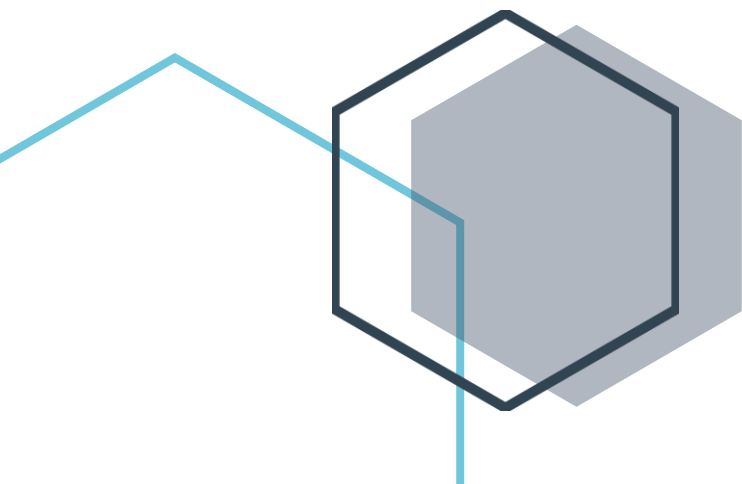


# Statement of Environmental Effects

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CONSTRUCTION OF A SECONDARY DWELLING &  
ATTACHED PATIO

SECTION 4.55 (2) MODIFICATION - 23/02/2025





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## 1.0 INTRODUCTION

This Statement of Environmental Effects (SEE) has been prepared by Renovate Plans – Building Designers Pty Ltd to support a Development Application (DA) at 6 Leon Avenue, Roselands for a secondary dwelling located at the site. The site is currently zoned R3 Medium Density Residential, and the proposal is considered permissible with consent.

The proposed development has been designed to comply with the controls of the relevant planning instruments and Councils development controls.

The Statement of Environmental Effects provides information about the proposed development and development site. Key planning issues, particularly with regard to compliance, are addressed and is intended to assist council's consideration and determination of the application.



## 2.0 THE SITE AND ITS ENVIRONMENT

### LOCATION

The property is located at 6 Leon Avenue, Roselands – LOT 6 DP 26971.

