



STATEMENT OF ENVIRONMENTAL EFFECTS

DEMOLITION OF EXISTING GARAGE AND
CONSTRUCTION OF DETACHED SECONDARY DWELLING

83 TEMPE STREET
GREENACRE NSW 2190
LOT 15 SECTION 4 DP 845

TABLE OF CONTENTS

1	INTRODUCTION	4
2	SITE ANALYSIS.....	5
2.1	CONTEXT ANALYSIS.....	5
2.2	SITE ANALYSIS	5
2.3	SITE IMAGES.....	6
3	PROPOSED DEVELOPMENT	7
3.1	PROPOSED LAND USE AND BUILT FORM.....	7
3.2	TREE REMOVAL	7
3.3	LANDSCAPING WORKS.....	7
3.4	SITE ACCESS AND CAR PARKING	8
3.5	PRIVATE OPEN SPACE	8
3.6	EXTERNAL APPEARANCE AND DESIGN	8
4	PLANNING ASSESSMENT	9
5.1	CANTERBURY BANKSTOWN DRAFT AFFORDABLE HOUSING STRATEGY	9
	SECTION 4.15 - ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979.....	9
5.2	SECTION 4.15(1)(a)(i) – ENVIRONMENTAL PLANNING INSTRUMENTS	9
5.2.1	STATE ENVIRONMENTAL PLANNING POLICY (RESILIENCE AND HAZARDS) 2021	9
5.2.2	STATE ENVIRONMENTAL PLANNING POLICY – SUSTAINABLE BUILDINGS (2022)	9
5.2.3	STATE ENVIRONMENTAL PLANNING POLICY (HOUSING) 2021	9
5.2.4	CANTERBURY-BANKSTOWN LOCAL ENVIRONMENTAL PLAN 2023	10
5.2.4.1	LAND USE ZONING.....	10
5.2.4.2	HEIGHT OF BUILDINGS	10
5.2.4.3	FLOOR SPACE RATIO.....	10
5.2.4.4	HERITAGE CONSERVATION	10
5.2.4.5	BUSHFIRE HAZARD REDUCTION	11
5.2.4.6	FLOOD PLANNING	11
5.3	SECTION 4.15(1)(a)(ii) – PROPOSED ENVIRONMENTAL PLANNING INSTRUMENTS.....	11
5.4	SECTION 4.15(1)(a)(iii) – DEVELOPMENT CONTROL PLANS, COUNCIL POLICIES OR CODES.....	11
5.4.1	CANTERBURY DEVELOPMENT CONTROL PLAN 2023	11
	CANTERBURY-BANKSTOWN DEVELOPMENT CONTROL PLAN 2023.....	12
5.4.2	CANTERBURY BANKSTOWN DEVELOPMENT CONTRIBUTIONS PLAN	20
5.5	SECTION 4.15(1)(a)(iia) – PLANNING AGREEMENTS	20

5.6	SECTION 4.15(1)(a)(iv) – THE REGULATIONS.....	20
5.7	SECTION 4.15(1)(b) – LIKELY IMPACTS OF THE DEVELOPMENT	20
5.8	SECTION 4.15(1)(c) – SUITABILITY OF THE SITE FOR THE DEVELOPMENT PROPOSED	20
5.9	SECTION 4.15(1)(e) – THE PUBLIC INTEREST	20
6	CONCLUSION	21

1 INTRODUCTION

This Statement of Environmental Effects (SEE) has been prepared to support a Development Application for the demolition of the existing garage and the construction of a detached secondary dwelling on the site at 83 Tempe Street, Greenacre. This SEE evaluates the proposed development for its compliance with the statutory controls embodied in various statutory planning instruments and demonstrates that the development is consistent with the aims and objectives of these instruments. In preparation of this document, consideration has been given to the following:

- The Environmental Planning and Assessment Act (1979) as amended.
- The Environmental Planning and Assessment Regulation.
- Canterbury-Bankstown Draft Affordable Housing Strategy.
- Canterbury-Bankstown Local Environmental Plan 2013 (CBLEP 2023).
- Canterbury-Bankstown Development Control Plan 2023 (CBDPC 2013).
- Various State Environmental Planning Policies.

