

Statement of Environmental Effects

Residential – Secondary Dwelling

Address: 65 Bullecourt Ave, Milperra
Lot: 3
DP: 235638

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1. INTRODUCTION

This Statement of Environmental Effects has been prepared to accompany the request of Bankstown Council that seeks consent for the proposed development of a secondary dwelling at 65 Bullecourt Ave, Milperra, also know as Lot – 3 DP – 235638.

The development adopts a high-quality architectural appearance and form having regard to the local context as well as the existing primary dwelling. The proposed building comprises a single-story secondary dwelling. The orientation and design of the development ensures that the building is provided with ample amenity through the provision of natural light and natural cross flow ventilation for each room and reasonably sized rooms and generous living and Kitchen areas. The development achieves a high level of compliance with the requirements prescribed in *Canterbury-Bankstown Local Environmental Plan 2023* (the LEP) and *Canterbury-Bankstown Development Control Plan 2023* (the DCP).

The Statement of Environmental Effects has been prepared having regard to the following plans, reports and documents that accompany the Development Application:

Architectural Plans prepared by Cedar Design & Construct,

2. THE SITE AND SURROUNDING

2.1 Legal Description

The subject site comprises 1 land parcel legally defined as Lot 3 in Deposited Plan 235638 and is more commonly known as 65 Bullecourt Avenue, Milperra 2214.

2.2 Location

The site is situated on Bullecourt Avenue, off of Henry Lawson Drive.



Figure 01 - Location Map (N.T.S) – North Up the page

2.3 Dimensions and Site area

The subjected site is a rectangular shape allotment, with boundaries as follows:

- 15.5m on the front (Bullecourt Ave) boundary.
- 36.5m on the side boundary.
- 36.5 on the side boundary.
- 15.5m on the rear boundary.

The site has an overall area of 575.4m².