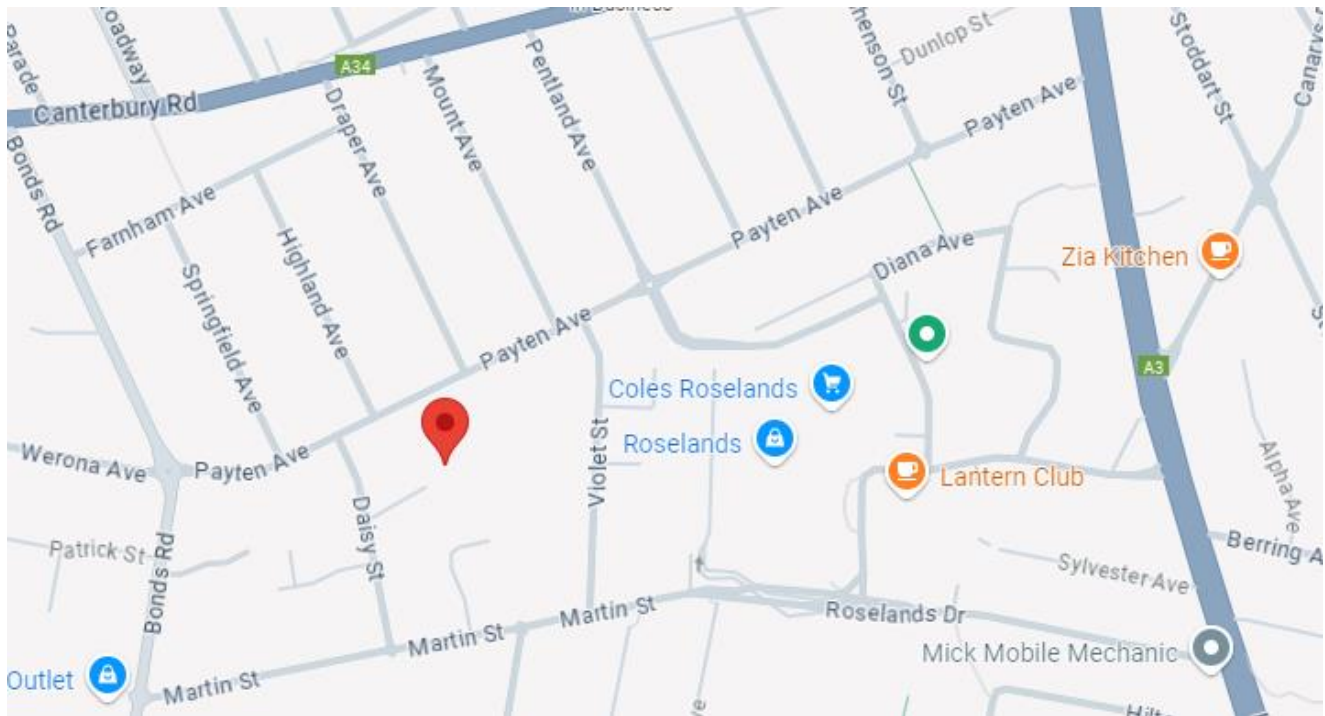


Figure 1 - map view of site



Figure 2 - satellite map of site



## SITE DESCRIPTION

	SITE DESCRIPTION
Shape of Allotment	Irregular Shape
Site Frontage	7.695m at boundary (arc), wider at building line
Site Depth	32-40.640m
Site Slope	Towards Street
Existing Uses	Dwelling House

## EXISTING & SURROUNDING DEVELOPMENT



Figure 3 - panoramic view of site as seen from street, with adjacent neighbours





### 3.0 PROPOSED MODIFICATION

The proposal seeks to modify the Determination in conjunction with a previously approved modification application.

#### Consent conditions to be changed or deleted

This application seeks to change/delete the following Conditions:

- Condition No.1 – the application seeks to change this Condition to reflect that the development to be implemented as per the amended plans attached within this application

The Consent is dated 14 February 2025, DA-1238/2024, PAN-482771.

#### Modifications

- Extension of patio from 3m to 6m.
- Relocation of secondary dwelling further toward rear setback (min 0.9m).

The owner has provided letters of support from the relevant neighbouring properties that are adjacent to the proposed secondary dwelling.

#### Justification

The proposal seeks to improve the outcome of the proposed secondary dwelling by implementing larger areas for the patio and disregarding the previous rear (side) area which was not practical due to the topography and solar impacts on the area.

The amended proposal is supported by the neighbouring property owners and letters of support have been **attached** to the application. The adjacent properties levels are higher and they will not be impacted by overshadowing, privacy or noise impacts by the proposal.

At the rear, the proposal abuts LOT 233C DP 360180 and LOT B DP 337309, which are located a substantial distance away. These properties are unlikely to experience any disturbance, as the design situates our bedrooms along this boundary. Given the nature of these spaces, they will generate minimal, if any, noise, ensuring no negative impact on the amenity of these properties.



## 4.0 PLANNING ASSESSMENT

The proposed use of secondary dwelling & outbuilding (per dwelling house, per residential accommodation) is a permissible use within Zone R3 Medium Density Residential land use zone.

The proposal complies with the relevant development standards that relate to the site and is consistent with the relevant objectives of the Canterbury-Bankstown Council Local Environmental Plan. Accordingly, the proposal is acceptable.

### **ENVIRONMENTAL PLANNING AND ASSESSMENT REGULATION (2021)**

#### **Section 25 - Concurrences and/or Approvals**

Based on Section 25 of the Environmental Planning and Assessment Regulation (2021), no additional state level concurrences or approvals appear necessary for the proposed secondary dwelling on the subject site, aside from the standard local council approval.

#### **Section 27 – BASIX**

In accordance with Section 27 of the Environmental Planning and Assessment Regulation (2021), the proposed secondary dwelling qualifies as BASIX Development. Consequently, a BASIX Certificate is required to be provided with this application to ensure compliance with water and energy efficiency standards.

### **CANTERBURY-BANKSTOWN LOCAL ENVIRONMENTAL PLAN 2023**

Zone R3: Medium Density Residential	
1 Objectives of Zone	<ul style="list-style-type: none"><li>• To provide for the housing needs of the community within a medium density residential environment.</li><li>• To provide a variety of housing types within a medium density residential environment.</li><li>• To enable other land uses that provide facilities or services to meet the day to day needs of residents.</li><li>• To allow for certain non-residential uses that are compatible with residential uses and do not adversely affect the living environment or amenity of the area.</li><li>• To allow for development that provides a suitable visual transition between high density residential areas and low density residential areas.</li><li>• To ensure suitable landscaping in the medium density residential environment.</li><li>• To minimise conflict between land uses within this zone and land uses within adjoining zones.</li><li>• To allow for increased residential density in accessible locations to maximise public transport patronage and encourage walking and cycling.</li><li>• To promote a high standard of urban design and local amenity.</li></ul>
2 Permitted Without Consent	Home occupations



