and building services are to be integrated into the building design and concealed from public view.</i>	Satisfies	Yes

## 5. STATE ENVIRONMENTAL PLANNING POLICY (HOUSING) 2021

Clause		Assessment	Compliance
<b>Division 2 Secondary dwellings permitted with consent</b>			
<b>52</b>	<b>Lot Requirements</b>		
<i>(a) the provision of:</i>	(2)(a) no dwellings, other than the principal dwelling and the secondary dwelling, will be located on the land, and	Satisfies	Yes
	(b) the total floor area of the principal dwelling and the secondary dwelling is no more than the maximum floor area permitted for a dwelling house on the land under another environmental planning instrument, and	363.7 m <sup>2</sup> allowed 194 m <sup>2</sup> proposed	Yes
	(c) the total floor area of the secondary dwelling is—  (i) no more than 60m <sup>2</sup> , or  (ii) if a greater floor area is permitted for a secondary dwelling on the land under another environmental planning instrument—the greater floor area.	60 m <sup>2</sup> proposed	Yes



53 non-discretionary development standards—the Act, s 4.15		
(a) for a detached secondary dwelling—a minimum site area of 450m <sup>2</sup> ,	The site area is 727.4 m <sup>2</sup>	Yes
(b) the number of parking spaces provided on the site is the same as the number of parking spaces provided on the site immediately before the development is carried out.	satisfies	Yes

## 6. CONCLUSION

The proposed secondary dwelling with attached garage and a pergola are permissible in the zone and consistent with the zone objectives. The proposed secondary dwelling has been site specifically designed to generate a high level of amenity while respecting the amenity enjoyed currently by adjoining owners. The proposed development is well concealed at the rear of the principal dwelling on the subject site. The proposal is reasonable pursuant to the provisions of the Canterbury Bankstown LEP 2023 and the associated DCP.

In view of the above, the proposed development is appropriate, and Council approval is recommended.