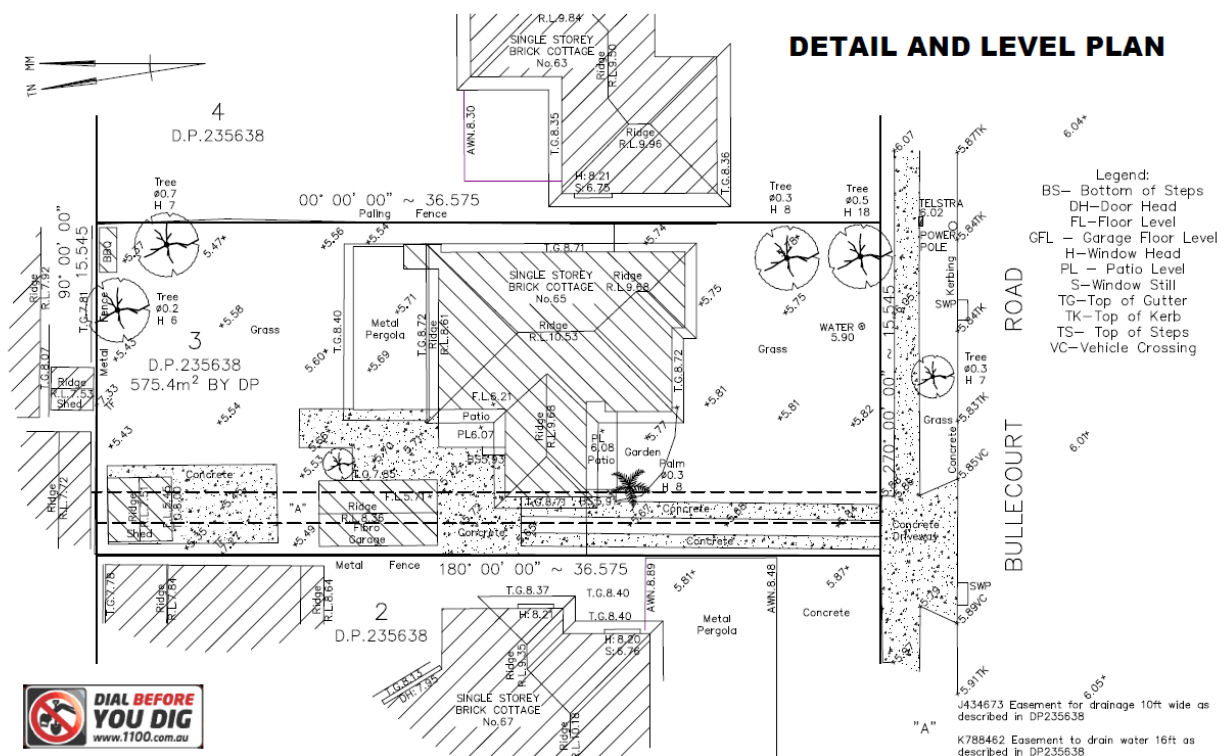


Figure 02 – Site Plan

2.4 Topography

Based on the RL levels indicated on the survey plan accompanying the application, the land is relatively flat and has a minimal drop of 0.39m from RL5.43 AHD at the rear boundary to RL5.82 AHD the front boundary of the site.

2.5 Existing Improvements

The land is not a vacant lot, and houses a single storey brick cottage, a shed and garage. The proposed secondary dwelling will enhance the vicinity of the existing lot.



Figure 03 - Existing Condition

2.6 Existing Vegetation

As per the site plan below, the site contains 2 mature trees to the rear of the site. The tree on the northern rear boundary will be removed as part of this application, and the tree on the eastern side boundary will be maintained. See below:

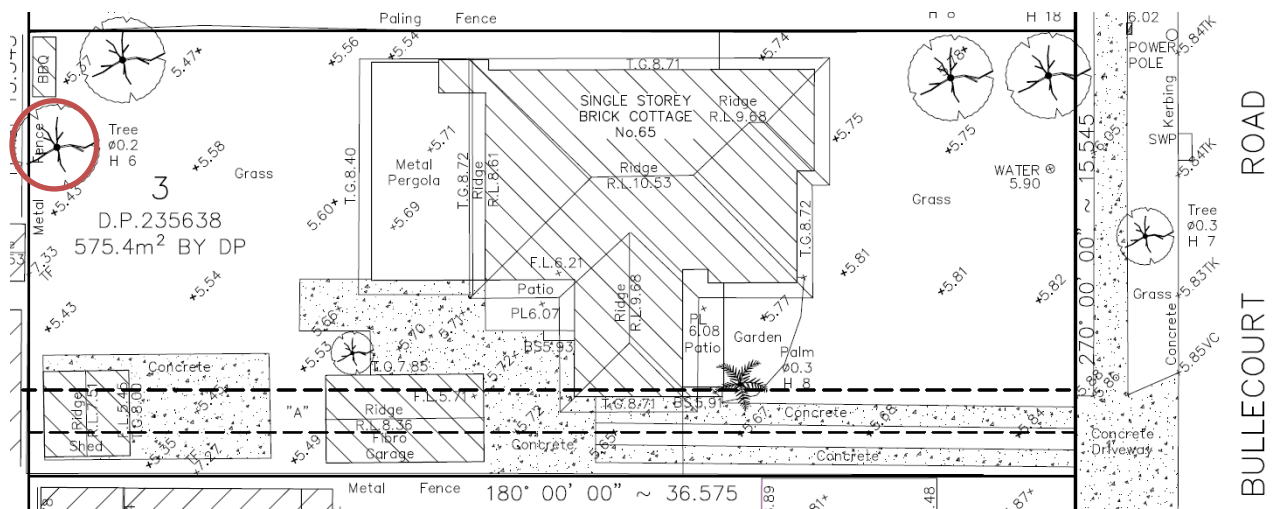


Figure 04 – Site Vegetation– Residential Zone

2.7 Surrounds

The surrounding land uses immediately adjoining or situated opposite the boundaries of the site are as follows:

- Lot 2 and Lot 4 are residential occupied lands along the same side of Bullecourt

Ave; The local surrounding area is generally characterised by residential.

2.8 Past Uses and Development History

A review of Council's online DA Tracking system has revealed that no previous applications were found.

3. THE PROPOSAL

3.1 Description

The Statement of Environmental Effects is requested by Canterbury-Bankstown Council. This Statement of Environmental Effects has been prepared to accompany the request of Canterbury Bankstown Council that seeks consent for the erection of a secondary dwelling at 65 Bullecourt Ave, Milperra.

3.2 Demolition and Earthworks

The subjected application seeks demolition for the existing shed on site, as well as a mature tree that sits on the northern rear boundary, as highlighted in the proposed site plan below. The application seeks minimal earthworks and excavation for the levelling of the land, footings and foundations of the building and associated stormwater infrastructure.