This report clearly and comprehensively addresses the statutory regime applicable to the application and demonstrates that the proposed development is complementary and compatible with the area. This SEE provides a description of the subject site and surrounds, an identification of the development proposed by this application and an assessment of the perceived impacts of this proposal for the matters contained within Section 4.15 of the Environmental Planning & Assessment Act, 1979 (EP&A Act), as amended. Specifically, this SEE provides the following information:

- **SECTION 2** provides a description of the subject site and surrounding locality.
- **SECTION 3** provides a detailed description of the proposed development.
- **SECTION 4** provides an assessment of the proposed development against the relevant planning objectives and controls in accordance with Section 4.15(1) of the EP&A Act.
- **SECTION 5** provides a summary and conclusion.

2 SITE ANALYSIS

2.1 CONTEXT ANALYSIS

The subject site at 83 Tempe Street, Greenacre is located within the Canterbury-Bankstown Council Local Government Area (LGA). Residential development within Greenacre is not defined by a single architectural style, but instead ranges from original dwellings to more contemporary developments. The past few years have seen many new homes being constructed in Greenacre and older dwellings undergoing extensive renovations. Future residential development in the locality is to preserve and enhance the landscape setting of the area and achieve compatibility with the established low to high density residential characteristic.

While the immediate area is characterised predominately by low to high density residential development in the form of residential flat buildings, multi dwelling housing, dual occupancies and detached dwelling houses, the site is within close proximity to infrastructure such as schools, shops, transport and recreational facilities. As a result, the site is considered to be in an ideal location that enjoys ease of access to a variety of services that promote social and economic activity within Greenacre.

2.2 SITE ANALYSIS

The subject site is located at 83 Tempe Street, Greenacre and is legally defined as Lot 15 Section 4 DP 845. The site is arranged on an east-west tangent and is orientated to address the street frontage of Tempe Street to the west. The site is adjoined by detached dwelling houses to the north and west, a detached dwelling house and secondary dwelling to the south and an attached dual occupancy development to the east. The aerial image below shows the orientation of the subject site and its location relative to surrounding properties.

