

***Statement of Environmental Effects***

*Application for Erection of a Secondary Dwelling (Granny Flat).*

21 Taylor Street, Lakemba, NSW 2195  
May 2024



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1. Architectural drawings
  2. Storm Water Management Plan
  3. BASIX
  4. Survey plan

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### 1. Executive Summary

#### 1.1 The Proposal

The subject site ('the site') is known as Lot 1, DP 124857, and 21 Taylor Street, Lakemba, NSW 2195. The site covers an area of approximately 485.2 square metres.

This application seeks approval for erection a granny flat. Proposed development

Feature	Number
Total Site Area	485.2 sqm
Existing Floor Area	151.1 sqm
storey	1
Building Heights	1 Storey
Proposed Granny flat	60 sqm
Total Floor Area	151.1 sqm

#### 1.2 The Report

This Statement of Environmental Effects has been prepared by **Planning and Architecture Research for Sustainable Housing Integrity (PARSHI)** on behalf of Sharif Bhuiyan and Farjana Bhuiyan, owner in support of the subject development proposal.

Accompanying reports in conformance with Council requirements will include:

1. Waste management Report
2. Hydraulic and Stormwater Management Plan

The Report describes the site and locality, its existing condition, outlines the proposed development and assesses the suitability of the proposal having regard to the relevant environmental legislation and guidelines.

The Report describes the site and locality, its existing condition, outlines the proposed development and assesses the suitability of the proposal having regard to the relevant environmental legislation and guidelines.

#### 1.3 Relevant Statutory Instruments

The proposal has been assessed having regards to the relevant matters for consideration under Section 79C of the *Environmental Planning & Assessment Act 1979* and the relevant State and Environmental Planning and Assessment Regulation 200 and the relevant State Environmental Planning Policies. (See later Sections for full details).

##### 1.3.1 State Planning Controls

The relevant State Planning Controls that apply to the site include:

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The Applicant has engaged the services of a number of specific consultants to assess the impact of the proposal. Consultant investigations included BASIX report certificate, drafting plans and Town planner.

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A summary of each assessment is contained in this report and a full copy is included as part of the Development Application that has been submitted to Council.

The proposal complies with the aims and objectives of SEPP, LEP and DCP. Details are provided in the later Sections of this Report.

### 1.3.2 Local Government Planning Controls

The relevant Local Government Planning Controls that apply to the Site are:

- Canterbury Local Environmental Plan 2023
- Canterbury Development Control Plan 2023

## 2. Site Analysis and Locality

### 2.1 Site Description & Location

The subject site ('the site') is known as Lot 1, DP 124857, and 21 Taylor Street, Lakemba, NSW 2195. The site falls generally from West to East at the boundary of the eastern side of Taylor Street, near the junction of Taylor Street and Lakemba Street; the site is on a moderate sloppy location, slightly fall from the rear to front, in this way the storm water from the roof and the land discharge naturally from rear to front, for this reason, it has been provided stormwater design by hydraulic Engineer and the main storm water pipe of Council. The proposed site is under zone R3 (Medium Density Residential Zone). The adjoining properties on the either side are also belongs to the same zone.



Fig 2.1a: Site Location 21 Taylor Street, Lakemba, ref. <https://www.google.com.au/maps>

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### 2.2 Site Area & Dimensions

The site covers an area of approximately 485.2 square metres. The site has a frontage to Taylor St of approximately 10.06 m. The common boundaries on the both side of the site are approximately 46.74 m, and 48.56 m.

### 2.3 Existing Site Development

A single storey residential dwelling is located on the site. This house has 3 bed rooms, family room, lounge room, kitchen, toilet, laundry with a carport. The existing house is about more than 40 years old and well connected with public transport system to reach the amenities such as shopping centre, railway station etc.



*Example of Existing Dwellings, ( pic ) and front side of the property 21 Taylor St, Lakemba.*

### 2.4 Existing Vegetation

The proposed site has no significant tree to remove. A landscape plan has been provided that ensures maximum tree preservation.

### 2.5 Existing Access and Movement

Vehicle and pedestrian access to the site is from Taylor St. The site is in close proximity to the intersection of Lakemba St Road and Railway Pde. In addition to this subject site does not generate any traffic congestion, pedestrian amenity, parking problems. It also uses existing accesses and parking facilities.

### 2.6 Surrounding Land Uses

The site is located at medium density residential and standard residential development. The site is surrounded by the following: Taylor St on the East, single on the south and single storey house on the west. The adjacent Taylor St is zoned R4 in Canterbury Local Environmental Plan 2023.

### 3. The Proposal

The intension of the owner to erection a secondary dwelling (granny flat) at the rear this site. The architectural drawings are attached with this report for reference. You've mentioned that the architectural drawings and a modified plan with a small patio are included with the report for reference.

### 4. Environmental Planning and Assessment Act 1979 (as amended)

#### 4.1 • Objectives of the Act

The objectives of the *Environmental Planning and Assessment Act 1979* (as amended) are to

- - Encourage:
    - the proper management, development and conservation of natural and artificial resources, including agricultural land, natural areas, forests, minerals, water, cities, towns and villages for the purpose of promoting the social and economic welfare of the community and a better environment;
    - the promotion and co-ordination of the orderly and economic use and development of land;
    - the protection, provision and co-ordination of communication and utility services;
    - the provision of land for public purposes;
    - the provision and co-ordination of community services and facilities; and
    - the protection of the environment, including the protection and conservation of native animals and plants, including threatened species, populations and ecological communities, and their habitats; and
- Promote the sharing of the responsibility for environmental planning between the different levels of government in the State; and
- Provide increased opportunity for public involvement and participation in environmental planning and assessment.

This Statement of Environmental Effects supports a development application that is in accordance with the objectives of the *Environmental Planning and Assessment Act 1979* (as amended).

#### Comments:

Proposed development will not affect any natural areas, water quality or the overall ecological environment. The development will help to enhance the quality of the local environment, promote the orderly and economic use of land and provide a positive impact on the existing and incremental housing demand in Sydney. The site has good connections with other parts of Sydney by Rail and Bus transport.

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Certainly! Here's the revised version of your text, updated to reflect the latest laws and regulations under the Environmental Planning and Assessment Act 1979 (as amended) and the Environmental Planning and Assessment Regulation 2021:

### 4.2 Matters for Consideration

The following sections of this report address the Matters for Consideration as outlined in Section 79C of the Environmental Planning and Assessment Act 1979 (as amended). These matters must be taken into account by the Council when assessing a development application:

(a) The provisions of:

any Environmental Planning Instrument (EPI),  
any draft Environmental Planning Instrument that is or has been placed on public exhibition and notified to the consent authority,  
any Development Control Plan (DCP),  
the regulations (to the extent that they prescribe matters for the purposes of this paragraph), that apply to the land to which the development application relates.

(b) The likely impacts of the proposed development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality.

(c) The suitability of the site for the proposed development.

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

(e) The public interest.

These matters are dealt with in the following sections, which include the relevant Environmental Planning Instruments (EPIs), draft EPIs, Development Control Plans (DCPs), regulations, likely impacts of the development, suitability of the site for development, and the public interest.

#### Comments:

The proposed development satisfies the requirements under the State Environmental Planning Policy (SEPP) and the relevant provisions of the Local Environmental Plan (LEP). The development has been carefully assessed in light of these planning instruments and regulations.



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### 4.3 Section 85A - Process for Obtaining Complying Development Certificates

#### (1) Application

An applicant may apply for a Complying Development Certificate in accordance with the regulations to:

- (a) the Council, or
- (b) an accredited certifier.