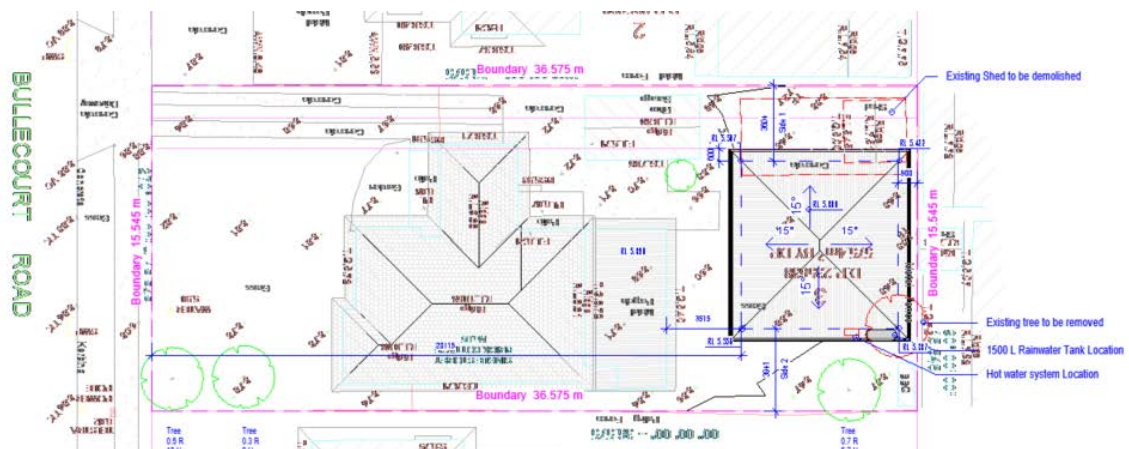


Figure 05 – Demolition – Site Plan

3.3 Built Form

3.3.1 Floor Space Ratio

The “*floor space ratio*” (FSR) for the development is summarised in the table below:

Site Area: 575.4m²

FSR: 0.5:1 = 287.7m²

Level	(m ²)
Primary Dwelling	87m ²
Secondary Dwelling	60m ²
Total Floor Space Ratio	147m²

Table 3-1 - Summary of Gross Floor Area

The FSR of the development have been measured according to the definitions of those terms prescribed in the LEP dictionary.

3.3.2 Building Height

The development has a permissible maximum height 4.5m as per building controls. The proposed building height is 3.8m, at RL 9.480

The building height has been measured according to the definition of “*building height (or height of building)*” prescribed in the LEP dictionary.

3.3.3 Setbacks

Side Setbacks - The proposed development has a 3.6m setback to the western side boundary, and 3.9m to the eastern side boundary.

Rear Setback - The proposed development has a 0.9m rear setback.

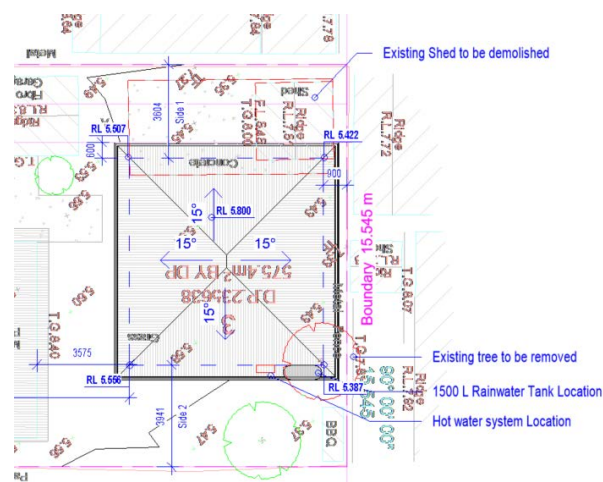


Figure 06 – Proposed setbacks

3.4 Room Sizes and Capacity

The proposed secondary dwelling includes a total of 2 bedrooms (each at the same measurements).

Room	Min. (m ²)	Proposed (m ²)	Comply
Secondary Dwelling			
B1	3 x 3	3.5 x 3.2	Y
B2	3 x 3	3.5 x 3.2	Y

Table 3-1 -Room Sizes and Occupants Capacity

3.5 – Parking

N/A

3.6 – Waste management

The bins are proposed on the ground floor level at the front or side of the building and will accommodate the required number of wastes, recycling and green waste bins provided by Council. Refer to complementary waste management plan.

3.7 – Private Open Space

The proposed development provides 47sqm of POS.