3 Permitted with consent	Attached dwellings; Bed and breakfast accommodation; Boarding houses; Building identification signs; Business identification signs; Car parks; Centre based child care facilities; Community facilities; Dwelling houses; Early education and care facilities; Environmental facilities; Environmental protection works; Exhibition homes; Flood mitigation works; Group homes; Home businesses; Multi dwelling housing; Neighbourhood shops; Oyster aquaculture; Places of public worship; Recreation areas; Respite day care centres; Roads; Secondary dwellings; Seniors housing; Tank-based aquaculture
4 Prohibited	Any development not specified in item 2 or 3

#### PART 4: PRINCIPAL DEVELOPMENT STANDARDS

**Comment:** The proposed works comply with Clause 4.3 of the CBLEP 2023. The height of the building does not exceed the maximum height of 8.5 metres as shown on the Height of Buildings Map. The design ensures minimal overshadowing, maintains the prevailing suburban character, and provides appropriate height transitions.

Additionally, the development supports a positive streetscape and visual amenity, aligning with the objectives to minimise visual impact on heritage items and areas.

4.3	Height of Buildings
(1)	The objectives of this clause are as follows— (a) to establish the height of development consistent with the character, amenity and landform of the area in which the development will be located, (b) to maintain the prevailing suburban character and amenity by limiting the height of development to a maximum of 2 storeys in Zone R2, (c) to provide appropriate height transitions between development, particularly at zone boundaries, (d) to minimise overshadowing to existing buildings and open space, (e) to minimise the visual impact of development on heritage items and heritage conservation areas, (f) to support building design that contributes positively to the streetscape and visual amenity of an area.
(2)	The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map.

4.4	Floor Space Ratio
(1)	The objectives of this clause are as follows— (a) to establish the bulk and maximum density of development consistent with the character, amenity and capacity of the area in which the development will be located, (b) to ensure the bulk of non-residential development in or adjoining a residential zone is compatible with the prevailing suburban character and amenity of the residential zone, (c) to encourage lot consolidations in commercial centres to facilitate higher quality built form and urban design outcomes,





	(d) to establish the maximum floor space available for development, taking into account the availability of infrastructure and the generation of vehicular and pedestrian traffic, (e) to provide a suitable balance between landscaping and built form in residential areas.
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Comment: The proposed works comply with Clause 4.4 of the Canterbury-Bankstown LEP 2023. The combined floor space ratio (FSR) of the primary and secondary dwellings does not exceed the maximum FSR of 0.5:1 as shown on the Floor Space Ratio Map. This ensures the development's bulk and density are consistent with the character and capacity of the area, provides a suitable balance between landscaping and built form, and aligns with the infrastructure availability and traffic generation considerations.

## PART 5: MISCELLANEOUS PROVISIONS

5.4	Controls relating to miscellaneous permissible uses
(9)	Secondary dwellings on land other than land in a rural zone If development for the purposes of a secondary dwelling is permitted under this Plan on land other than land in a rural zone, the total floor area of the dwelling, excluding any area used for parking, must not exceed whichever of the following is the greater— (a) 60 square metres, (b) 10% of the total floor area of the principal dwelling.

The proposed secondary dwelling complies with Clause 5.4(9) of the Canterbury Bankstown DCP 2023, which states that the total floor area of a secondary dwelling, excluding parking areas, must not exceed the greater of 60 square metres or 10% of the principal dwelling's total floor area. With a floor area of 59 square metres, the proposed secondary dwelling meets this requirement, ensuring adherence to relevant planning controls.

