

Statement of Environmental Effects: Dual Occupancy



**Subject Site: 29 Gregory Street,
Yagoona, 2199.**

PREPARED ON BEHALF OF:

Platform 5 Design

Revision No.1

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Introduction

This Statement of Environmental Effects has been prepared for submission to the City of Canterbury Bankstown Council (CBC) for a development that is proposing the “*demolition of existing structures, and construction of a Dual Occupancy (attached) with Torrens title subdivision*”. The development site is located at 29 Gregory Street, Yagoona, legally known as Lot 258 DP 35667.

The subject site is zoned R2 Low Density Residential pursuant to the Canterbury Bankstown Local Environmental Plan (CBLEP) 2023. The proposed development entails an attached dual occupancy which is a permissible form of development pursuant to the CBLEP 2023.

This Statement of Environmental Effects provides a detailed assessment against the relevant development standards and the relevant development guidelines that are applicable to the site in accordance with the provisions of the Environmental Planning and Assessment Act 1979 (EP&A Act).

Proposed Development

Note: For the purpose of this report, Unit/Dwelling 1 is the dwelling located adjacent to the northern boundary and Unit/Dwelling 2 is the dwelling located adjacent to the southern boundary.

Demolition

- Demolition of existing dwelling and ancillary structures.

Construction of a detached Dual Occupancy

Unit/Dwelling 1 (Lot 29)

- Ground Floor:
 - Porch attached to front facade, garage, entry foyer, bathroom, living, kitchen, dining, access stairs, laundry, outdoor dining area and pool in rear.
- First Floor:
 - Four (4) bedrooms (master bedroom with walk in robe, ensuite and access to balcony attached to front facade), bathroom and access stairs.

Unit/Dwelling 2 (Lot 29A)

- Ground Floor:
 - Porch attached to front facade, garage, entry foyer, bathroom, living, kitchen, dining, access stairs, laundry, outdoor dining area and pool in rear.
- First Floor:
 - Four (4) bedrooms (master bedroom with walk in robe, ensuite and access to balcony attached to front facade), bathroom and access stairs.

The Site and Locality

The subject site is identified as Lot 258 DP 35667, No. 29 Gregory Street, Yagoona. The allotment is located on the eastern side of Gregory Street.

The site has a 17m western frontage to Gregory Street, a rear eastern boundary of 15.36m, a side northern boundary length of 43.89m and a side southern boundary length of 43.58m and a total site area of 705m².

There are no significant trees and or shrubs that seek approval for removal, trimming and or lopping. The immediate locality is predominantly surrounded by residential development with a single storey residential developments being located adjacent on either side of the site.