4. PLANNING FRAMEWORK

The following planning instruments are applicable to this proposed development:

- State Environmental Planning Policy (BASIX) 2004;
- State Environmental Planning Policy (Infrastructure) 2007;
- Canterbury-Bankstown Local Environmental Plan 2023
- Canterbury-Bankstown Development Control Plan 2023

An assessment of the merits of the proposed development against the above planning instruments and applicable controls is provided in section 5 of this Statement below.

5. SECTION 79C EVALUATION

5.1 Section 79C(1)(a)(i) - Matters for consideration—general

The provisions of any Environmental Planning Instrument.

5.1.1 State Environmental Planning Policy No. 55 - Remediation of Land

State Environmental Planning Policy No. 55 - Remediation of Land (SEPP 55) contains planning controls for the remediation of contaminated land. The policy states that land must not be developed if it is unsuitable for a proposed use because it is contaminated.

As per Environment Protection Authority (EPA), a list of NSW contaminated sites was notified to EPA as of 4 September 2017, the proposed property is not listed on the list which means that there is no reason to suspect that the site may be contaminated and accordingly, further investigation of the site's potential contamination is not required and the application can be processed in the usual manner.

5.1.2 State Environmental Planning Policy (Infrastructure) 2007

Part 3 - Division 5 - Electricity Transmission or Distribution

Clause 45: Determination of Development Applications - Other Development

Clause 45 of *State Environmental Planning Policy (Infrastructure) 2007* (the Infrastructure SEPP) identifies triggers which require the local electricity supply authority to be given written notice of a Development Application. In this regard:

- The proposal does not include the penetration of ground within 2 metres of an underground electricity power line or electricity distribution pole or within 10 metres of an electricity tower;
- The proposal is not located within or immediately adjacent to any existing easement for electricity purposes or electricity substation and is not within 5 metres of an exposed overhead electricity power line;
- The proposal does not include the construction of a swimming pool; and

- The proposal does not necessitate or propose the placement of power lines underground.

Accordingly, the proposal does not trigger any of the requirements for the local electricity supply authority to be given written notice of the subject Development Application.

Part 3 - Division 15 - Railways

Clause 85: Development Immediately Adjacent to Rail Corridors

Clause 85 of the Infrastructure SEPP applies to development on land that is in or immediately adjacent to a rail corridor. The subject site is not situated adjacent to a rail corridor.

Clause 86: Excavation in, above or adjacent to Rail Corridors

The subject site is not situated adjacent to a rail corridor; therefore, this clause does not apply to this property.

Clause 87: Impact of Rail Noise or Vibration on Non-Rail Development

The development is on land not adjacent to a rail corridor and proposes a building for residential use. Therefore, the provisions in Clause 87 of the Infrastructure SEPP do not apply to the application.

Part 3 - Division 17 - Roads and Traffic

Clause 101(2): Development with Frontage to Classified Road

The subject site has a frontage to Bullecourt Ave, Milperra which is not identified in the NSW RMS *Schedule of Classified Roads and Unclassified Regional Roads* publication (January 2014); therefore, it is not a Classified Road. Accordingly, the provisions of Clause 101(2) of the Infrastructure SEPP do not apply to the subject application.

5.1.2 State Environmental Planning Policy (Affordable Rental Housing) 2009

State Environmental Planning Policy (Affordable Rental Housing) 2009 (the Affordable Rental Housing SEPP) provides guidance for design and assessment of Dual occupancy - residential dwelling developments. The SEPP contains various controls relating to the design of buildings for the purpose of a Dual occupancy - residential dwelling including building height, floor space ratio, landscaped area, solar access, private open space, parking and minimum accommodation size requirements. An assessment of the proposal against the design requirements and standards prescribed by the SEPP is provided in the table below:

Clause 30A - Character of Local Area

In order to assess the compatibility of the proposed building with the character of local area, three major questions need to be answered.

1. What is the 'local area'?

The visual catchment for this development is made up of properties along Milperra Ave which is considered as the main access way to the property.

2. What is the character of the 'local area'?

The character of the 'local area' considered to be the established built form within the immediate vicinity of the site which predominately comprises residential buildings of a similar nature.

3. Future character of the area

The current neighborhood character is made of a mixture of traditional design and modern contemporary.

As the proposal is not located in a heritage conservation area and does not require the new developments to follow the specific style and identity of a certain state of history, any new development should work as an exemplar design that sets a precedent for the future character of the area.