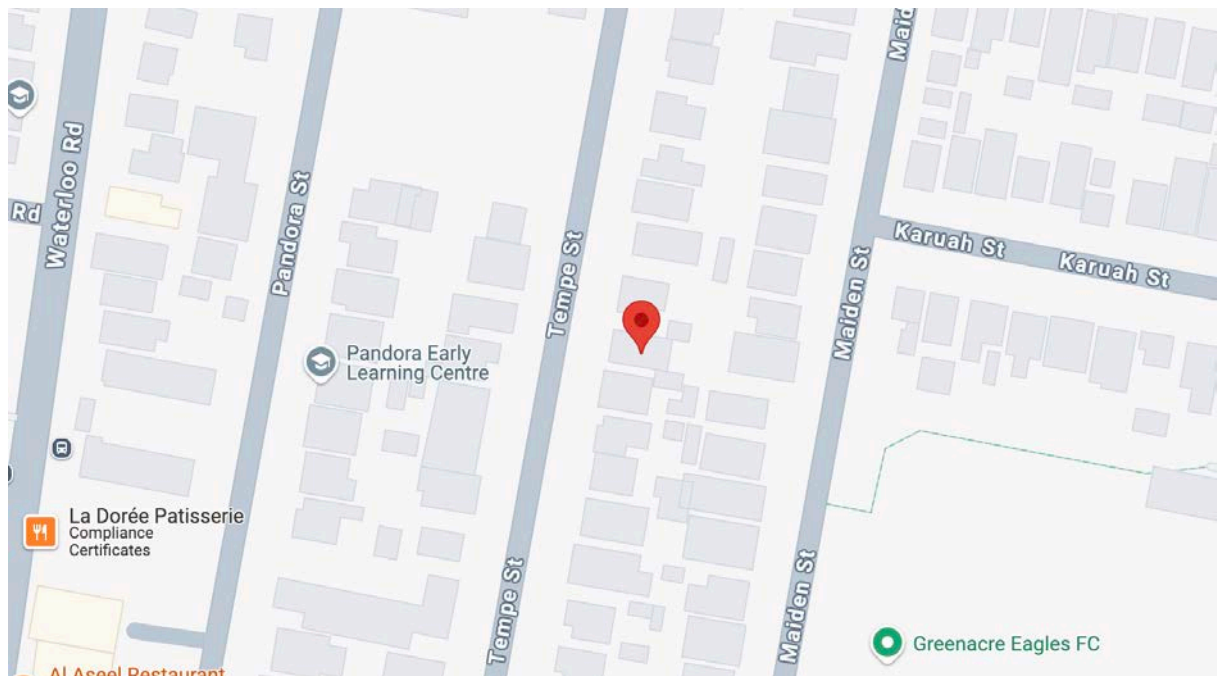


Figure 1: Aerial View of Subject Site and Surrounding Properties

The site is rectangular in shape with a 15.24m frontage to Tempe Street, 36.575m northern and southern side boundaries and a 15.24m rear boundary. The total site area is 556.4m². The site presently contains a single storey detached dwelling house with a detached garage and driveway access from Tempe Street. Images of the subject site are shown below.

2.3 SITE IMAGES



Figure 2: View of Subject Site from Tempe Street



Figure 3: Rear View of Subject Site

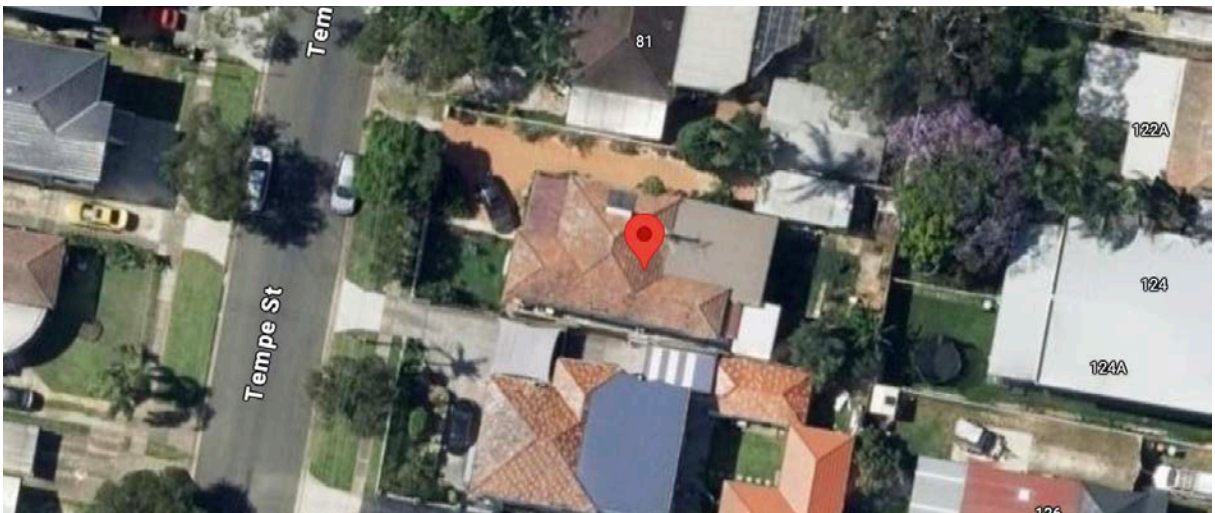


Figure 4: Aerial View of Subject Site

3 PROPOSED DEVELOPMENT

3.1 PROPOSED LAND USE AND BUILT FORM

This Development Application is made for the demolition of the existing garage and the construction of a detached secondary dwelling on the site located at 83 Tempe Street, Greenacre. The proposed development is to be undertaken in accordance with the Architectural Plans submitted with this application and shown below. The secondary dwelling comprises two bedrooms, an open plan kitchen and living area, bathroom and laundry.