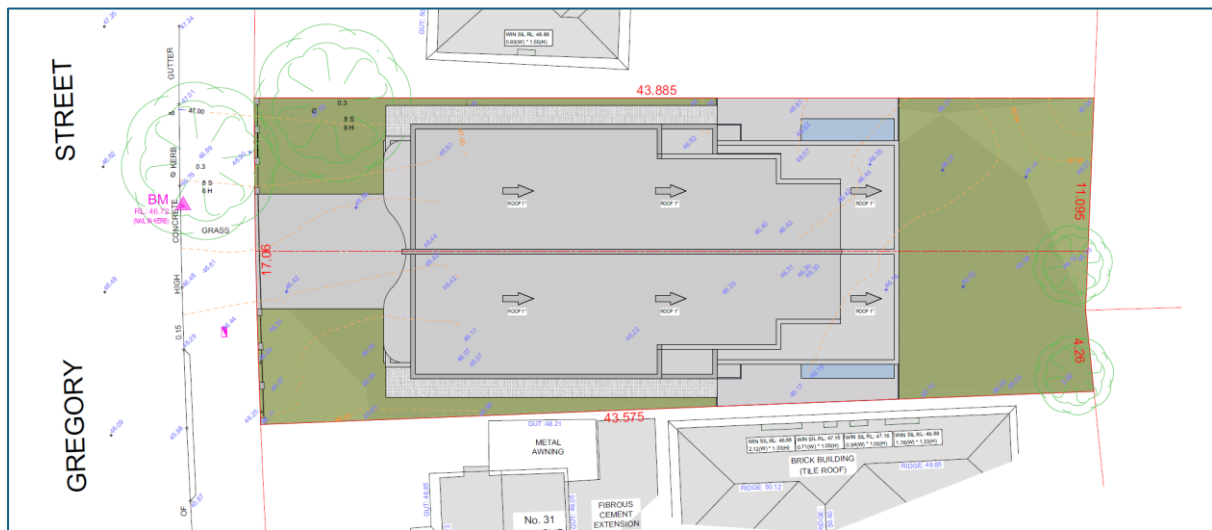


Figure 2: Proposed Site Map – 29 Gregory Street, Yagoona (Platform5, 2024)



Figure 2: Proposed Aerial Map – 29 Gregory Street, Yagoona (Sixmaps, 2024)

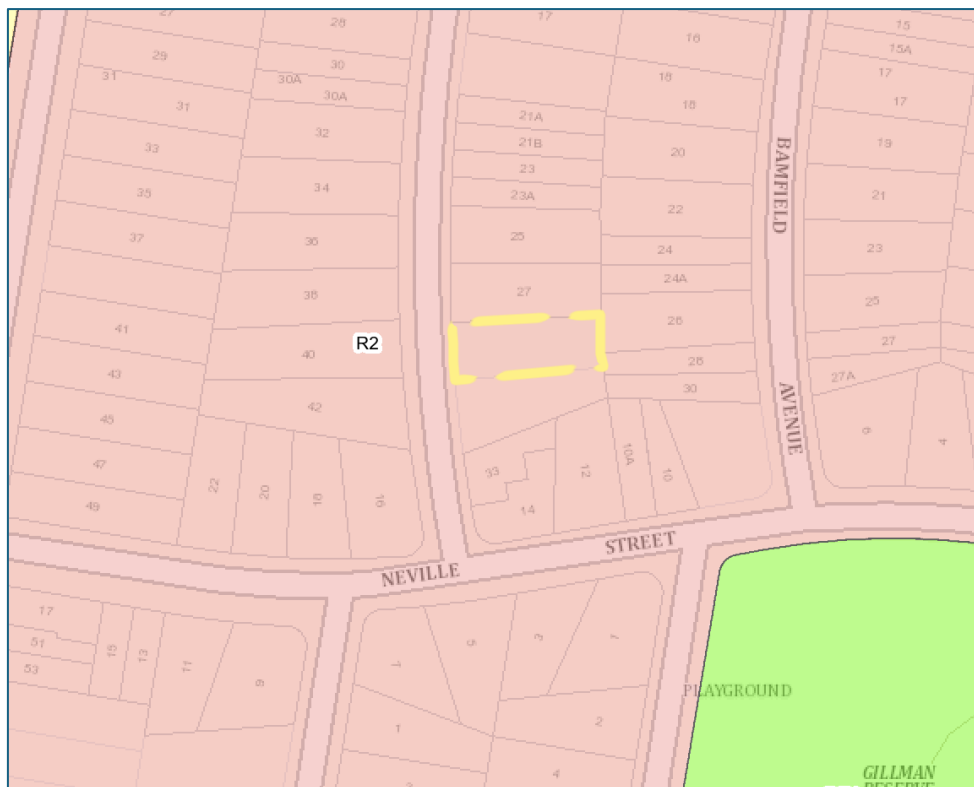


Figure 3: Zoning map - 29 Gregory Street, Yagoona (Source DPHI Spatial viewer 2024)

Section 4.15 Assessment

The following is an assessment of the application with regard to Section 4.15 (1) of the Environmental Planning and Assessment Act 1979.