4. *Is the design of the proposed development compatible with the character of the 'local area'?*

As the proposed development is in R2 Low density residential zone, the proposal's physical impacts on surrounding development have been assessed in the DCP assessment later in this Statement and are deemed to be acceptable on surrounding properties. Planning controls specific to the lot allow the development of secondary dwellings. Overall, the development is not considered to result in any adverse impacts on surrounding development and is not considered to create any constraints on the development potential of surrounding sites.

5.1.3 Canterbury-Bankstown Local Environmental Plan 2023

Canterbury-Bankstown Local Environmental Plan 2023 (the LEP) is the principal environmental planning instrument that applies to the land and contains all the applicable development standards for the development of the site. An assessment pursuant to the applicable sections of the LEP is provided below:

Liverpool Local Environmental Plan 2008			
CL	Requirement	Proposal	Comply
Part 1 - Preliminary			
1.4	<i>Dictionary Definitions</i>	Low density residential	
Part 2 - Permitted or Prohibited Development			
2.3	<i>Zoning and Objectives</i>	Objectives of Zone R2 Low Density Residential: <ul style="list-style-type: none"> • 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 	✓

		<p>within this zone and land uses within adjoining zones.</p> <ul style="list-style-type: none"> To promote a high standard of urban design and local amenity. 	
2.7	<i>Demolition requires development consent</i>	As part of this application, the demolition of the existing shed and removal of a tree is proposed.	✓
Part 4 - Principal Development Standards			
4.3	<i>Height of Buildings 6m</i>	1 storey 3.8m high Wall height 2.5m	✓
4.4	<i>Floor Space Ratio 0.5:1</i>	0.25:1	✓
4.6	<i>Exceptions to development standards</i>	No variations to the applicable development standards are sought pursuant to Clause 4.6 of the LEP.	✓
Part 5 - Miscellaneous Provisions			
5.4	<i>Controls relating to miscellaneous permissible uses</i>	The development is not for any of the development types listed within this clause.	✓
5.6	<i>Architectural roof features</i>	The development does include an architectural roof feature but not above the maximum permitted building height.	✓
5.7	<i>Development Below Mean High Water Mark</i>	The site is not situated below the mean high-water mark.	✓
5.9	<i>Preservation of Trees or Vegetation</i>	The site contains 5 existing trees, one of which will be removed.	✓

5.10	<i>Heritage Conservation Heritage Item: X Conservation Area: X In vicinity of item or area: X Archaeological Site: X Aboriginal Heritage: X</i>	The site is not identified as a heritage item, is not located within the vicinity of any heritage items and is not located within a Heritage Conservation Area. The site is not identified as an archaeological site. An AHIMS search has revealed that there are no Aboriginal sites in or near the	✓
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		subject site and no Aboriginal places declared in or near the site.	
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Part 6 - Additional Local Provisions

6.1	<i>Acid sulfate soils</i>	The site is not mapped as being potentially affected by acid sulfate soils on the Acid Sulfate Soils Map.	✓
6.2	<i>Earthworks</i>	Earthworks has been proposed as per stated above and submitted plans.	✓
6.4	<i>Biodiversity</i>	The site is not mapped as Biodiversity.	✓
6.5	<i>Limited development on foreshore area</i>	The site is not located in the foreshore area.	✓
6.6	<i>Development in areas subject to aircraft noise</i>	The site is not located in the vicinity of any Airport.	✓
6.7	<i>Special provisions applying to business premises</i>	The site is not identified as "Special Provisions".	✓

5.1.4 Section 79C(1)(a)(ii)

This section is not applicable as there is no Draft DCP available for public.

5.1.5 Canterbury Bankstown Development Control Plan 2023

In order to be compatible with the existing neighborhood character in terms of height and scale of the buildings and the character of the primary dwelling, the proposed Secondary Dwelling is designed in compliance with DCP 2023.