#### (3) Evaluation

The Council or an accredited certifier must evaluate the application and determine:

- (b) whether the proposed development complies with the relevant development standards, and provide justification,
- (c) if the proposed development qualifies as complying development under the provisions of the Local Environmental Plan (LEP), or a Development Control Plan (DCP), whether the development complies with the specified standards and conditions.

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### 4.4 Application of the Environmental Planning and Assessment Regulation 2021 to the Subject Proposal

The Environmental Planning and Assessment Regulation 2021 applies to the subject proposal, and the relevant clauses are outlined below:

Regulation	Clause	Compliance/Comments
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126	How must an application for a complying development certificate be made?	126(3): In determining whether an alteration, enlargement, or extension of a BASIX-affected development is proposed, the certifying authority must make its determination based on a genuine estimate of construction costs. A BASIX report has been attached to this application.
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129C	Record of site inspections	129C(1) & (2): The certifying authority must make a record of each inspection carried out. The record will be provided to the certifying authority within 2 days of the inspection if the certifying authority is not the one issuing the complying development certificate. All site inspections will be conducted by an accredited building inspector or certifier.
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130	Procedure for determining application for complying development certificate and notification requirements	130(1): The certifying authority must ensure that the proposed development complies with the Building Code of Australia (BCA) before issuing the certificate. This will be checked by the Principal Certifying Authority (PCA) or Council.
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130A	Copy of particular documents to be given to NSW Rural Fire Service and Council	(1) Not applicable as the subject land is not bushfire-prone. Therefore, the requirement for notifying the NSW Rural Fire Service does not apply.
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131	Development standards for change of building use	Not applicable, as this proposal does not involve a change of building use.
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132	Development standards for alterations, enlargements, or extensions of an existing building	132(1): This clause applies to the alteration, enlargement, or extension of an existing building. (2) The development standards ensure the fire safety and structural integrity of the building are not compromised. This will be checked by the PCA during the compliance assessment.
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### **Conclusion:**

The proposed development complies with the relevant provisions of the Environmental Planning and Assessment Act 1979, the Environmental Planning and Assessment Regulation 2021, and the associated Local Environmental Plan and Development Control Plans. The application adheres to all applicable standards, and relevant inspections and approvals will be carried out in accordance with the latest regulatory requirements.

## 5. Environmental Planning Instruments [Section 79C(1)(a)(i) & (ii)]

### 5.1 Local Government Environmental Planning Instruments

#### 5.1.1 Canterbury Local Environmental Plan 2023

Provided below are the relevant provisions of the plans and details of the proposal's compliance with these development standards.

##### **Canterbury Local Environmental Plan 2023.**

According to CELP 2023, defined as a **secondary dwelling** means a self-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.

##### Comment:

The proposed development is another dwelling with the principal dwelling at same

#### lot. **Zone 3 Medium Density Residential**

##### **1 Objectives of zone**

- To provide for the housing needs of the community within a medium density residential environment.
- To provide a variety of housing types within a medium density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.

##### **2 Permitted without consent**

Home occupations

##### **3 Permitted with consent**

Attached dwellings; Bed and breakfast accommodation; Boarding houses; Building identification facilities; Community facilities; Dual occupancies; Dwelling houses; Environmental protection works; Exhibition homes; Flood mitigation works; Group homes; Home businesses; Home industries; Multi dwelling housing; Neighbourhood shops; Office premises; Places of public worship; Recreation areas; Respite day care centres; Restaurants

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or cafes; Roads; Semi-detached dwellings; Seniors housing; Shopssigns; Business identification signs; Business premises; Car parks; Centre-based child care

### 4 Prohibited

Any development not specified in item 2 or 3

#### Comment:

The proposed demolition of existing garage and construction of granny flat complies with the permissible definition with development consent and accords with the zone objective.

### Clause 5.4 (9) of the CLEP

Secondary Dwelling requires the total floor area of the secondary dwelling (excluding any area used for parking) to not exceed whichever of the following is the greater:

- i) 60 square metres,
- ii) 25 % of the total floor area of the principal dwelling.

#### Comment:

The floor area of proposed granny flat less than 60 sqm (i.e 59.981 sqm), it complies

### 5. 2 Development Control Plan(s) and Council Policies [Section 79C(1)(a)(iii)]

#### 5.2.1 Canterbury Development Control Plan 2023

#### Chapter C6- Secondary Dwelling and modified plan with a small patio

Secondary dwelling is defined & modified plan with a small patio under LEP. Secondary dwellings can be carried out under State Environmental

Planning Policy (Affordable Rental Housing) 2009 (Affordability SEPP) and the LEP. Where a development application is required, an assessment of the relevant provisions of the Affordability SEPP and LEP will be undertaken.

The following table summarises the compliance of the proposed development with and C D C P

<b>2012 Minimum Frontage</b>	<b>Objectives</b>	<b>Control</b>	<b>Comments</b>
Minimum frontage controls in this DCP supplement the LEP provisions to ensure only sites with suitable dimensions capable of providing adequate residential amenity are developed.	<p>O1. To ensure that land to be developed is of an adequate size and shape to accommodate development whilst providing adequate amenity for occupants of the site and surrounds.</p> <p>O2. To ensure there is adequate area for vehicle access and parking.</p> <p>O3. To ensure sites have sufficient dimensions to accommodate adequate landscaped open spaces.</p>	C1 Where a development application to Council is made for a secondary dwelling, the minimum frontage required for secondary dwellings will be considered on merit taking into consideration compliance with Canterbury City Council's Secondary Dwelling (Granny Flat) Policy (adopted on 15 October 2009 by CDC Minute 295).	The proposed secondary dwelling site frontage is 10.06, this is non-compliance to SEPP 2009, however it will provided variation or justification to satisfy this control. Please see the later part of this report.

**5.3. Relevant State Environmental Planning Policies**

**5.3.1 State Environmental Planning Policy (Exempt and Complying Development Codes) 2008**

Part	Clause	Subclause	Compliance/ comments (Yes/No)
Part 1 Division 2- Exempt & Complying Development	1.17A Requirements for complying development for all environment planning instruments	(1) To be complying development for the purposes of any environmental planning instrument, the development must not: be development for which development consent cannot be granted except with the concurrence of a person other than: (i) the consent authority, or  (ii) the Director-General of the Department of Environment, Climate Change and Water as referred to in section 79B (3) of the Act, or	Comply
		(b) be on land that is critical habitat, or	Comply
		(c) be on land that is, or is part of, a wilderness area (within the meaning of the <u>Wilderness Act 1987</u> ), or	comply

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		<p>(d) be carried out on land that:</p> <p>(i) comprises an item that is listed on the State Heritage Register under the <u>Heritage Act 1977</u> or on which such an item is located, or</p> <p>(ii) is subject to an interim heritage order under that Act or on which is located an item that is so subject, or</p> <p>(iii) is identified as an item of environmental heritage or a heritage item by an environmental planning instrument or on which is located an item that is so identified, or</p>	Comply
		<p>(e) except as otherwise provided by this Policy, be on land that is within an environmentally sensitive area.</p>	Comply
	1.18 General requirements for complying development for this Policy	<p>(1) To be complying development for the purposes of this Policy, the development must:</p> <p>(a) not be exempt development under this Policy, and</p>	Comply
		<p>(b) be permissible, with consent, under an environmental planning instrument applying to the land on which the development is carried out, and</p>	Under CLEP 2015 R3 Zone, it has permissible. Comply
		<p>(c) meet the relevant provisions of the <i>Building Code of Australia</i>, and</p>	It will be check by PCA/Council