(1) *Matters for consideration – general*

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

- (a) *the provision of:***
- (i) *any environmental planning instrument,***

Section 4.15 Matters for Consideration	Comments
Section 4.15(1)(a)(i) – Provisions of any environmental planning instrument	Satisfactory. See discussion on “Environmental Planning Instruments” in this report.
Section 4.15(1)(a)(ii) – Provisions of any proposed planning instrument	The current planning controls for the subject site, as contained within the current LEP, are not proposed to change under the Draft LEP.
Section 4.15(1)(a)(iii) – Provisions of any development control plan	Satisfactory. See discussion on “Development Control Plans” in this report.
Section 4.15(1)(a)(iiia) – Provisions of any planning agreement	None applicable.
Section 4.15(1)(a)(iv) – Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i> (EP&A Reg)	The Application will be made in accordance with the relevant matters prescribed by the Regulations.
Section 4.15(1)(b) – the likely impacts of the development, including environmental impacts on the natural and built environments and social and economic impacts in the locality	(i) The environmental impacts of the proposed development on the natural and built environments are addressed under the <i>Development Control Plan</i> section in this report and are satisfactory. (ii) The proposed development will not have a detrimental social impact in the locality considering the nature of the proposal. (iii) The proposed development will not have a detrimental economic impact on the locality considering the nature of the existing and proposed land use.
Section 4.15(1)(c) – the suitability of the site for the development	The site is considered suitable for the proposed development.
Section 4.15(1)(d) – any submissions made in accordance with the EP&A Act 1979 or EP&A Reg 2000	See discussion on “Public Notification” in this report.
Section 4.15(1)(e) – the public interest	No matters have arisen in this assessment that would justify the refusal of the application in the public interest.

Environmental Planning and Assessment Regulation 2021

The proposal is considered to have met the statutory requirements under Schedule 1 of the Regulation. This Statement has been prepared in accordance with Section 4.12 of the Environmental Planning and Assessment Act, 1979 and Clause 50 of the Environmental Planning and Assessment Regulation, 2021.

State Environmental Planning Policy

Compliance with the relevant State Environmental Planning Policies (SEPP) is detailed below.

The provisions of any Environmental Planning Instruments (EP&A Act s4.15 (1)(a)(i))

State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 (BASIX)

BASIX Certificates have been provided for the proposal. The BASIX certificates demonstrate that the development has incorporated sufficient energy and water saving protocols to demonstrate satisfactory compliance with the BASIX SEPP.

State Environmental Planning Policy (Resilience and Hazards)

Chapter 4 of State Environmental Planning Policy (Resilience and Hazards) 2021 is relevant to the proposal. Chapter 4 aims to promote the remediation of contaminated land in order to reduce the risk of harm to human health or any other aspect of the environment.

Clause 4.6 requires contamination and remediation to be considered in determining a DA. The consent authority must not consent to the carrying out of development on land unless it has considered whether or not the land is contaminated.

A review of historic aerial photography indicates that the site has historically been used for residential purposes. Residential usage is not typically associated with activities that would result in the contamination of land. On this basis, the site is likely to be suitable for residential development in its current state for the development proposed with respect to contamination.

State Environmental Planning Policy (Biodiversity and Conservation) 2021

The subject land is located within the Georges River Catchments and as such State Environmental Planning Policy (Biodiversity and Conservation) 2021 – Chapter 6, Water Catchments applies to the application. The SEPP generally aims to maintain and improve the water quality and river flows of the Georges River and its tributaries.

The proposed development involves a subdivision and construction of a dual occupancy and is unlikely to have a detrimental impact on the environmental quality of the Georges River Catchment and thus is consistent with the relevant objectives of the SEPP.

Local Environmental Plan

The site is subject to the Canterbury Bankstown Local Environmental Plan (CBLEP) 2023.