Canterbury Bankstown Development Control Plan 2023

Section 3 – Secondary Dwellings

Ref	Development control	Design requirement	Proposed	Comply
O1- O6	Objectives	<p>O1 To ensure secondary dwellings are established in conjunction with the principal dwelling on the same site.</p> <p>O2 To ensure the building form is subservient to the principal dwelling on the same site in terms of visual bulk and scale.</p> <p>O3 To ensure the building form and building design of secondary dwellings are compatible with the prevailing suburban character of the residential areas.</p> <p>O4 To ensure the building form and building design of secondary dwellings provide appropriate amenity to residents in terms of private open space, access to sunlight and privacy.</p> <p>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.</p> <p>O6 To ensure the building form of secondary dwellings in the foreshore protection area preserves the existing topography, land and rock formations, and the unique ecology of natural bushland and mangrove areas.</p>		
3.1	Lot size	A secondary dwelling is permissible on a site with a minimum lot size of 450m ² .	The subject lot size is 575.4m ²	✓

3.2	Site cover	(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 (b) the total floor area of the secondary dwelling is no more than 60m2	Existing primary dwelling – 87m2 Proposed granny flat - 60m2	✓
3.4	Storey Limit	The storey limit for detached secondary dwellings is single storey and the maximum wall height is 3 metres.	Storey limit – 1 storey Proposed wall height – 2.5m	✓
3.7	Setback restrictions	The erection of secondary dwellings is prohibited within 9 metres of an existing animal boarding or training establishment.	N/A	✓
3.8	Street Setbacks	The minimum setback for a building wall to the primary street frontage is: (a) 5.5 metres for the first storey (i.e. the ground floor); and (b) 6.5 metres for the second storey.	See submitted plans	✓
3.10	Side and rear setbacks	For the portion of the building wall that has a wall height less than or equal to 7 metres, the minimum setback to the side and rear boundaries of the site is 0.9 metre.	Proposed side setback 1 - 3.6m Side setback 2 – 3.9m Rear setback – 0.9m	✓
3.12	Private open space	Secondary dwellings must not result in the principal dwelling on the site having less than the required landscaped area and private open space.	N/A	✓
3.23	Building design	The maximum roof pitch for detached secondary dwellings is 25 degrees. An attic or basement is not permitted as part of the dwelling.	Proposed roof pitch 5 and 15 degrees	✓
3.26	Car parking	Secondary dwellings must not result in the principal dwelling on the site having less than the required car parking spaces.	N/A	✓

5.1.6 Environmental Planning and Assessment Regulation, 2000

Clause 92(1)(b): Demolition

Clause 92(1)(b) of the Regulations prescribes that the provisions of “*Australian Standard AS2601:2001 - The Demolition of Structures*” are to be taken into consideration, pursuant to Section 79C(1A) (iv) of the Act, in the case of a development application for the demolition of a building.

The application seeks consent for minor demolition of an existing shed on site. Council may impose suitable conditions on any consent granted for the proposal to ensure compliance with the provisions of “*Australian Standard AS2601:2001 - The Demolition of Structures*”.

5.2 Section 79C(1)(b) of the EP&A Act, 1979

The Likely Impacts of the Development Including environmental impacts on both the natural and built environments, and social and economic impacts in the locality. The subject Development Application does not seek any consent for demolition.

An assessment of the proposal against the provisions prescribed in the relevant to the Canterbury Bankstown Local Environmental Plan 2023 and Canterbury Bankstown Development Control Plan 2023 has been provided throughout this Statement detailing the proposal’s likely environmental impacts on both the natural and built environments, and social and economic impacts in the locality. A further and summarised assessment of these matters is provided below.

- (i) Siting, Design, and the Built Form

The assessment of the proposal against the provisions prescribed in the applicable State Environmental Planning Policies, Canterbury Bankstown Local Environmental Plan 2023 and Canterbury Bankstown Development Control Plan 2023 provided throughout this Statement details the proposal's compliance with the relevant applicable development standards and controls. The assessment contained within this Statement indicates that the sitting, design, and overall built form of the development is an acceptable response to the development standards and controls for the development and the subject site.

The development is appropriately sited having regard to adjoining buildings, observes a high degree of architectural merit and proposes a built form that is compatible with the bulk and scale of adjoining and surrounding developments.

(ii) Privacy

The development will not create any adverse privacy impacts for adjoining residential properties. The assessment provided in Part 5 of this Statement details the potential for any visual and acoustic privacy impacts along with mitigation measures that would ensure that the proposal is acceptable and would have an acceptable level of impact on adjoining properties.

(iii) Solar Access and Overshadowing

As detailed in this Statement, the development has been designed to ensure suitable levels of solar access are achieved for the proposed development as well as suitable levels of solar access being maintained for adjoining properties.

The levels of additional overshadowing anticipated because of the proposed development are not significant or detrimental to adjoining properties.