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		(c1) must not require an environment protection licence within the meaning of the <u>Protection of the Environment Operations Act 1997</u> , and	Comply
		(c2) must not be designated development, and <b>Note.</b> Designated development is defined in section 77A of the Act as development that is declared to be designated development by an environmental planning instrument or the regulations.	Comply



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		<p>(c3) not be carried out on land that comprises, or on which there is, a draft heritage item, and</p> <p>(d) before the complying development certificate is issued, have an approval, if required by the <u>Local Government Act 1993</u>, for:</p> <p>(i) an on-site effluent disposal system if the development is undertaken on unsewered land, and</p> <p>(ii) an on-site stormwater drainage system, and</p> <p>(e) before the complying development certificate is issued, have written consent from the relevant roads authority (if required under section 138 of the <u>Roads Act 1993</u>) for the building of any kerb, crossover or driveway, and</p> <p><b>Note.</b> Other consents may be required under section 138 of the <u>Roads Act 1993</u> before carrying out other works in relation to roads.</p>	Comply
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		<p>(f) if it is the alteration or erection of improvements on land in a mine subsidence district within the meaning of the <u>Mine Subsidence Compensation Act 1961</u>, have the prior approval of the Mine Subsidence Board, and</p> <p><b>Note.</b> Information about mine subsidence is information that is a prescribed matter for the purpose of a planning certificate under section 149 (2) of the Act, but the information is not included in a certificate issued under clause 279 (2) of <u>Environmental Planning and Assessment Regulation 2000</u>.</p>	N/A
		<p>(g) not be the construction or installation of a skylight or roof window on land to which <u>Orana Regional Environmental Plan No 1—Siding Spring</u> applies, and</p>	N/A
		<p>(h) if it involves the removal or pruning of a tree or other vegetation that requires a permit or development consent to which clause 3.6A, 3A.7 or 5A.3 does not apply—before the complying development certificate is issued, have a permit or development consent for that removal or pruning.</p> <p><b>Note.</b> A permit for the removal or pruning of a tree or other vegetation may be granted under a local environmental plan. A development consent for the removal of native vegetation may be granted under the <u>Native Vegetation Act 2003</u>. Paragraph (h) may not apply to certain trees or vegetation near complying development under this Policy (see clauses 3.6A, 3A.7 and 5A.3).</p>	N/A

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	<p>1.19 Land on which complying development may not be carried out</p>	<p>(1) Specific land exemptions for General Housing Code and Rural Housing Code</p> <p>To be complying development specified for the General Housing Code or the Rural Housing Code, the development must not be carried out on:</p> <ul style="list-style-type: none"> <li>(a) land within a heritage conservation area or a draft heritage conservation area, unless the development is a detached outbuilding or swimming pool, or</li> <li>(b) land that is reserved for a public purpose by an environmental planning instrument, or</li> <li>(c) land identified on an Acid Sulfate Soils Map as being Class 1 or Class 2, or</li> <li>(d) land that is subject to a biobanking agreement under Part 7A of the <u>Threatened Species Conservation Act 1995</u> or a property vegetation plan approved under the <u>Native Vegetation Act 2003</u>, or</li> <li>(e) land identified by an environmental planning instrument as being: <ul style="list-style-type: none"> <li>(i) within a buffer area, or</li> <li>(ii) within a river front area, or</li> <li>(iii) within an ecologically sensitive area, or</li> <li>(iv) environmentally sensitive land, or</li> <li>(v) within a protected area, or</li> </ul> </li> <li>(f) land that is identified by an environmental planning instrument, a development control plan or a policy adopted by the council as being or affected by: <ul style="list-style-type: none"> <li>(i) a coastline hazard, or</li> </ul> </li> </ul>	<p>N/A</p>
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		<p>(ii) a coastal hazard, or</p> <p>(iii) a coastal erosion hazard, or</p> <p>(g) land in a foreshore area, or</p> <p>(h) land that is in the 25 ANEF contour or a higher ANEF contour, unless the development is only for the erection of ancillary development, the alteration of or an addition to ancillary development or the alteration of a dwelling house, or</p> <p>(i) land that is declared to be a special area under the <u>Water NSW Act 2014</u>, or</p> <p>(j) unsewered land:</p> <p>(i) to which <u>State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011</u> applies, if that development will result in an increase to the number of bedrooms on the site or a site disturbance area of more than 250m<sup>2</sup>, or</p> <p>(ii) in any other drinking water catchment identified in any other environmental planning instrument.</p> <p>(2) Development specified in the General Housing Code is not complying development under that code if it is carried out on land described or otherwise identified on a map specified in Schedule 5.</p> <p>(3) Subclause (2) ceases to have effect on 30 November 2015 in relation to:</p> <p>(a) land in the local government area of Mosman and identified on any map specified in Schedule 5, and</p> <p>(b) land in the local government area of Lake Macquarie and identified on <u>State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 Lake</u></p>	<p>N/A</p> <p>N/A</p> <p>N/A</p>
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		<u>Macquarie Complying Development Land Map</u> (SEPP_ECD_4650_LCD_002_20130730) specified in Schedule 5.	
<b>Part 7 Demolition Code-Division 1 Specified development and development standards under this code</b>	7.1 Specified complying development	<p>(1) The demolition or removal of the following development, is development specified for this code:</p> <ul style="list-style-type: none"> <li>(a) a dwelling,</li> <li>(b) ancillary development,</li> <li>(b1) a swimming pool,</li> <li>(c) an industrial building,</li> <li>(d) a commercial building that would be complying development under the Commercial and Industrial Alterations Code and the Commercial and Industrial (New Buildings and Additions) Code if it were being constructed.</li> </ul> <p>(2) If development specified under subclause (1) is within a heritage conservation area or a draft heritage conservation area, the development may only relate to:</p> <ul style="list-style-type: none"> <li>(a) an outbuilding that may be constructed under clause 3.36A or 3A.36, or</li> <li>(b) an alteration under clause 4.1, or</li> <li>(c) an external alteration that may be constructed under clause 4.3 (b) or (c), or</li> <li>(d) an attic conversion that may be constructed under clause 4.5.</li> </ul>	N/A
	7.2 Development standards	<p>(1) The standards specified for that development are that:</p> <ul style="list-style-type: none"> <li>(a) the development must be carried out in accordance with AS 2601—2001, <i>The demolition of structures</i>, and</li> <li>(b) run-off and erosion controls to prevent soil erosion, water pollution or the discharge of loose sediment on the land surrounding the</li> </ul>	It will check by PCA/council

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		<p>development must be implemented by:</p> <ul style="list-style-type: none"> <li>(i) diverting uncontaminated run-off around cleared or disturbed areas, and</li> <li>(ii) erecting a silt fence to prevent debris escaping into drainage systems and waterways, and</li> <li>(iii) preventing tracking of sediment by vehicles onto roads, and</li> <li>(iv) stockpiling top soil, excavated materials, construction and landscaping supplies and debris within the lot, and</li> </ul> <p>(c) any essential service must be disconnected from the structure being demolished or removed in accordance with the requirements of the relevant authority, and</p> <p>(d) the structure being demolished or removed must not be relocated on the same lot or to a different lot, unless it meets the relevant development standards specified in Part 3 or Part 3A, and</p> <p>(e) the development must, if it is the demolition or removal of an existing attached dwelling or a semi-detached dwelling, not be carried out within the front 6m of the dwelling or forward of the roof ridge line.</p> <p>(2) Despite any other development standard of this code, if the development involves the demolition or removal of a wall to a boundary that has a wall less than 0.9m from the boundary, the wall must be demolished or removed in accordance with the method of maintaining support proposed by the professional engineer's report provided with the application for the complying development certificate.</p> <p>(3) If the demolition or removal referred to</p>	
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		<p>in subclause (2) results in the exposure of a common wall, the common wall must, at the completion of the development, be weatherproofed.</p> <p>(4) If a swimming pool is removed:</p> <p>(a) the site of the swimming pool must be filled (if necessary) so as to restore the site to the ground level (existing) adjacent to the pool, taking into account any sloping of the site, and</p> <p>(b) the fill must be compacted, and</p> <p>(c) any piping or similar material must be removed from the site before the site is filled.</p>	
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### 5.3.2 State Environmental Planning Policy (Affordable Rental Housing) 2021 (Affordable Housing SEPP)