## **CANTERBURY-BANKSTOWN DEVELOPMENT CONTROL PLAN 2023**

### CHAPTER 3: GENERAL REQUIREMENTS

3.2 Section 2	Off-Street Parking Rates
Objectives	O1 To ensure development meets the car, bicycle and service vehicle parking demands generated by various land uses. O2 To minimise on-street car parking to ensure road safety and visual aesthetics.
Controls	2.1 Development must use the Off-Street Parking Schedule to calculate the amount of car, bicycle and service vehicle parking spaces that are required on the site. 2.2 In calculating the total number of car parking spaces required for development, these must be: (a) rounded down if the fraction of the total calculation is less than half (0.5) a space; or



	<p>(b) rounded up if the fraction of the total calculation is equal or more than half (0.5) a space; and</p> <p>(c) must include a room that is capable of being converted to a bedroom.</p> <p>2.3 Development comprising more than one land use must provide the combined parking requirement based on the individual rates of parking for each land use identified in the Off-Street Parking Schedule.</p>		
	Land Use	Car Spaces	Bicycle Spaces
	Secondary Dwelling	1 Car Space	Not Applicable
	<p>2.4 Car parking (and associated space such as access aisles) in excess of the Off-Street Parking Schedule will be counted as gross floor area.</p> <p>2.5 Development not included in the Off-Street Parking Schedule must submit a parking study for Council's consideration. A qualified traffic consultant must prepare the parking study.</p> <p>2.6 The Off-Street Parking Schedule does not apply to changes of uses to business premises, food and drink premises, medical centres, office premises, recreation facilities (indoor), shops and veterinary hospitals within Zones B1, B2 and B4 provided:</p> <p>(a) The new use does not result in an increase in the gross floor area of any building within which it is carried out.</p> <p>(b) The new use does not cause the contravention of any existing condition of the most recent development consent (other than a complying development certificate) that applies to the premises relating to car parking and vehicular movement.</p>		

Compliance: The proposed secondary dwelling complies with the off-street parking requirements as outlined in the Canterbury Bankstown DCP 2023. The development will provide one car space, as required for secondary dwellings, ensuring it meets the car parking demands generated by the use and minimises on-street parking, thus enhancing road safety and visual aesthetics.

The existing driveway on site provides room for multiple vehicles to be parked in a tandem parking design.

3.3 Section 3	Waste Management
Controls	<p>All residential development types</p> <p>3.1 Council or its contractors are solely to provide the waste services to all residential development types as required under the Local Government Act 1993.</p> <p>3.2 Each dwelling is to have:</p> <p>(a) A waste storage cupboard in the kitchen capable of holding two days waste and recycling and be sufficient to enable separation of recyclable materials.</p> <p>(b) A suitable space in the kitchen for a caddy to collect food waste.</p> <p>3.3 Development must provide an adequate sized bin storage area behind the front building line to accommodate all allocated bins.</p> <p>3.4 The location of the bin storage area must not adversely impact on the</p>



	<p>the streetscape, building design or amenity of dwellings.</p> <p>3.5 The location of the bin storage area should ensure this area:</p> <p>(a) is screened or cannot be viewed from the public domain; and</p> <p>(b) is away from windows of habitable rooms to reduce adverse amenity impacts associated with noise, odour and traffic.</p> <p>3.6 The location of the bin storage area is to be convenient to use for the dwelling occupants and caretakers, through reducing the bin travel distance from the bin storage area to the nominated kerbside collection point. The bin-carting route from the bin storage area to the collection point must not pass through any internal areas of the building/dwelling and must avoid stairs or slopes.</p> <p>3.7 Where possible, development may consider providing each dwelling with a suitable space for composting and worm farming, located within the backyard, private courtyard or open space. Composting facilities should locate on an unpaved area, with a minimum size of 1m<sup>2</sup> per dwelling.</p> <p>3.8 Dwellings are to have access to an adequately sized on-site storage area to store bulky waste awaiting collection.</p> <p>3.9 Development must comply with the requirements of the applicable Waste Design for New Developments Guide.</p>
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Compliance: Kitchen waste storage cupboard and space for a food waste provided. The bin storage area is located on the right side of the secondary dwelling, screened from public view and away from windows, ensuring minimal impact on the streetscape and residential amenity. The bin area is easily accessible for occupants and convenient for kerbside collection.

3.4 Section 2	Water Conservation
Objectives	<p>O1 To incorporate more sustainable use of water in development by:</p> <p>(a) increasing the efficiency of mains supply water use; and</p> <p>(b) providing for on-site collection and re use of rainwater, grey water and stormwater runoff.</p>
Controls	<p>2.3 The following requirement is mandatory and must be incorporated into the building design: All taps, showerheads, toilet suites (cisterns, urinals) used in the development must be rated to at least 4 stars under the National Water Efficient Labelling and Standards (WELS) Scheme (refer below).</p> <p>National water conservation rating and labelling scheme The Water Efficient Labelling and Standards (WELS) Scheme is administered by the NSW and Australian Government and is designed to make more efficient use of Australia's potable water supply.</p> <p>The following star ratings are required for compliance with this DCP:</p> <p>(a) shower heads 3 stars – 8 litres or less per minute;</p> <p>(b) basins taps 6 stars – 4.5 litres or less per minute;</p> <p>(c) toilet cisterns 4 stars – 4 litres or less per flush.</p> <p>A comprehensive list of products that meet the above water consumption</p>