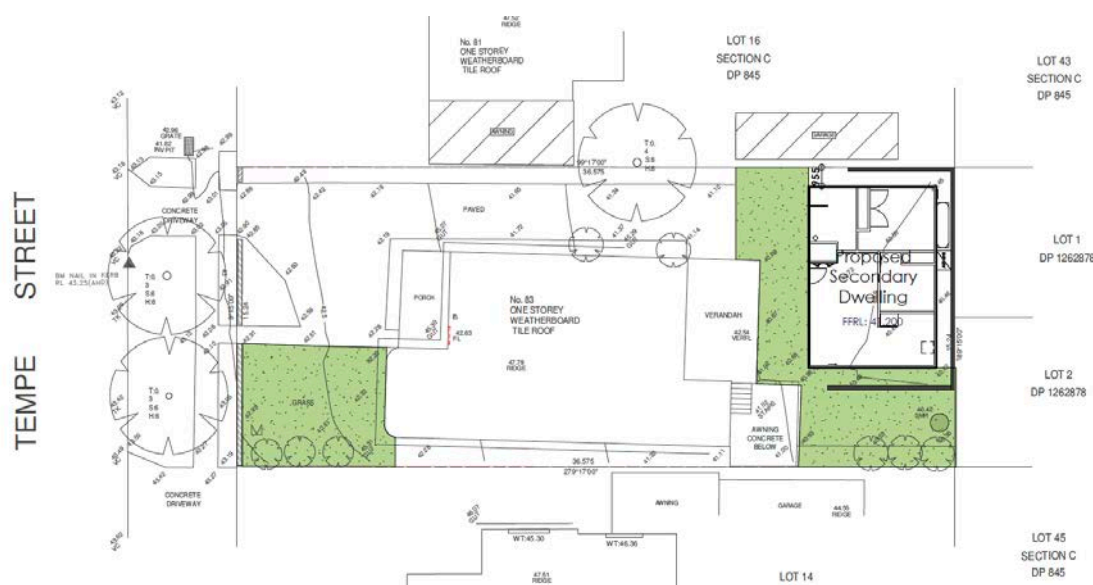


Figure 5: Proposed Development

The intention of the proposed development was to achieve the development potential of the site and satisfy the housing needs of the residents. The proposed development will not adversely affect the adjoining land or open spaces by way of overshadowing, views, privacy or visual intrusion. The final design of the development and location at the rear of the existing dwelling house will ensure that the presentation of the site to the streetscape is maintained.

The development has the following site dimensions:

AREA	CALCULATION
Site Area	556.4m ²
Dwelling House Floor Area	132.21m ²
Secondary Dwelling Floor Area	57.2m ²
Landscaped Area	119.03m ²

3.2 TREE REMOVAL

To facilitate the proposed development, six non-significant trees are proposed to be removed from the rear setback of the site, subject to Council approval.

3.3 LANDSCAPING WORKS

As detailed on the Architectural Plans submitted with this application, the development has retained permeable surfaces and landscaping within the front setback to Tempe Street, as well as along the side and rear property boundaries. A total of 119.03m² of landscaping is retained and enhanced on the site. Landscape treatment is

commensurate with the development and helps to soften the appearance of the built form and hardstand areas, whilst contributing to the well-maintained landscape characteristic of the locality.

3.4 SITE ACCESS AND CAR PARKING

The existing concrete driveway on the site is to be retained and will provide for the on-site car parking needs of the residents.

3.5 PRIVATE OPEN SPACE

The proposed development has been designed to achieve numerical compliance with the CBDP 2023 requirements for private open space. Private open space is retained for the dwelling house in the form of the existing outdoor alfresco area and landscaping at the rear of the built form. Private open space is also provided for the secondary dwelling in the form of landscaped open space, also at the rear of the site. Existing fencing and landscape elements within the site boundaries provide for visual screening of the private open space areas from the streetscape and adjoining properties.

3.6 EXTERNAL APPEARANCE AND DESIGN

The secondary dwelling is single storey in form and is located at the rear of the site with the least visual impact on the streetscape. The secondary dwelling is predominately screened from view from the public domain and adjoining properties by the existing location of the dwelling house, as well as fencing and landscaping within the site boundaries. The secondary dwelling is of cladding construction with a skillion roof form to minimise the bulk and massing of the building. A simplistic and modest design is proposed for the secondary dwelling to ensure that it appears as subordinate to the existing dwelling house and respects the built form character of the streetscape. A perspective image of the proposed development is shown below.