#### Part 2 New affordable rental housing

##### Division 2 Secondary dwellings

control parameters	Control Standards	Compliance/Comments (Yes/No)
<b>19 Definition</b>	<p>In this Division:</p> <p><b><i>development for the purposes of a secondary dwelling</i></b> includes the following:</p> <p>(a) the erection of, or alterations or additions to, a secondary dwelling,</p> <p>(b) alterations or additions to a principal dwelling for the purposes of a secondary dwelling.</p> <p><b>Note.</b></p> <p>The standard instrument defines secondary dwelling as follows:</p> <p><b><i>secondary dwelling</i></b> means a self-contained dwelling that:</p> <p>(a) is established in conjunction with another dwelling (the <b><i>principal dwelling</i></b>), and</p> <p>(b) is on the same lot of land (not being an individual lot in a strata plan or community title scheme) as the principal dwelling, and</p> <p>(c) is located within, or is attached to, or</p>	<p>Yes. The proposed development complies with the definition of secondary dwelling under the Affordable Rental Housing, SEPP.</p>

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	is separate from, the principal dwelling.	
<b>20 Land to which Division applies</b>	<p>This Division applies to land within any of the following land use zones or within a land use zone that is equivalent to any of those zones, but only if development for the purposes of a dwelling house is permissible on the land:</p> <p>Zone R1 General Residential,</p> <p>(b) Zone R2 Low Density Residential,</p> <p>(c) Zone R3 Medium Density Residential,</p> <p>(d) Zone R4 High Density Residential,</p> <p>(e) Zone R5 Large Lot Residential.</p>	Proposed Secondary dwelling flat is permissible with zoned R3 in Canterbury Local Environmental Plan 2015.
<b>21 Development to which Division applies</b>	This Division applies to development, on land to which this Division applies, for the purposes of a secondary dwelling.	Yes
<b>23 Complying development</b>	<p>(1) Development for the purposes of a secondary dwelling (other than development referred to in subclause (2)) is complying development if the development:</p> <p><b>General requirements</b></p> <p>meets the general requirements for complying development set out in clauses 1.17A and 1.18 (1) and (2) of <u>State Environmental Planning Policy (Exempt and Complying Development Codes) 2008</u>, and</p> <p>(b) <b>Land-based requirements</b></p> <p>is on a lot that does not include any land referred to in clause 1.19 (1) of that Policy, and</p> <p>(c) <b>Specified development</b></p> <p>is on land in Zone R1, R2, R3 or R4 or a land use zone that is equivalent to any of those zones, and</p> <p>(d) is on a lot that has an area of at least 450 square metres, and</p> <p>(e) does not involve the erection of a basement or alterations or addition to an existing basement, and</p> <p>(f) does not involve the erection of a roof terrace on the topmost roof of a building or alterations or addition to any such</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>



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	<p>existing terrace, and</p> <p>(g) <b>Development standards</b> satisfies the development standards set out in Schedule 1.</p>	<p>Yes It will provide below.</p>
	<p>(2) Development for the purposes of a secondary dwelling that is located entirely within an existing dwelling house is complying development if the development:</p> <p><b>General requirements</b> meets the relevant provisions of the <i>Building Code of Australia</i>, and</p> <p>(b) <b>Land-based requirements</b> is on a lot that does not include any:</p> <p>(i) land that is an environmentally sensitive area within the meaning of <u><i>State Environmental Planning Policy (Exempt and Complying Development Codes) 2008</i></u>, or</p> <p>(ii) land that comprises, or on which there is, a heritage item or a draft heritage item within the meaning of that Policy, and</p> <p>(c) <b>Specified development</b> is on land in Zone R1, R2, R3 or R4 or a land use zone that is equivalent to any of those zones, and</p> <p>(d) involves no external alterations to the principal dwelling other than the provision of an additional entrance, and</p> <p>(e) does not involve the erection of a basement or alterations or addition to an existing basement, and</p> <p>(f) does not involve the erection of a roof terrace on the topmost roof of a building or alterations or addition to any such existing terrace, and</p> <p>(g) <b>Development standards</b> will not result in there being on the land, any dwelling other than the principal dwelling and the secondary dwelling, and</p> <p>(h) will not result in the floor area of the secondary dwelling being more than 60</p>	<p>N/A</p>

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	square metres or, if a greater floor area is permitted in respect of a secondary dwelling on the land under another environmental planning instrument, being more than that greater floor area.	
	(2A) Development under subclauses (1) and (2) must also satisfy the requirements for complying development specified in clauses 3.36B and 3.36C of <u>State Environmental Planning Policy (Exempt and Complying Development Codes) 2008</u> .	N/A
	<p>(3) If a secondary dwelling is to be built at the same time as a principal dwelling, the building of both dwellings and any ancillary development on the lot may be carried out as a single complying development if: the building of the secondary dwelling can be carried out as complying development under this Division, and</p> <p>(b) the building of the principal dwelling and any ancillary development can be carried out as complying development under <u>State Environmental Planning Policy (Exempt and Complying Development Codes) 2008</u>.</p>	N/A
	<p>4) In determining whether a principal dwelling (when built at the same time as a secondary dwelling) can be carried out as complying development under <u>State Environmental Planning Policy (Exempt and Complying Development Codes) 2008</u>, the secondary dwelling is not to be taken into account.</p> <p><b>Note.</b> This means that the principal dwelling would be considered to be a dwelling house (a building containing only one dwelling) for the purposes of that Policy even if the secondary dwelling were within it or attached to it.</p>	N/A
	(5) A complying development certificate for development that is complying development under this Division is subject to the conditions specified in Schedule 6 to <u>State Environmental Planning Policy (Exempt and Complying Development Codes) 2008</u> ,	(5) Yes but one justification provided below.