	requirements of this DCP can be viewed at the Australian Government website at <a href="http://www.waterrating.gov.au">www.waterrating.gov.au</a> .
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Compliance: The proposed secondary dwelling complies with the water conservation objectives and controls of the Canterbury Bankstown DCP 2023. The plans include supporting sustainable water management practices. Additionally, the design will incorporate water-efficient fixtures rated at least 4 stars under the National Water Efficient Labelling and Standards (WELS) Scheme to ensure efficient use of mains supply water.

3.4 Section 3	Energy Minimisation
Objectives	O1 To incorporate energy efficiency in the design and operation of development proposals. This is done by: (a) promoting the use of energy efficient principles in the design of a facility; and (b) ensuring the ongoing operations of the facility incorporates energy minimisation measures.
Controls	Requirement E1: Energy efficient building design  3.2 The design and orientation of buildings must maximise solar access and natural lighting by:  (a) Orientating the building so that its longest side is on the east west axis (b) Maximising the number of windows on the northern face of the building and minimising glazed areas on the eastern and western walls of the building (i.e. providing for most of the glazed areas on the northern face of the building).  (c) Fitting warehouses with skylights to 10% of the roof area. (d) Considering and including where feasible the following features: skylights, clerestory windows, light wells, light tubes, atriums and similar features.  Requirement E2: Energy efficient hot water systems  3.3 Development must incorporate a hot water heating system that is energy rated to at least 4 stars. The preferred system is either a gas boosted solar system, or a 5 star gas system, with appropriate insulation to the tank and pipes.

Compliance: The proposed secondary dwelling complies with the energy minimisation objectives and controls of the Canterbury Bankstown DCP 2023. The design maximises solar access and natural lighting with significant glazing on the northern face and minimal glazing on the eastern and western walls. The plans also include the installation of an energy-efficient hot water system rated at least 4 stars, contributing to reduced energy consumption and promoting sustainable living practices.



3.7 Section 3	Landscape Design
Objectives	<p>O1 To integrate the landscape design with the overall design of the development.</p> <p>O2 To promote the retention and planting of large and medium size trees, and the healthy growth of trees in urban areas.</p> <p>O3 To provide deep soil zones to manage urban heat and water, and to allow for and support healthy plant and tree growth.</p> <p>O4 To contribute to the quality and amenity of communal open space, podiums and courtyards.</p>
Controls	<p>Existing vegetation and natural features</p> <p>2.1 New landscaping is to complement the existing street landscaping and improve the quality of the streetscape.</p> <p>2.2 Development, including alterations and additions, is to minimise earthworks (cut and fill) in order to conserve site soil. Where excavation is necessary, the reuse of excavated soil on site is encouraged.</p> <p>Design and location of landscape</p> <p>2.3 The landscape design is to contribute to and take advantage of the site characteristics.</p> <p>2.4 The landscape design is to improve the quality of the streetscape and communal open spaces by:</p> <ul style="list-style-type: none"><li>(a) providing appropriate shade from trees or structures;</li><li>(b) defining accessible and attractive routes through the communal open space and between buildings;</li><li>(c) providing screens and buffers that contribute to privacy, casual surveillance, urban design and environmental protection, where relevant;</li><li>(d) improving the microclimate of communal open spaces and hard paved areas;</li><li>(e) locating plants appropriately in relation to their size including mature size;</li><li>(f) softening the visual and physical impact of hard paved areas and building mass with landscaping that is appropriate in scale;</li><li>(g) including suitably sized trees, shrubs and groundcovers to aid climate control by providing shade in summer and sunlight in winter.</li></ul> <p>2.5 The landscape of setbacks and deep soil zones must:</p> <ul style="list-style-type: none"><li>(a) provide sufficient depth of soil to enable the growth of mature trees;</li><li>(b) use a combination of groundcovers, shrubs and trees;</li><li>(c) use shrubs that do not obstruct sightlines between the site and the public domain; and</li><li>(d) where buffer or screen planting is required, use continuous evergreen planting consisting of shrubs and trees to screen the structure, maintain privacy and function as an environmental buffer.</li></ul> <p>Trees</p> <p>2.6 Development must consider the retention of existing trees in the building design.</p> <p>2.7 Development must plant at least one canopy tree for every 12m of front and rear boundary width and:</p> <ul style="list-style-type: none"><li>(a) Canopy trees are to be of a minimum 75 litre pot size.</li></ul>