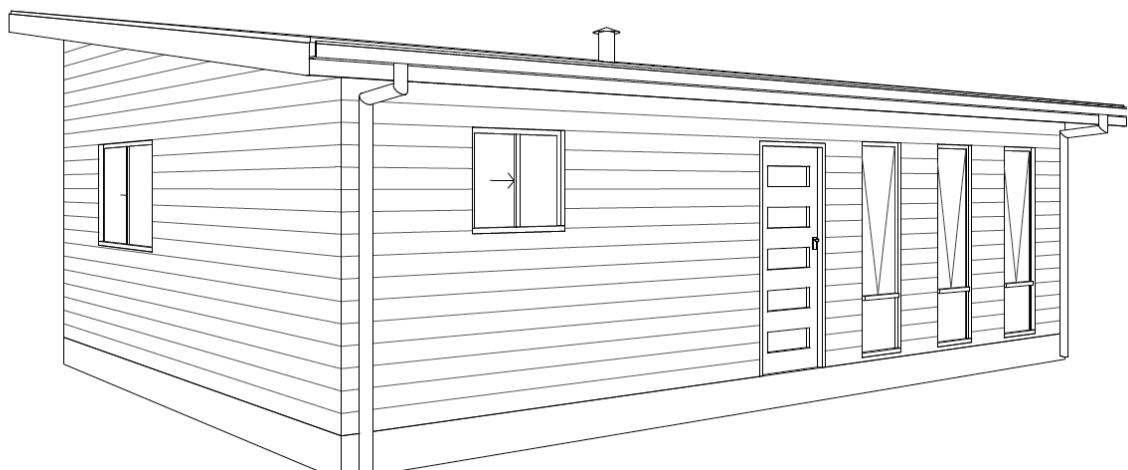


Figure 6: Proposed Development

4 PLANNING ASSESSMENT

5.1 CANTERBURY BANKSTOWN DRAFT AFFORDABLE HOUSING STRATEGY

The Canterbury Bankstown Draft Affordable Housing Strategy provides an overarching, city wide framework for the provision of affordable housing across Canterbury Bankstown, aligning the approaches and strategies of the two former local government areas within the City. Greenacre is identified as one of the top suburbs experiencing housing and rental stress in the LGA. The development is in line with the objectives of the strategy in contributing to the demand for affordable housing in a highly suitable location.

SECTION 4.15 - ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979

Following is the discussion of matters arising in relation to Section 4.15 of the Environmental Planning and Assessment Act 1979 (EP&A Act) relevant to this application.

5.2 SECTION 4.15(1)(a)(i) – ENVIRONMENTAL PLANNING INSTRUMENTS

5.2.1 STATE ENVIRONMENTAL PLANNING POLICY (RESILIENCE AND HAZARDS) 2021

The new State Environmental Planning Policy (Resilience and Hazards) 2021 (Resilience and Hazards SEPP) consolidates three SEPPs and is effectively a house keeping measure and does not introduce any substantive changes to the legal provisions. Chapter 4 of the Resilience and Hazards SEPP introduces planning controls for the remediation of contaminated land and requires an investigation to be made if land contamination is suspected. A review of historical aerial images has revealed that the site has historically been used for residential purposes. No evidence of fill, mines, sheep dips, mixing sheds or contaminating industrial activities are known to have been located on the site from the review of site history. As such, the site is considered highly unlikely to be contaminated and is suitable for the development in accordance with the provisions of Chapter 4.

5.2.2 STATE ENVIRONMENTAL PLANNING POLICY – SUSTAINABLE BUILDINGS (2022)

State Environmental Planning Policy – Sustainable Buildings (2022) (Sustainable Buildings SEPP) requires all residential development in New South Wales to achieve a minimum target for energy efficiency, water efficiency and thermal comfort. The development has been assessed in accordance with the relevant provisions of the Sustainable Buildings SEPP. It is demonstrated on the BASIX Certificate submitted with this application that the secondary dwelling achieves the required rating for energy efficiency, water efficiency and thermal comfort.

5.2.3 STATE ENVIRONMENTAL PLANNING POLICY (HOUSING) 2021

The development involves the construction of a detached secondary dwelling on the site and is therefore assessed against Part 1 – *Secondary Dwellings* of the State Environmental Planning Policy (Housing) 2021 (Housing SEPP) below.

Land to which Division Applies

The subject site is zoned R4 – High Density Residential and as such Division 2 applies.

Development to which Division Applies

The development involves the construction of a detached secondary dwelling on the site and as such Division 2 applies.

(2) *A consent authority must not consent to development to which this Division applies if there is on the land, any dwelling other than the principal dwelling and the secondary dwelling.*

(3) *A consent authority must not consent to development to which this Division applies unless—*

- (a) *the total floor area of the principal dwelling and the secondary dwelling is no more than the maximum floor area allowed for a dwelling house on the land under another environmental planning instrument, and*
- (b) *the total floor area of the secondary dwelling is no 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.*

The final development will comprise a principal dwelling and a detached secondary dwelling only on the site. The site is subject to a maximum floor space ratio of 1:1 under Clause 4.4 of the CBLEP 2023. The final development has a gross floor area of 189.41m² which equates to a compliant floor space ratio of 0.34:1. The gross floor area of the secondary dwelling is 57.2m².