Part 2 – Permitted or Prohibited Development

Clause 2.1 – Land Use Zones

The proposed development is best described within the LEP as a “dual occupancy (attached)”. A “dual occupancy (attached)” is identified as a permitted land use with consent within the R2 Low Density Residential Zone under Canterbury Bankstown Local Environmental Plan (CBLEP) 2023. A dual occupancy (attached) is defined below.

dual occupancy (attached) means 2 dwellings on one lot of land that are attached to each other, but does not include a secondary dwelling.

Note—

Dual occupancies (attached) are a type of dual occupancy—see the definition of that term in this Dictionary.

Objectives of the zone

The objectives of the R2 Low Density Residential zone are:

- *To provide for the housing needs of the community within a low density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To allow for certain non-residential uses that are compatible with residential uses and do not adversely affect the living environment or amenity of the area.*
- *To ensure suitable landscaping in the low density residential environment.*
- *To minimise and manage traffic and parking impacts.*
- *To minimise conflict between land uses within this zone and land uses within adjoining zones.*
- *To promote a high standard of urban design and local amenity.*

The development is consistent with the applicable objectives of the R2 zone in that it is providing for a development that will facilitate for the housing needs of the community in a low-density residential environment. The proposal contributes to the variety of housing types within the surrounding low-density environment.

Part 2 – Permitted or prohibited development

Applicable LEP Clause	Development Standards	Development Proposal	Comment
2.6 Subdivision—consent requirements	Land to which this Plan applies may be subdivided, but only with development consent.	Consent is sought for subdivision.	Compliant
2.7 Demolition requires development consent	The demolition of a building or work may be carried out only with development consent.	Consent is sought for demolition.	Compliant

Part 4 – Principal Development Standards

Applicable LEP Clause	LEP	Development Standards	Development Proposal	Comment
4.1A(2) Minimum lot size and special provisions for dual occupancies		Minimum Lot Size of 500m ² and 15m wide at the front building line	Lot is 705m ² and 17m at the front building line	Compliant
4.1A(3) Minimum subdivision lot size for an attached dual occupancy		Minimum 250m ²	Lot 29 = 351m ² Lot 29A = 355m ²	Compliant
4.3 Height of Buildings		9m	6.7m	Compliant
4.4 Floor Space Ratio		0.5:1	0.5:1	Compliant

Part 5 – Miscellaneous Provisions

Applicable LEP Clause	LEP Provisions	Development Provisions	Comment
5.4 Controls relating to miscellaneous permissible uses	Not applicable to subject site.		
5.6 Architectural roof features	2. Development that includes an architectural roof feature that exceeds, or causes a building to exceed, the height limits set by clause 4.3 may be carried out, but only with development consent.	The development does not exceed the maximum allowable height limit of 9m.	Compliant
5.7 Development below mean high water mark	Not applicable to subject site.		
5.10 Heritage Conservation	Not applicable to subject site.		

Part 6 – Additional Local Provisions

Applicable LEP 2015 Clause	LEP Provisions	Development Provisions	Comment
6.1 Acid Sulfate Soils	Not applicable to subject site.		
6.6 Active street frontages	Not applicable to subject site.		

Section 4.15(1)(a)(ii) – Any Draft Environmental Planning Instruments

The proposal is not inconsistent with any Draft Instrument.

Section 4.15(1)(a)(iii) – Any Development Control Plan

The proposed development is subject to the provisions of the Canterbury-Bankstown Development Control Plan 2023. The following comments are made with respect to the proposal satisfying the objectives and controls contained within the DCP.