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	except that the reference in clause 11 of Schedule 6 to that Policy to a dwelling house is taken to be a reference to a principal dwelling or a secondary dwelling. <b>Note.</b> Principal and secondary dwellings will be classified as class 1a or class 2 under the <i>Building Code of Australia</i> depending on the configuration of those dwellings.	
<b>24 No subdivision</b>	A consent authority must not consent to a development application that would result in any subdivision of a lot on which development for the purposes of a secondary dwelling has been carried out under this Division.	N/A
<b>Schedule 1 Development standards for secondary dwellings with a patio</b>		
<b>Part 2 Site requirements</b>		
<b>2 Lot requirements</b>	<p>(1) Development for the purposes of a secondary dwelling may only be carried out on a lot that:</p> <p>(a) at the completion of the development will have only one principal dwelling and one secondary dwelling, and</p> <p>(b) if it is not a battle-axe lot, has a boundary with a primary road, measured at the building line, of at least the following:</p> <p>(i) 12 metres, if the lot has an area of at least 450 square metres but not more than 900 square metres,</p> <p>(ii) 15 metres, if the lot has an area of more than 900 square metres but not more than 1500 square metres,</p> <p>(iii) 18 metres, if the lot has an area of more than 1500 square metres, and</p> <p>(c) if it is a battle-axe lot, has an access laneway of at least 3 metres in width and measuring at least 12 metres by 12 metres, excluding the access laneway.</p>	<p>(a) Yes, the development has one principal and proposed secondary dwelling.</p> <p>(i) <b>The lot has 485.2 square metres and width is 10.06 metres, however, it has provided justification/variation later part of this report.</b></p>
	(2) A lot on which a new secondary dwelling is erected must have lawful access to a public road.	Yes, secondary dwelling has access to a public road.
<b>3 Maximum site coverage of all development</b>	<p>(1) The site coverage of the principal dwelling, secondary dwelling and all ancillary development on a lot must not be more than the following:</p> <p>(a) 50 per cent of the area of the lot, if the lot has an area of at least 450 square metres but not more than 900 square metres,</p>	(a) 226.8 sq m, It complies; the coverage is less than 50%.

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	<p>(b) 40 per cent of the area of the lot, if the lot has an area of more than 900 square metres but not more than 1500 square metres,</p> <p>(c) 30 per cent of the area of the lot, if the lot has an area of more than 1500 square metres.</p>	
<b>4 Maximum floor area for principal and secondary dwelling with patio</b>	(1) The floor area of a secondary dwelling must not be more than 60 square metres or, if a greater floor area is permitted in respect of a secondary dwelling on the land under another environmental planning instrument, that greater floor area.	(1) Yes, the proposed floor area is less than 60 square metres.
	<p>(2) The floor area of a principal dwelling, secondary dwelling and any carport, garage, balcony, deck, patio, pergola, terrace or verandah attached to either dwelling and enclosed by a wall (other than the external wall of a dwelling) higher than 1.4 metres above the floor level on a lot must not be more than the following:</p> <p>(a) 330 square metres, if the lot has an area of at least 450 square metres but not more than 600 square metres,</p> <p>(b) 380 square metres, if the lot has an area of more than 600 square metres but not more than 900 square metres,</p> <p>(c) 430 square metres, if the lot has an area of more than 900 square metres.</p>	(a) Yes, the total floor area is 221.1 square metres.
<b>5 Setbacks and maximum floor area for balconies, decks, patios, terraces and verandahs</b>	<p>(1) The total floor area of all balconies, decks, patios, terraces and verandahs on a lot must not be more than 12 square metres if:</p> <p>any part of the structure is within 6 metres from a side, or the rear, boundary, and</p> <p>(b) the structure has any point of its finished floor level more than 2 metres above ground level (existing).</p>	N/A
	<p>(2) The balcony, deck, patio, terrace or verandah must not have any point of its finished floor level:</p> <p>(a) if it is located within 3 metres of a side, or the rear, boundary—more than 2 metres above ground level (existing), or</p>	N/A

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	<p>(b) if it is located more than 3 metres but not more than 6 metres from a side, or the rear, boundary—more than 3 metres above ground level (existing), or</p> <p>(c) if it is located more than 6 metres from a side, or the rear, boundary—more than 4 metres above ground level (existing).</p>	
	<p>(3) A detached deck, patio or terrace (including any alterations or additions to the deck, patio or terrace) must not have a floor level that is more than 600 millimetres above ground level (existing).  <b>Note.</b> Development identified in this clause may require privacy screens under clause 15.</p>	N/A
<b>Part 3 Building heights and setbacks</b>		
<b>6 Building height</b>	<p>Development for the purposes of a secondary dwelling must not result in a new building or a new part of an existing building having a building height above ground level (existing) of more than 8.5 metres.</p>	<p>The proposed secondary dwelling height is up to 3.75 m. (please see elevations). It has considered lowest level of natural ground to ridge level.</p>

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<p><b>7 Setbacks from roads, other than classified roads</b></p>	<p>(1) Development for the purpose of a secondary dwelling on a lot must result in a new building or a new part of an existing building having a setback from a primary road that is not a classified road of at least: the average distance of the setbacks of the nearest 2 dwelling houses having the same primary road boundary and located within 40 metres of the lot on which the principal dwelling is erected, or</p> <p>(b) if 2 dwelling houses are not located within 40 metres of the lot:</p> <p>(i) in the case of a lot that has an area of at least 450 square metres but not more than 900 square metres—4.5 metres, or</p> <p>(ii) in the case of a lot that has an area of more than 900 square metres but not more than 1,500 square metres—6.5 metres, or</p> <p>(iii) in the case of a lot that has an area of more than 1,500 square metres—10 metres.</p>	<p>N/A</p>
	<p>(2) Development for the purpose of a secondary dwelling on a lot must result in a new building or a new part of an existing</p>	<p>N/A</p>

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	building having a setback from a boundary of the lot with a parallel road that is not a classified road of at least 3 metres.	
	<p>(3) Development for the purpose of a secondary dwelling on a corner lot must result in a new building or a new part of an existing building on the lot having a setback from the boundary with a secondary road that is not a classified road of at least:</p> <p>if the lot has an area of at least 450 square metres but not more than 600 square metres—2 metres, or</p> <p>(b) if the lot has an area of more than 600 square metres but not more than 1,500 square metres 3 metres, or</p> <p>(c) if the lot has an area of more than 1500 square metres—5 metres.</p>	N/A
	<p>(4) For the purposes of this clause, if a lot is a corner lot:</p> <p>one of the boundaries that is 6m or more in length is taken to be a boundary with a primary road, and</p> <p>(b) the other boundaries are taken to be boundaries with a secondary road.</p>	N/A
	(5) For the purposes of this clause, if a lot has contiguous boundaries with a road or roads but is not a corner lot, the lot is taken to have a boundary only with a primary road.	N/A
<b>8 Setbacks from classified roads</b>	<p>Development for the purposes of a secondary dwelling must not result in a new building or a new part of an existing building having a setback from a boundary with a classified road of less than:</p> <p>if another environmental planning instrument applying to the lot establishes a setback for a dwelling house having a boundary with a classified road, that distance, or</p> <p>(b) 9 metres in any other case.</p>	N/A
<b>9 Setbacks from side boundaries</b>	<p>(1) Development for the purposes of a secondary dwelling must not result in a new building or a new part of an existing building or any new carport, garage, balcony, deck, patio, pergola, terrace or verandah that is attached to such a building having a setback from a side boundary of less than the following:</p>	(a) Yes, the proposed

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	<p>(a) 0.9 metres, if the lot has an area of at least 450 square metres but not more than 900 square metres,</p> <p>(b) 1.5 metres, if the lot has an area of more than 900 square metres but not more than 1500 square metres,</p> <p>(c) 2.5 metres, if the lot has an area of more than 1500 square metres.</p>	secondary dwelling both side setback is 916mm and 914mm.
	<p>(2) Development for the purposes of a secondary dwelling that involves the construction of a new building or additions to an existing building where the new or existing building will, at the end of the development, have a building height at any part of more than 3.8 metres must not result in the new building or any new part of the existing building or any new carport, garage, balcony, deck, patio, pergola, terrace or verandah that is attached to such a building, having a setback from a side boundary of less than the sum of:</p> <p>(a) the amount of the setback specified for the relevant sized lot in subclause (1), and</p> <p>(b) an amount that is equal to one-quarter of the additional building height above 3.8 metres.</p>	N/A
<b>10 Setbacks from rear boundaries</b>	<p>(1) Development for the purposes of a secondary dwelling must not result in a new building or a new part of an existing building or any new carport, garage, balcony, deck, patio, pergola, terrace or verandah that is attached to such a building having a setback from a rear boundary of less than the following:</p> <p>(a) 3 metres, if the lot has an area of at least 450 square metres but not more than 900 square metres,</p> <p>(b) 5 metres, if the lot has an area of more than 900 square metres but not more than 1500 square metres,</p> <p>(c) 10 metres, if the lot has an area of more than 1500 square metres.</p>	(a) Yes. The proposed secondary dwelling is setback more than 3334mm from the rear boundary.
	<p>(2) Development for the purposes of a secondary dwelling that involves the construction of a new building or additions to</p>	N/A