	<p>(b) Use deciduous trees in small open spaces, such as courtyards, to improve solar access and control of microclimate.</p> <p>(c) Place evergreen trees well away from the building to allow the winter sun access.</p> <p>(d) Select trees that do not inhibit airflow.</p> <p>(e) Provide shade to large hard paved areas using tree species that are tolerant of compacted/deoxygenated soils.</p> <p>2.8 Development must provide street trees that will contribute to the canopy where possible.</p>
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Compliance: The proposed development at complies with the Canterbury Bankstown DCP 2023 landscape design objectives by integrating native vegetation. The existing landscaped areas on site are generally maintained and will remain as existing.

## CHAPTER 5: RESIDENTIAL ACCOMMODATION

Control	Description	Compliance
C1	The minimum primary street frontage width for dwelling houses is 15m.	Yes - No dwelling proposed.
C2	Lots must be generally rectangular.	N/A - Existing lot.
C3	Internal and battle-axe blocks and lots with irregular dimensions or shallow depths must satisfy the objectives of the DCP.	Noted.
C4	Nothing in this section prevents Council giving consideration to the erection of a dwelling house on an allotment of land which existed as of 1 January 2013.	Noted.
Table 1	Maximum building footprint, floor area of outbuildings and site coverage based on site area	Complies. Site cover is 35%, outbuildings are less than 60m <sup>2</sup> and building footprint is under 380m <sup>2</sup> .
Table 2	Minimum deep soil areas as a percentage of site area	Complies – 25% required and 223m <sup>2</sup> (32%) proposed.
C2	Deep soil areas must have a minimum dimension of 2.5m.	Complies
C1	Orientate development to maximise solar access and natural lighting, without unduly increasing the building's heat load.	Complies
C2	Site the development to avoid casting shadows onto a neighbouring dwelling's primary living area, private open space and solar cells.	Complies



C3	Coordinate design for natural ventilation with passive solar design techniques.	Complies
C4	Site new development and private open space to avoid existing shadows cast from nearby buildings.	Complies
C5	Site a building to take maximum benefit from cross-breezes and prevailing winds.	Complies
C6	Do not compromise the creation of casual surveillance of the street, communal space and parking areas, through the required orientation.	Complies
Maximum Permissible Height	Prescribed in the LEP and varies across residential zones	N/A
Development Controls for Dwelling Houses	A maximum two-storey built form, maximum external wall height dependent on LEP, finished ground floor level not to exceed 1m above natural ground level.	N/A
Basement and Sub-floor Projection	Any part projecting greater than 1m above ground level comprises a storey	N/A
Attics and Roof Terraces	Attics and mezzanine floors do not comprise a storey, roof top terraces are not acceptable	N/A
Basement and Sub-floor Parking	May be provided where site constraints warrant and no adverse impacts	N/A
Retaining Walls (No Basement Parking)	Maximum height dependent on land slope and location	N/A
Cut and Fill (No Basement Parking)	Maximum cut and fill dependent on location, structural viability must be confirmed if exceeding 1m	N/A
C1	Development fronting a major road must have a minimum front setback of 9m	N/A
Table 3 & 4	Minimum front, side and rear setbacks for dwelling houses based on frontage width	N/A
Table 5	Setbacks for outbuildings	450mm for walls less than 2.7m. 900mm proposed.