- (2) *The following are non-discretionary development standards in relation to the carrying out of development to which this Part applies—*
 - (a) *for a detached secondary dwelling—a minimum site area of 450m²*
 - (b) *the number of parking spaces provided on the site is the same as the number of parking spaces provided on the site immediately before the development is carried out.*

The secondary dwelling is detached from the principal dwelling and the site area is 556.4m². On-site car parking is not provided for the secondary dwelling. On-site parking for the principal dwelling is on the hardstand driveway.

5.2.4 CANTERBURY-BANKSTOWN LOCAL ENVIRONMENTAL PLAN 2023

The Canterbury-Bankstown Local Environmental Plan 2023 (CBLEP 2023) is the principal planning instrument that governs all development within the Canterbury-Bankstown LGA. The objectives and provisions of the plan that relate to the proposed development are discussed below.

5.2.4.1 LAND USE ZONING

The subject site is zoned R4 - High Density Residential under the CBLEP 2023. The proposed development achieves the objectives of the R4 zone by providing a form of low impact residential development to meet the housing demand of the locality as identified in the Canterbury Bankstown Draft Affordable Housing Strategy. The proposed development does not require the removal of significant vegetation from the site. The design of the development is in keeping with the residential characteristics of the existing dwelling house and the surrounding streetscape.

The proposed development involves the construction of a detached secondary dwelling which is permissible in the R4 zone with consent from Council.

5.2.4.2 HEIGHT OF BUILDINGS

Clause 4.3 of the CBLEP 2023 requires that the height of a building on any land is not to exceed the maximum height shown for the land of the Height of Buildings Map. The maximum building height for the subject site is 9m. The secondary dwelling has a maximum building height of 4.346m.

5.2.4.3 FLOOR SPACE RATIO

Clause 4.4 of the CBLEP 2023 requires that the maximum floor space for a building on any land is not to exceed the floor space ratio shown for the land on the Floor Space Ratio Map. The site is subject to a maximum floor space ratio of 0.50:1. The final development has a gross floor area of 189.41m² which equates to a compliant floor space ratio of 0.34:1. The gross floor area of the secondary dwelling is 57.2m².

5.2.4.4 HERITAGE CONSERVATION

Clause 5.10 of the CBLEP 2023 states that development consent is required for any works impacting on a Heritage Item, Aboriginal object or Heritage Conservation Area identified on the Heritage Map. The subject site does not contain a Heritage Item or Aboriginal object and is not located within a Heritage Conservation Area.

5.2.4.5 BUSHFIRE HAZARD REDUCTION

Clause 5.11 of the CBLEP 2023 makes provision relating to the carrying out of development on bush fire prone land. The subject site is not located on bushfire prone land.

5.2.4.6 FLOOD PLANNING

Clause 5.21 of the CBLEP 2023 applies to development within the Flood Planning Area. The subject site is not located on flood prone land.

5.3 SECTION 4.15(1)(a)(ii) – PROPOSED ENVIRONMENTAL PLANNING INSTRUMENTS

Not applicable to the subject site.

5.4 SECTION 4.15(1)(a)(iii) – DEVELOPMENT CONTROL PLANS, COUNCIL POLICIES OR CODES

5.4.1 CANTERBURY DEVELOPMENT CONTROL PLAN 2023

The Canterbury-Bankstown Development Control Plan 2023 (CBDCP 2023) provides more detailed objectives and controls to guide the form of development across the Canterbury-Bankstown LGA. The table below provides a compliance assessment of the proposed development against the relevant controls of the CBDCP 2023.