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	<p>an existing building where the new or existing building will, at the end of the development, have a building height at any part of more than 3.8 metres must not result in the new building or any new part of the existing building or any new carport, garage, balcony, deck, patio, pergola, terrace or verandah that is attached to such a building, having a setback from a rear boundary of less than the sum of:</p> <p>3 metres, plus an amount that is equal to three times the additional building height above 3.8 metres, up to a maximum setback of 8 metres, if the lot has an area of at least 450 square metres but less than 900 square metres, or</p> <p>(b) 5 metres, plus an amount that is equal to three times the additional building height above 3.8 metres, up to a maximum setback of 12 metres, if the lot has an area of at least 900 square metres but less than 1500 square metres, or</p> <p>(c) 10 metres, plus an amount that is equal to three times the additional building height above 3.8 metres, up to a maximum of 15 metres, if the lot has an area of at least 1500 square metres.</p>	
	<p>(3) Despite subclauses (1) and (2), a dwelling on a lot that has a rear boundary with a laneway may have a building line that abuts that boundary for up to 50 per cent of the length of that boundary.</p>	N/A
<b>11 Exceptions to setbacks</b>	<p>Despite any other clause in this Part: development for the purposes of a secondary dwelling must not result in a new building or a new part of an existing building having a setback of less than 3 metres from a boundary with a public reserve, and</p> <p>(b) side and rear setbacks do not apply to:</p> <p>(i) any aerial, antenna, awning, eave, flue, chimney, pipe, cooling or heating appliance, any rainwater tank greater than 1.8 metres in height or any other structure associated with the provision of a utility service if it is located at least 450 millimetres from the relevant boundary, and</p>	N/A

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	<p>(ii) any fence, fascia, gutter, downpipe, light fitting, electricity or gas meter, driveway, pathway or paving if it is located within any required setback area to the relevant boundary, and</p> <p>(c) the setback from a road does not apply to:</p> <p>(i) a driveway, fence, pathway, paving or retaining wall, or</p> <p>(ii) the articulation zone and any building element that is permitted within that zone, and</p> <p>(d) the setback from a rear boundary required by clause 10 of this Schedule does not apply to a lot that has only 3 boundaries, disregarding any boundary of an access lane if the lot is a battle-axe lot.</p>	
<b>13 Building articulation</b>	(1) Development for the purpose of a secondary dwelling (other than development on a battle-axe lot) must result in either the principal dwelling or the secondary dwelling having a front door and a window to a habitable room in the building wall that faces a primary road.	N/A
	(2) Development for the purpose of a secondary dwelling (other than development on a battle-axe lot) must result in either the principal dwelling or the secondary dwelling having a window to a habitable room in the building wall that faces a parallel road.	N/A
	(3) A secondary dwelling, other than a secondary dwelling that has a setback from a primary road of less than 3 metres, may incorporate an articulation zone that extends from the building line to a distance of 1.5 metres into the required setback from the primary road.	N/A
	(4) Development for the purpose of a secondary dwelling on a corner lot must result in either the principal dwelling or the secondary dwelling having a window in a habitable room that is at least 1m <sup>2</sup> in area and that faces and is visible from a secondary road.	N/A
<b>14 Building elements within the articulation</b>	(1) The following building elements are permitted in an articulation zone in the setback from a primary road:	N/A

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<b>zone to a primary road</b>	<p>an entry feature or portico,</p> <p>(b) a balcony, deck, patio, pergola, terrace or verandah,</p> <p>(c) a window box treatment,</p> <p>(d) a bay window or similar feature,</p> <p>(e) an awning or other feature over a window,</p> <p>(f) a sun shading feature.</p>	
	(2) A 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.	N/A
	(3) The maximum total area of all building elements within the articulation zone, other than a building element listed in subclause (1) (e) or (f), must not be more than 25% of the area of the articulation zone.	N/A
<b>15 Privacy</b>	<p>(1) A window in a new secondary dwelling, or a new window in any alteration or addition to an existing principal dwelling for the purpose of a new secondary dwelling, must have a privacy screen for any part of the window that is less than 1.5 metres above the finished floor level if:</p> <p>the window:</p> <p>is in a habitable room that has a finished floor level that is more than 1 metre above ground level (existing), and</p> <p>(ii) has a sill height that is less than 1.5 metres above that floor level, and</p> <p>(iii) faces a side or rear boundary and is less than 3 metres from that boundary, or</p> <p>(b) the window:</p> <p>(i) is in a habitable room that has a finished floor level that is more than 3 metres above ground level (existing), and</p> <p>(ii) has a sill height that is less than 1.5 metres above that floor level, and</p> <p>(iii) faces a side or rear boundary and is at least 3 metres, but no more than 6 metres, from that boundary.</p>	The architectural design has considered privacy of principal dwelling and neighbour.

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	(2) Subclause (1) does not apply to a window located in a bedroom where the window has an area of not more than 2 square metres.	N/A
	<p>(3) A new balcony, deck, patio, terrace or verandah for the purpose of a new secondary dwelling and any alteration to an existing balcony, deck, patio, terrace or verandah of a secondary dwelling that has a floor area of more than 3 square metres must have a privacy screen if the balcony, deck, patio, terrace or verandah is:</p> <p style="padding-left: 40px;">within 3 metres of a side or rear boundary and has a floor level that is more than 1 metre above ground level (existing), or</p> <p style="padding-left: 40px;">(b) between 3 metres and 6 metres of a side or rear boundary and has a floor level that is more than 2 metres above ground level (existing).</p>	N/A
	<p>4) Any privacy screen required under subclause (3) must be installed:</p> <p style="padding-left: 40px;">to a height of at least 1.7m, but not more than 2.2m, above the finished floor level of the balcony, deck, patio, terrace or verandah, and</p> <p style="padding-left: 40px;">(b) at the edge of that part of the development that is within the areas specified in subclause (3) (a) or (b) and is parallel to or faces towards the relevant side or rear boundary.</p>	N/A
<b>Part 4 Landscaping</b>		
<b>16 Landscaped area</b>	<p>(1) A lot on which development for the purposes of a secondary dwelling is carried out must have a landscaped area of at least the following:</p> <p style="padding-left: 40px;">(a) 20 per cent, if the lot has an area of at least 450 square metres but not more than 600 square metres,</p> <p style="padding-left: 40px;">(b) 25 per cent, if the lot has an area of more than 600 square metres but not more than 900 square metres,</p> <p style="padding-left: 40px;">(c) 35 per cent, if the lot has an area of more than 900 square metres but not more than 1500 square metres,</p> <p style="padding-left: 40px;">(d) 45 per cent, if the lot has an area of more</p>	<p>(a) Yes, it has more than 20% of landscaped area. Please see the landscaped drawing.</p>