C3 - C14	Exceptions and other requirements for setbacks, including encroachments, carports, swimming pools, and basements on steeply sloping land	Complies
C1 & C2	Contemporary architectural designs may be acceptable under certain conditions	Noted
C3 - C5	Access, kitchens, and laundries in dwellings	Complies
C6	Contemporary roof forms may be acceptable on additions at ground floor level if concealed	N/A
C7 & C8	Entries to residential buildings must be clearly identifiable, front door may face side boundary under certain conditions	N/A
C9 & C10	Habitable room orientation and sight lines	Noted and complies.
C11 - C14	Internal dwelling layout requirements, including room dimensions and storage	N/A
C15 & C16	Facade treatment for corner lots and material use	N/A
C17 - C20	Facade design, articulation, and panel width	N/A
C21 - C24	Wall alignment, module height variation, contrasting elements, and corner screening	N/A
C25 - C28	Pavilion design and articulation on top storeys	N/A
C29 - C34	Window design, placement, and shading	N/A
C35	Dormer window design requirements	N/A
C36 & C37	Ventilation requirements, natural and mechanical	N/A
Roof Design Controls	Simple pitched roof, avoid complex forms, compatible pitches, minimize parapet roofs, minor gables allowed, mansard roofs not permitted, maximum pitch 30 degrees	Complies
Solar Access Controls	Minimum sunlight hours for living areas and private open space, existing overshadowing considerations, sunlight to solar systems on adjoining properties, clothes drying areas	Complies
Shading Devices	Requirements for shading devices on windows and openings	Complies
C1 & C2	Locate and orient new development to maximize visual privacy	Complies
C3 & C4	Screening requirements for overlooking windows and bedrooms	Noted
C1 - C4	Acoustic privacy requirements, including protection of sensitive rooms and addressing noise from roads and rail	Complies



Fence Controls	Open fence or hedge to front boundary, height restrictions for front, side, and corner lot fences, landscaping considerations	N/A
C1 - C3	Outbuilding allowances and restrictions on number, establishment, and use	Complies
C4 - C12	Outbuilding size, setbacks, storey limits, height, roof pitch, and tree protection	Complies
C13 & C14	Swimming pool setbacks and landscaping requirements	N/A
Building Services Controls	Letterbox standards, integration of services, appliance and meter screening, air conditioning units, TV antennae, etc., service area design	N/A

## SECTION 7 - SECONDARY DWELLINGS

Secondary dwellings are defined under the Canterbury-Bankstown LEP 2023. Secondary dwellings can be carried out under the State Environmental Planning Policy (Housing) 2021 and the Canterbury-Bankstown LEP 2023. Where an application is required, an assessment of the relevant provisions of the State Environmental Planning Policy (Housing) 2021 and the Canterbury-Bankstown LEP 2023 will be undertaken.

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.

### Objectives

- 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.
- To ensure there is adequate area for vehicle access and parking.
- To ensure sites have sufficient dimensions to accommodate adequate landscaped open spaces.

### Development controls

- C1 Where an 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).
- C2 All applications for secondary dwellings will be assessed against Schedule 1 of the State Environmental Planning Policy (Housing) 2021.



The proposal complies with the SEPP and policy adopted, a table is provided below.

Development Control Plan Section/Clause and Subject	Controls	Proposed Development	Compliance
Schedule 1: Part 2 Site Requirement	Lot requirement: i) if the lot has an area of at least 450m <sup>2</sup> but not more than 900m <sup>2</sup> —12m	678.5m <sup>2</sup>	Complies
	Site Coverage (a) if the lot has an area of at least 450m <sup>2</sup> but not more than 900m <sup>2</sup> —50% of the area of the lot	Less than 50% of the site is covered. 35% cover is proposed.	Complies
	Floor area (a) 60m <sup>2</sup> , (a) if the lot has an area of at least 450m <sup>2</sup> but not more than 600m <sup>2</sup> —330m <sup>2</sup>	The proposed secondary house is 60sqm. Total floor area is less than 330sqm.	Complies
	Setback area (1) The total floor area of all balconies, decks, patios, terraces and verandahs on a lot must be no more than 12m <sup>2</sup> if— (a) a part of the structure is within 6m from a side or rear boundary, and (b) the structure has a point of its finished floor level at more than 2m above ground level (existing). (2) The balcony, deck, patio, terrace or verandah must not have a point of its finished floor level— (a) if it is located within 3m of a side or rear boundary—more than 2m above ground level (existing), or (b) if it is located more than 3m but not more than 6m from a side or rear boundary—more than 3m above ground level (existing), or (c) if it is located more than 6m from a side or rear boundary—more than 4m above ground level (existing).	Proposed development complies with this requirement.	Complies
	Building height (1) Development for the purposes of a secondary dwelling or an ancillary structure 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 8.5m.	Proposed development complies with this requirement.	Complies
	Setbacks from road (1) Development for the purposes of a secondary dwelling or an ancillary structure on a lot must result in a new building or a new part of an existing	Proposed secondary dwelling is located at the rear of the	Complies





	building having a setback from a primary road, other than a classified road, of at least— (a) the average distance of the setbacks of the 2 nearest dwelling houses on the same side of the primary road and located within 40m of the lot on which the principal dwelling is erected, or	property and is not visible from the street.	
	Setback from side boundary (a) for a lot with an area of at least 450m <sup>2</sup> but not more than 900m <sup>2</sup> —0.9m	0.9-15m	Complies
Rear boundary	(a) for a lot with an area of at least 450m <sup>2</sup> but not more than 900m <sup>2</sup> — (i) 3m, and	Setback at the rear is 0.9m	Merit assessment