CBDP 2023 – Chapter 5 Residential Accommodation		
Section 5.1 – Former Bankstown LGA		
Section 4 – Dual Occupancies		
Control	Required	Complies
Subdivision		
4.1 – Subdivision	For development that establishes a dual occupancy and a secondary dwelling on the same allotment, the two dwellings forming the dual occupancy may be subdivided provided the minimum lot size is 450m ² per dwelling.	N/A
Storey Limit		
4.2	The storey limit for dual occupancies is two storeys.	Yes – Proposed dual occupancy is 2 storeys
4.3	The siting of dual occupancies, and landscaping works must be compatible with the existing slope and contours of the allotment and any adjoining property.	Yes – The proposed development has been designed to cater for the existing slope of the land. There are no elevated platforms or excessive excavation proposed

	Council does not allow any development that involves elevated platforms on columns; or excessive or unnecessary terracing, rock excavation, retaining walls or reclamation.	
4.4	<p>Any reconstituted ground level on the allotment must not exceed a height of 600mm above the ground level (existing) of an adjoining property except where:</p> <p>(a) the dual occupancy is required to be raised to achieve a suitable freeboard in accordance with Chapter 2.2 of this DCP; or</p> <p>(b) the fill is contained within the ground floor perimeter of the dual occupancy to a height no greater than 1 metre above the ground level (existing) of the allotment.</p>	The proposed development is not proposing excessive amounts of fill. The reconstituted ground level is well under 600mm
Setback Restrictions		
4.7 –	The erection of dual occupancies is prohibited within 9 metres of an existing animal boarding or training establishment.	N/A
Street setbacks		
4.6 – Primary Setback	<p>a) 5.5m to first storey (i.e., ground floor)</p> <p>b) 6.5m to second storey</p>	<p>Yes –</p> <p>Ground floor = 6.5m primary road setback</p> <p>First floor = 6.5m primary road setback</p>
4.7 – Secondary frontage	<p>a) 3m to building wall</p> <p>b) 5.5m to garage or carport</p>	N/A

Side setbacks		
4.8 – For building wall <7m	0.9m	Yes – A side setback of 1.2m is provided along each side boundary.
4.9 – For building wall >7m	1.5m	N/A
4.10 – Obstacles	The minimum setback between a dual occupancy and the side boundary must be clear of obstacles such as a hot water unit, waste storage area, storage shed and the like.	The side setbacks are clear of obstacles
4.11 – Basement	The basement level must not project beyond the ground floor perimeter of the dual occupancy.	N/A
Private Open Space		
4.12 – Private Open Space	Dual occupancies must provide a minimum 80m ² of private open space per dwelling behind the front building line. This may be in the form of a single area or a sum of areas per dwelling provided the minimum width of each area is 5 metres throughout.	Yes – Each dwelling is provided with at least 80m of POS behind the building line with a minimum width of 5m.
Access to sunlight		
4.13 – Living Area	At least one living area of each dwelling must receive a minimum 3 hours of sunlight between 8.00am and 4.00pm at the mid-winter solstice. Council may allow light wells and skylights to supplement this access to sunlight provided these building elements are not the primary source of sunlight to the living areas.	Yes – The living rooms in each dwelling receive more than 3 hours of sunlight

4.14 – Living Area adjoining dwelling	At least one living area of a dwelling on an adjoining allotment must receive a minimum 3 hours of sunlight between 8.00am and 4.00pm at the mid-winter solstice. Where this requirement cannot be met, the development must not result with additional overshadowing on the affected living areas of the dwelling.	Yes – Adjoining dwellings to receive 3 hours of solar access.
4.15 – Solar access to POS	A minimum 50% of the private open space required for each dwelling and a minimum 50% of the private open space of a dwelling on an adjoining allotment must receive at least 3 hours of sunlight between 9.00am and 5.00pm at the equinox. Where this requirement cannot be met for a dwelling on an adjoining allotment, the development must not result with additional overshadowing on the affected private open space.	Yes – The POS of the proposed dual occupancy receives 3 hours of solar access to the POS for both dwellings at the equinox The POS for adjoining allotments still attains the required 3 hours to the POS areas at the equinox.
4.16 – Solar Hot Water Systems	Development should avoid overshadowing any existing solar hot water system, photovoltaic panel or other solar collector on the allotment and neighbouring properties.	Yes – Proposal does not overshadow existing hot water systems or solar panels
Visual Privacy		
4.17 – Window Location	Where development proposes a window that directly looks into the living area or bedroom window of an existing dwelling, the development must: (a) offset the windows between dwellings to minimise overlooking; or	Yes – The location of the windows along the side elevations have been designed with high sills to alleviate privacy impacts on adjoining properties.