(iv) Tree Removal, Landscaping, Flora & Fauna

The site contains 5 existing trees on site. No adverse or unacceptable impact on flora/fauna is envisaged because of the proposed development.

(v) Traffic & Parking

The development will have no impacts on the existing traffic movements in the area and includes off-st car parking spaces.

(vi) Utilities/ Infrastructure

Any augmentation and provision of new and additional utilities and infrastructure necessary because of the proposal will be borne by the person acting on any consent granted.

(vii) National Construction Code/Building Code of Australia

The design of the development has had regard to achieving compliance with the National Construction Codes (NCC)/Building Code of Australia (BCA). Compliance with the NCC/BCA will be addressed in detail at the Construction Certificate stage. If necessary, conditions may be imposed by Council in relation to the development complying with the provisions of the NCC/BCA.

(viii) Heritage Impacts

The site is not identified as a heritage item, is not located within the vicinity of any heritage items and is not located within a Heritage Conservation Area. The site is not identified as an archaeological site. An AHIMS search has revealed that there are no Aboriginal sites in or near the subject site and no Aboriginal places declared in or near the site.

(ix) Stormwater Management

The stormwater plans accompanying the application indicate the stormwater works required as part of the proposed development.

(x) Soil Management

The development does not include any excavation. The site is not mapped as being potentially affected by acid sulfate soils on the Acid Sulfate Soils Map. Accordingly, the

development is not anticipated to have any adverse impacts regarding soil erosion or sedimentation.

(xi) Contamination

The history of land uses for the site has not been considered as an indicator of potential contamination of the site and there is no reason to suspect that the site may be contaminated. Accordingly, further investigation of the site's potential contamination is not required, and the application can be processed in the usual manner.

(xii) Waste Minimisation/Management

The Waste Management Plan accompanying the application details the waste Minimisation and avoidance measures that will be implemented during the ongoing use of the premises. Demolition and construction related waste management will be determined at the Construction Certificate stage.

(xiii) Crime Prevention Through Environmental Design – CPTED

The development will not contribute to the provision of any increased opportunity for criminal or anti-social behaviour to occur as detailed in the assessment against the relevant CPTED provisions provided in Part 5 of this Statement.

(xiv) Construction Impacts

Whilst some impacts during construction of the development are expected, the impacts are not anticipated to be excessive and can be suitably controlled by the imposition of conditions on any development consent granted for the development.

The development is not expected to have any cumulative impact and is not considered to inhibit the ability of future generations to further use or develop the site.

5.3 Section 79C(1)(c) of the EP&A Act, 1979

The suitability of the site for development.

The subject Development Application seeks consent construction of a single-story secondary dwelling on 65 Bullecourt Ave, Milperra. The development is permissible on the land pursuant to the low density Residential zoning provisions applying to the land under Canterbury-Bankstown Local Environmental Plan 2023. .

The subject site is situated in an area characterised by residential land and is surrounded by a mixture of older and recently constructed building stock with similar developments in the local area. The scale of the development is compatible with existing buildings in the neighborhood area, where secondary dwellings are commonly constructed.

In view of the above and having regard to the assessment of the development contained within this Statement, it is concluded that the site is suitable for the development.

5.4 Section 79C(1)(d) of the EP&A Act, 1979

N/A

5.5 Section 79C(1)(e) of the EP&A Act, 1979

The public interest.

The subject Development Application seeks consent construction of a single-story secondary dwelling on the subject site known as Lot 3, 65 Bullecourt Ave, Milperra.

The development satisfies the client's requirements by enabling the orderly and economic development of the land, is acceptable having regard to the applicable State and Council planning controls and will not result in any unacceptable impacts on the locality. Accordingly, the development is in the public interest.

6. CONCLUSION

The Statement of Environmental Effects is requested by Canterbury Bankstown City Council. It explains the built structure meets the Canterbury Bankstown LEP 2023 and Canterbury Bankstown DCP 2023. This report seeks consent for the development of a secondary dwelling on the subject site known as Lot 3, 65 Bullecourt Ave Milperra. The development is not a Designated Development or Integrated Development and so the application can be dealt with in the usual manner. This Statement demonstrates how the development satisfies the relevant planning controls prescribed in the applicable State Environmental Planning Policies, Local Environmental Plan 2023, and Development Control Plan 2023. In view of the above and having regard to the assessment provided throughout this Statement, the development is considered worthy of the Council's approval.

Your Sincerely,

Khaled Kabbout

BDA no. 2125/16