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	than 1500 square metres.	
	(2) At least 50 per cent of the landscaped area must be located behind the building line to the primary road boundary.	Yes, it has more than 50% of the landscaped area is located at the rear of the site that behind the front building line.
	(3) The landscaped area must be at least 2.5 metres wide.	It complies.
<b>17 Principal private open space</b>	(1) A lot on which development for the purposes of a secondary dwelling is carried out must have more than 24 square metres of principal private open space.	It complies; the principal private open space is located on the east side of the proposed secondary dwelling and is more than 24sqm.
	<p>2) In this clause, <b><i>principal private open space</i></b> means an area that:</p> <p>(a) is directly accessible from, and adjacent to, a habitable room, other than a bedroom, and</p> <p>(b) is more than 4 metres wide, and</p> <p>(c) is not steeper than 1:50 gradient.</p> <p><b>Note.</b> There is no requirement that additional parking spaces be provided in respect of development for the purposes of a secondary dwelling.</p>	<p>(a) It complies; the principal private open space is directly accessible and adjacent to, the living area.</p> <p>(b) Yes, it has a width of more than 4,000mm and is relatively flat. (Please see the drawing)</p>
<b>Part 5 Earthworks and drainage</b>		
<b>18 Earthworks, retaining walls and structural support</b>	<p>1) <b>Excavation</b> Excavation carried out as development for the purpose of a secondary dwelling under this Policy must be structurally supported in accordance with the requirements specified in subclauses (5) and (6) and must not exceed a maximum depth measured from ground level (existing) of:</p> <p>(a) if located within 1 metre from a boundary—1 metre, or</p> <p>(b) if located more than 1 metre but not more than 1.5 metres from a boundary—2 metres, or</p> <p>(c) if located more than 1.5 metres from a boundary—3 metres.</p> <p>(2) Despite subclause (1), the excavation must not be more than 1 metre below ground level (existing) if the land is</p>	N/A

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	identified as Class 3 or 4 on an Acid Sulfate Soils Map or is within 40 metres of a waterbody (natural).	
	<p>(3) <b>Fill</b> Fill carried out as development for the purpose of a secondary dwelling under this Policy:</p> <p>(a) must not exceed 1 metre above ground level (existing), and</p> <p>(b) must be contained in accordance with subclauses (5) and (6) by either:</p> <p>(i) a retaining wall or other form of structural support that does not extend more than 1.5 metres from any external wall of the dwelling, or</p> <p>(ii) an unprotected sloping embankment or batter, that does not extend from the dwelling house by more than 3 metres, in which case the toe of the embankment or batter must be more than 1 metre away from a side or rear boundary.</p> <p>(4) The final ground level (finished) of fill placed on a site under this clause must not be used for the purpose of measuring the height of any development erected under this Policy.</p>	N/A
	<p>5) <b>Retaining walls and structural support</b> Support for earthworks that are more than 600mm above or below ground level (existing) and within 1m of any boundary, or more than 1m above or below ground level (existing) in any other location, must take the form of a retaining wall or other form of structural support that:</p> <p>(a) has been certified by a professional engineer, and</p> <p>(b) has adequate drainage lines connected to the existing stormwater drainage system for the site, and</p> <p>(c) does not result in any retaining wall or structural support with a total height measured vertically from the base of the retaining wall or structural support to its uppermost portion that is:</p>	N/A

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	<ul style="list-style-type: none"> <li>(i) more than 1m in height and within 1m from a side or rear boundary, or</li> <li>(ii) more than 3m in height in any other location.</li> </ul> <p>(6) Any excavation or fill that exceeds 600mm above or below ground level (existing) requires a retaining wall or structural support that must be:</p> <ul style="list-style-type: none"> <li>(a) constructed in accordance with subclause (5), and</li> <li>(b) designed so as not to redirect the flow of any surface water or ground water, or cause sediment to be transported, onto an adjoining property, and</li> <li>(c) separated from any retaining wall or other structural support on the site by at least 2m, measured horizontally, and</li> <li>(d) installed in accordance with any manufacturer's specification.</li> </ul>	N/A
<b>21 Drainage</b>	<p>(1) All stormwater collecting as a result of development for the purposes of a secondary dwelling must be conveyed by a gravity fed or charged system to:</p> <ul style="list-style-type: none"> <li>(a) a public drainage system, or</li> <li>(b) an inter-allotment drainage system, or</li> <li>(c) an on-site disposal system.</li> </ul>	Yes, but checked by PCA/Council. A stormwater design has been provided with this report done by hydraulic engineer.
	<p>(2) All stormwater drainage systems within a lot and the connection to a public or an inter-allotment drainage system must:</p> <ul style="list-style-type: none"> <li>if an approval is required under section 68 of the <u>Local Government Act 1993</u>, be approved under that Act, or</li> <li>(b) if an approval is not required under section 68 of the <u>Local Government Act 1993</u>, comply with any requirements for the disposal of stormwater drainage contained in a development control plan that is applicable to the land.</li> </ul>	Checked by PCA/Council.
<b>22 Setbacks of secondary dwellings and</b>	<p>(1) Development for the purpose of a secondary dwelling, all ancillary development and any associated excavation on a lot, must</p>	N/A

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<b>ancillary development from a protected tree</b>	have a setback from any protected tree on the lot of at least 3 metres.	
	<p>(2) Despite subclause (1), the following ancillary development is permitted within that setback if the development does not require a cut or fill of more than 0.15 metres below or above ground level (existing):</p> <ul style="list-style-type: none"> <li>an access ramp,</li> <li>(b) a driveway, pathway or paving,</li> <li>(c) an awning, blind or canopy,</li> <li>(d) a fence, screen or child-resistant barrier associated with a swimming pool or spa pool.</li> </ul>	N/A
	<p>(3) In this clause:</p> <p><b>protected tree</b> means a tree that requires a separate permit or development consent for pruning or removal, but does not include a tree that may be removed without development consent under this Policy.</p> <p><b>Note.</b> A separate permit or development consent may be required if the branches or roots of a protected tree on the lot or on adjoining land are required to be pruned or removed.</p>	N/A



### 6. Justification for Variation of Minimum Lot Width Requirements – Clause 4.6 of Canterbury Local Environmental Plan 2022

The applicant seeks a variation to the minimum lot width requirements as outlined in Part 2: Lot Requirements, Clause (b)(i) of the State Environmental Planning Policy (Affordable Rental Housing) 2021 (SEPP ARH 2021), specifically in relation to the minimum 12-meter frontage requirement. The subject site has a frontage of 10.06 meters, which is below the prescribed minimum, but the site complies with all other requirements of the Canterbury Local Environmental Plan 2022 (CLEP 2022), the Environmental Planning and Assessment Act 1979 (EPA Act 1979), and the Environmental Planning and Assessment Regulation 2000 (EPAR 2000), as well as the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 (SEPP 2008).

This variation is requested on the basis that the non-compliance with the frontage requirement will not result in any negative impacts on the environment, neighbouring properties, or the functionality of the proposed development. The following points outline the justification for the variation and demonstrate how the proposal meets the objectives of the relevant planning instruments:

#### 1. Population Growth and Demand for Accommodation

The 2011 Australian Census recorded a population of 15,508 in Lakemba, which grew to 17,023 by the 2016 Census (Source: Australian Bureau of Statistics). This indicates a population increase of 1,515 people over a five-year period, reflecting a rising demand for accommodation in the area. The proposed secondary dwelling will provide much-needed housing in a location that is experiencing growth.

The development will help meet the growing demand for affordable and accessible accommodation within the Lakemba community, contributing to the broader goal of providing housing options in well-served areas.