	<p>(b) provide the window with a minimum sill height of 1.5 metres above floor level; or</p> <p>(c) ensure the window cannot open and has obscure glazing to a minimum height of 1.5 metres above floor level; or</p> <p>(d) use another form of screening to the satisfaction of Council.</p>	
4.18 – Windows directly looking into POS	<p>Where development proposes a window that directly looks into the private open space of an existing dwelling, the window does not require screening where:</p> <p>(a) the window is to a bedroom, bathroom, toilet, laundry, storage room, or other non-habitable room; or</p> <p>(b) the window has a minimum sill height of 1.5 metres above floor level; or</p> <p>(c) the window has translucent glazing to a minimum height of 1.5 metres above floor level; or</p> <p>(d) the window is designed to prevent overlooking of more than 50% of the private open space of a lower-level or adjoining dwelling.</p>	Yes – All first-floor rear windows have been designed with high sills to alleviate privacy impacts on adjoining dwellings
4.19 – Balcony Location	<p>Council may allow dual occupancies to have an upper floor side or rear balcony solely where the balcony is not accessible from a living area or hallway, and the balcony design:</p> <p>(a) does not have an</p>	NA – Balconies proposed only facing the street.

	<p>external staircase; and</p> <p>(b) does not exceed a width of 1.5 metres throughout; and</p> <p>(c) incorporates a form of screening to the satisfaction of Council such as partially recessing the balcony into the building.</p>	
4.20 – Roof top Balconies	Council does not allow dual occupancies to have roof-top balconies and the like.	N/A – No roof top balconies proposed
Building Design		
4.21 – Demolition of dwellings	Development for the purpose of dual occupancies must demolish all existing dwellings (not including any heritage items) on the site	Yes – Existing dwelling is proposed to be demolished
4.22 – Design of Dual Occupancies	<p>The design of dual occupancies must ensure:</p> <p>(a) the street facade of dual occupancies (attached) adopt an asymmetrical design to provide each dwelling with an individual identity when viewed from the street; or</p> <p>(b) the street facade of dual occupancies (attached) or dual occupancies (detached) incorporate architectural elements that are compatible with the asymmetrical appearance of neighbouring dwelling houses, particularly where a pattern is established by a group of adjoining dwelling houses; and</p> <p>(c) the front porch and one or more living area or bedroom windows to each dwelling face the street;</p>	<p>Yes –</p> <p>The façade of the dual occupancies have adopted an asymmetrical design through the use of articulation and different building materiality</p> <p>Appropriate architectural elements have been adopted including face brick, parapets and render to create an asymmetrical appearance.</p> <p>A front porch and bedroom front the street for both dwellings</p>

	<p>and</p> <p>(d) the garage, driveway and front fence do not dominate the front of the building and front yard; and</p> <p>(e) the two dwellings on a corner allotment each face a different frontage.</p>	<p>The dwellings have been designed to avoid the dominance of the garages</p> <p>N/A</p>
4.23 – Roof Pitch	The maximum roof pitch for dual occupancies is 35 degrees.	Yes – Roof pitch is less than 35 degrees

Building Design (Car Parking)

4.28 – Location of car spaces	<p>Development must locate the car parking spaces behind the front building line with at least one covered car parking space for weather protection. Despite this clause, Council may allow one car parking space per dwelling to locate forward of the front building line provided:</p> <p>(a) the car parking space forward of the front building line is uncovered and located in a stacked arrangement on the driveway in front of the covered car parking space; and</p> <p>(b) the covered car parking space is setback a minimum 6 metres from the primary and secondary frontages.</p>	<p>Yes – A single garage is provided for each dual occupancy unit behind the front building line.</p> <p>The car parking space forward of the building line is uncovered</p> <p>The garages for both units are setback a minimum of 7m</p>
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Landscaping