The rear boundary setback proposed is 0.9m and does not comply with the Housing SEPP. The applicant seeks leniency on the above due to the fact that:

1. The allotment presents as an irregular shape and does not provide opportunities for a 3m setback from the rear boundary.
2. The rear boundary hosts a large building for KAYA GROUP SUPPORT PLAN Supported Independent Living – a Disability services and support organization. Due to this, the private open space is substantially impacted from a perspective of amenity, privacy and views. The proposal to construct a secondary dwelling would not only offer some privacy to the rear yard but also would not contravene from any objective that applies to a parameter such as a rear setback.



Furthermore, the excerpt from The Act below states that the provisions in the DCP aren't requirements that are statutory and aim to satisfy objectives. The purpose of



the DCP is to primarily provide guidance on achieving the objectives of any applicable instruments.

***Environmental Planning and Assessment Act 1979 No 203*** Current version for 8 March 2013 to date (accessed 23 March 2013)

### **Part 3 Division 6 Section 74BA**

#### **74BA Purpose and status of development control plans**

*(1) The principal purpose of a development control plan is to provide guidance on the following matters to the persons proposing to carry out development to which this Part applies and to the consent authority for any such development:*

- (a) giving effect to the aims of any environmental planning instrument that applies to the development,*
- (b) facilitating development that is permissible under any such instrument,*
- (c) achieving the objectives of land zones under any such instrument.*

*The provisions of a development control plan made for that purpose **are not statutory requirements.***

*(2) The other purpose of a development control plan is to make provisions of the kind referred to in section 74C (1) (b)–(e).*

*(3) Subsection (1) does not affect any requirement under Division 3 of Part 4 in relation to complying development.*

It is important that Development Applications get assessed on merit and not using strict, hard and fast numerical controls in order to grant approval. As such, it is hoped that the above points are considered, and Council will support the application.



## **5.0 EVALUATION – SECTION 4.15**

This section considers the likely environmental impacts of the proposal, in accordance with Section 79C of the EP & A Act, 1979.

### **STATUTORY AND POLICY COMPLIANCE**

The proposal has been assessed in relation to all relevant SEPP's and LEP's above in the Statement of Environmental Effects. There are no SEPP's which are relevant to the proposal.

The proposal is considered to satisfy the above relevant Local Environmental Planning Instrument as the development is within zoning regulations. It remains consistent with the relevant objectives of the LEP as it promotes the orderly and economic development of the LGA in a manner consistent with the need to protect the environment and does not adversely affect the identity of the Canterbury-Bankstown Council area.

### **NATURAL ENVIRONMENT IMPACTS)**

The proposal's impacts to the natural environment will be in keeping with typical expectations. It adopts typical construction, operational and recycling methods. Further, the DA is accompanied by a BASIX certificate which stipulates the inclusion of a range of natural resource usage minimisation measures as part of the development.

### **BUILT ENVIRONMENT IMPACTS**

Overall, the proposal's built environment impacts are acceptable. In particular, it's overall scale and building envelope is generally consistent with secondary dwelling & outbuilding developments in the LGA. Further, it has also been demonstrated that the proposal's amenity related impacts are not unreasonable.

### **SOCIAL AND ECONOMIC IMPACTS**

The proposed development is unlikely to have any social or economic impacts on the surrounding area.

### **THE SUITABILITY OF THE SITE FOR THE DEVELOPMENT**

The site is suitable as it is located in a residential zone where the proposal is permissible and relevant objectives are met.



## 6.0 CONCLUSION

The report prepared by Renovate Plans – Building Designers Pty Ltd have effectively outlined the relevant regulations and objectives required to be adhered to. The proposal offers numerous benefits to the community, amenity and overall appearance of the subject site.

All work carried out is to be compliant with Canterbury-Bankstown Council regulations, Australian Standards and the National Construction Code requirements. The proposed development is justified within this statement.

If you require any further information or would like to discuss any matters related to the development or this statement, please do not hesitate to contact us.

Renovate Plans – Building Designers Pty Ltd