#### 2. Economic and Social Benefits

The addition of new accommodation, such as the proposed secondary dwelling, will contribute to the local economy by increasing the supply of rental properties and enhancing the diversity of housing options in the area.

Lakemba is strategically located approximately 15 km from the Sydney CBD, making it a desirable location for workers and residents seeking proximity to employment and commercial opportunities. The area's accessibility via major transport corridors (including the M4 and M5 Freeways, and a rail station) enhances its appeal.

The planned future development of the Metro Rail service will further increase the area's attractiveness and accessibility, supporting population growth and increasing demand for residential properties in the locality.

## Statement of Environmental Effects

### 3. Suitability of the Site for the Development

The site has an area of approximately 485.2 square meters, which is sufficient for the proposed secondary dwelling. The use of the existing driveway for access ensures that the narrower lot width does not impede the functionality of the development.

The variation in lot width will not cause any adverse environmental impacts, and the proposed design ensures that the development is compatible with the surrounding residential area.

### 4. \*\*Consistency with the Objectives of the R3 Medium Density Residential Zone

The proposal meets the objectives of the R3 Medium Density Residential zone as outlined in CLEP 2022 by:

Providing an additional dwelling that is compatible with the surrounding residential development.

Contributing to the provision of housing in a well-located area with good access to public transport and amenities.

Maintaining a high level of residential amenity for the site and surrounding properties through appropriate design and planning.

### 5. Environmental and Social Impact

The development will not result in any detrimental environmental impact on adjoining properties. In fact, the proposal is expected to have a positive impact by enhancing the built environment and utilizing underutilized land for residential purposes.

The design of the secondary dwelling ensures that privacy, solar access, and overall residential amenity for both the subject property and adjoining properties are maintained.

The development is not located in an ecologically sensitive area, nor does it impact critical habitat or conservation areas. Therefore, there are no significant environmental concerns arising from the proposed variation.

### 6. Public Interest and Merits of the Proposal

The variation to the minimum lot width should be supported on merit for the following reasons:

The proposal aligns with the broader objectives of providing well-designed, affordable, and diverse housing options in established residential areas.

The variation does not undermine the broader planning intent of the State Environmental Planning Policy (Affordable Rental Housing) 2021 or Canterbury Local Environmental Plan 2022.

The proposal will provide a positive contribution to the local community by adding much-needed housing stock, improving the diversity of available accommodation, and enhancing the overall residential fabric of the area.

The proposed secondary dwelling complies with the relevant provisions of the Environmental Planning and Assessment Act 1979, the Canterbury Local Environmental Plan 2022, and other applicable regulations, except for the variation requested for the minimum lot width. The variation is justified on the grounds that it will not result in any adverse impacts on the environment, neighbouring properties, or the community. Furthermore, the proposal will provide significant benefits to the local area, including meeting housing demand, contributing to economic activity, and enhancing the built environment.

It is submitted that the proposed development should be considered favourably by Council, as it aligns with the public interest, the objectives of the applicable planning controls, and the broader housing needs of the community.

## Statement of Environmental Effects

### 7. Regulations [Section 79C(1)(a)(iv)]

There are no additional regulations that are directly relevant to this proposal or that would impact its permissibility under the Environmental Planning and Assessment Act 1979 (EPA Act 1979), the Canterbury Local Environmental Plan 2022 (CLEP 2022), or any other applicable planning instruments or development controls. The proposed development complies with all relevant statutory and regulatory requirements, and no further regulatory considerations are required for this application.

### 8. Potential Local Area and Site Environmental Impacts [Section 79C(1)(b)]

#### 8.1 BASIX Compliance

A BASIX (Building Sustainability Index) report has been submitted as part of this application. The BASIX report has been prepared in accordance with the Environmental Planning and Assessment Regulation 2021, which mandates that developments comply with the principles of ecologically sustainable development (ESD). The BASIX report addresses key sustainability principles, including:

**Building Orientation:** The proposed building has been oriented to maximize solar access, enhancing energy efficiency by reducing the need for artificial heating or cooling.

**Setbacks:** The setbacks ensure that there is appropriate separation between the proposed development and surrounding properties, minimizing overshadowing and maintaining privacy.

**Communal Open Space:** The development includes a suitable amount of communal open space, ensuring that residents have access to outdoor recreational areas and contributing to the overall amenity of the development.

**Internal Orientation:** The layout ensures optimal natural ventilation and daylight access to internal spaces, promoting a comfortable and healthy living environment.

**Acoustic Control and Privacy:** Measures have been incorporated to mitigate noise impacts, ensuring the development maintains privacy for both the proposed and surrounding properties. The site is zoned R3 Medium Density Residential under the Canterbury Local Environmental Plan 2022 (CLEP 2022), which permits dual occupancy with Council consent. The proposal complies with the planning and sustainability requirements of the SEPP (Affordable Rental Housing) 2021 and is consistent with the principles of ecologically sustainable development.

#### 8.2 Survey Plan

A Survey Plan has been submitted with this application, accurately reflecting the existing conditions of the site. The survey plan provides a clear depiction of the site's boundaries, topography, and other relevant features, ensuring that the proposed development is consistent with the site's physical characteristics and complies with the relevant planning controls.

The proposed development is appropriate for the subject site and is consistent with the objectives of the Canterbury Local Environmental Plan 2022 (CLEP 2022), the Environmental Planning and Assessment Act 1979 (EPA Act 1979), and other relevant planning policies and regulations. The site is suitable for the proposed secondary dwelling, and the development will provide positive social, environmental, and economic benefits to the local community without adversely impacting the surrounding area.

## Statement of Environmental Effects

### 9. Suitability of the Site for the Development [Section 79C(1)(c)]

The following points provide a summary of the suitability of the site for the proposed development, taking into account the planning framework, the physical characteristics of the site, and its context within the local area:

The proposed development is appropriate for the subject site and is consistent with the objectives of the Canterbury Local Environmental Plan 2022 (CLEP 2022), the Environmental Planning and Assessment Act 1979 (EPA Act 1979), and other relevant planning policies and regulations. The site is suitable for the proposed secondary dwelling, and the development will provide positive social, environmental, and economic benefits to the local community without adversely impacting the surrounding area.

### 10. Public Interest [Section 79C(1)(e)]

This report is submitted in support of the development application for construction of a secondary dwelling (granny flat). The proposal represents the optimum utilisation of a presently developed site zoned for medium density residential development. The site is located within close proximity to services including schools, shopping, public transport and public parkland. As such the development application is in the public interest as it will provide for:

- An increase in housing choice to meet the changing demographic in Lakemba local area;
- An opportunity to provide medium densities in close proximity to public transport infrastructure and facilities, reducing the use of the private car and improving air qualities / reducing congestion;
- An opportunity to improve the built environment in an important Lakemba location by facilitating the development of well designed residential houses within an attractive landscape setting close to support services and infrastructure;

### 11. CONCLUSION

**The proposed secondary dwelling and mentioned that the architectural drawings and a modified plan with a small patio at 21 Taylor Street, Lakemba, is consistent with the objectives and provisions of the Canterbury-Bankstown LEP 2023 and the Sydney DCP 2012. The development has been carefully designed to minimize any environmental impacts, including impacts on privacy, traffic, stormwater, and the local character of the area.**

**The proposal is considered to be appropriate for the site and will provide a well-designed and functional secondary dwelling and modified plan with a patio that enhances the housing diversity in the area while respecting the environmental and social context of the surrounding neighborhood.**

The development proposed for the construction of a secondary dwelling (granny flat) and modified patio meets the functional requirements and complying with Canterbury Council in