4.31 – Retention of Vegetation	Development must retain and protect any significant trees on the allotment and adjoining allotments. To achieve this clause, the development may require a design alteration or a reduction in the size of the	Yes – There is no significant vegetation worthy of retention in this instance.
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	dual occupancy.	
4.32 – Landscaping %	<p>Development must landscape the following areas on the allotment by way of trees and shrubs with preference given to native vegetation endemic to the City of Bankstown (refer to Appendix 4 and Appendix 5 for a list of suitable species):</p> <p>(a) a minimum 45% of the area between the dual occupancy and the primary road frontage; and</p> <p>(b) a minimum 45% of the area between the dual occupancy and the secondary road frontage; and</p> <p>(c) plant at least one 75 litre tree between the dual occupancy and the primary road frontage (refer to Appendix 5 for a list of suitable trees in the City of Bankstown or Appendix 6 for allotments that adjoin the Hume Highway); and</p> <p>(d) for development in the foreshore protection area (refer to map in Appendix 1), plant native trees with a mature height greater than 12 metres adjacent to the waterbody.</p>	<p>Yes –</p> <p>Over 45% of the area between dual occupancy and primary frontage is landscaped.</p> <p>N/A</p> <p>Appropriate planting has been provided between the dual occupancy and the primary frontage.</p> <p>N/A</p>
13.12 – Swimming pools and spas	Swimming pools and spas must locate behind the front building line.	Proposed swimming pools are behind the front building line.
13.13 – Swimming pools and spas	The minimum setback between the waterline of swimming pools/spas and the site boundary is 1 metre.	Proposed swimming pools are at least 1m from the side boundaries.
13.14 – Swimming pools and spas	Where Council allows swimming pools/spas within 30m of the high	Site is not within 30m of the Georges River

	<p>water mark of the Georges River and its tributaries:</p> <p>(a) the maximum height of the swimming pool/spa is 300mm measured above the ground level (existing); and</p> <p>(b) the swimming pool/spa fence must be an open style fence.</p>	
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The provisions of any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4 (EP&A Act s4.15(1)(a)(iia))

There is no draft planning agreement associated with the subject Development Application.

The provisions of the Regulations (EP&A Act s4.15 (1)(a)(iv))

The proposed development raises no concerns as to the relevant matters arising from the Environmental Planning and Assessment Regulations 2021 (2021 Regulation).

The Likely Environmental, Social or Economic Impacts (EP&A Act s4.15 (1)(b))

It is considered that the proposed development will have no significant adverse environmental, social or economic impacts in the locality.

The suitability of the site for the development (EP&A Act s4.15 (1)(c))

The subject site and locality are not known to be affected by any natural hazards or other site constraints likely to have a significant adverse impact on the proposed development. Accordingly, it is considered that the development is suitable in the context of the site and surrounding locality.

Submissions made in accordance with the Act or Regulation (EP&A Act s4.15 (1)(d))

In accordance with the provisions of Councils Public Notification, the application will be required to be placed on neighbour notification where adjoining property owners will be notified. Any concerns raised by objectors will be considered through the assessment of the application. If required, the applicant may provide responses if deemed necessary.

The public interest (EP&A Act s4.15(1)(e))

In view of the foregoing analysis, it is considered that the development, if carried out subject to the conditions set out in the recommendation below, will have no significant adverse impacts on the public interest.

Conclusion

The application has been assessed having regard to Section 4.15(1) of the Environmental Planning and Assessment Act 1979 and other relevant statutory provisions. This statement along with the submitted documentation demonstrates that the proposal does not result in any adverse impacts and is suitable for the site.

Therefore, it is recommended that Council and the consent authority grant consent to the proposed development.