CANTERBURY-BANKSTOWN DEVELOPMENT CONTROL PLAN 2023

PART 2.3 – TREE MANAGEMENT		
DCP CONTROL	ASSESSMENT	COMPLIANCE
TREE MANAGEMENT		
A person must not cut down, fell, uproot, kill, poison, ringbark, burn or otherwise destroy, lop or otherwise remove a substantial part of any prescribed tree defined in clause 2.3 or carry out excavation and earthworks within the tree protection zone except with a permit from Council and subject to any conditions specified in the permit.	The proposed development does not require the removal of significant trees or vegetation on the site.	Yes
PART 3.2 – PARKING		
OFF-STREET PARKING RATES		
Dwelling houses; <ul style="list-style-type: none"> • 1 car space per 2 or less bedrooms; or • 2 car spaces per 3 or more bedrooms 	The existing concrete driveway is retained and will provide for the on-site car parking needs of the residents.	Yes
ACCESS DRIVEWAY WIDTH AND DESIGN		
The location of driveways to properties should allow the shortest, most direct access over the nature strip from the road.	The existing driveway is retained.	N/A
CHAPTER 5 – RESIDENTIAL ACCOMODATION SECTION 2 – DWELLING HOUSES		
STOREY LIMIT		
The storey limit for dwelling houses is two storeys.	The existing dwelling house is single storey and remains unchanged.	Yes
The siting of dwelling houses and landscape works must be compatible with the existing slope and contours of the site and any adjoining sites. Council does not allow any development that involves elevated platforms on columns; or excessive or unnecessary terracing, rock excavation, retaining walls or reclamation.	The siting of the dwelling house remains unchanged.	N/A
Any reconstituted ground level on the allotment must not exceed a height of 600mm above the ground level (existing).	Excavation is not proposed to exceed 1m.	Yes
SETBACK RESTRICTIONS		

The erection of dwelling houses is prohibited within 9 metres of an existing animal boarding or training establishment.	The subject site is not located within 9m of an existing animal boarding or training establishment.	Yes
STREET SETBACKS		
The minimum setback for a building wall to the primary road frontage is: a) 5.5 metres for the first storey (i.e. the ground floor); and b) 6.5 metres for the second storey.	The development has retained the location of the dwelling house including the existing front setback distance.	Yes
The minimum setback to the secondary road frontage is: a) 3 metres for a building wall; and b) 5.5 metres for a garage or carport that is attached to the building wall.	The subject site is not a corner lot.	N/A
SIDE SETBACKS		
For the portion of the building wall that has a wall height less than or equal to 7 metres, the minimum setback to the side boundary of the allotment is 0.9 metre. Council may increase the minimum setback to reduce any impact on the amenity of an adjoining dwelling or to avoid the drip line of a tree on an adjoining property.	The development has retained the location of the dwelling house including the existing side setback distances.	Yes
For the portion of the building wall that has a wall height greater than 7 metres, the minimum setback to the side boundary of the allotment is 1.5 metres.	The existing dwelling house is single storey.	N/A
PRIVATE OPEN SPACE		
Dwelling houses 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.	97.5m ² of private open space is retained at the rear of the dwelling house in the form of the outdoor alfresco area and landscaping.	Yes
ACCESS TO SUNLIGHT		
At least one living area must receive a minimum 3 hours of sunlight between 8.00am and 4.00pm at the mid-winter solstice. Council may allow light wells and skylights to supplement this access to sunlight provided these building elements are not the primary source of sunlight to the living areas.	The secondary dwelling is single storey and does not preclude solar access provision to the dwelling house.	Yes
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.	The secondary dwelling is single storey and does not preclude solar access provision to adjoining properties.	Yes
A minimum 50% of the private open space required for the dwelling house 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.	The secondary dwelling is single storey and does not preclude solar access provision to the private open space area of the dwelling house.	Yes

VISUAL PRIVACY		
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 b) provide the window with a minimum sill height of 1.5 metres above floor level; or c) ensure the window cannot open and has obscure glazing to a minimum height of 1.5 metres above floor level; or d) use another form of screening to the satisfaction of Council.	The existing dwelling house is single storey.	N/A
Where development proposes a window that directly looks into the private open space of an existing dwelling, the window does not require screening where: a) the window is to a bedroom, bathroom, toilet, laundry, storage room, or other non-habitable room; or b) the window has a minimum sill height of 1.5 metres above floor level; or c) the window has translucent glazing to a minimum height of 1.5 metres above floor level; or d) the window is designed to prevent overlooking of more than 50% of the private open space of a lower-level or adjoining dwelling.	The existing dwelling house is single storey.	N/A
BUILDING DESIGN		
The maximum roof pitch for dwelling houses is 35 degrees.	The existing roof form of the dwelling house is retained.	N/A
The design of dormers must: a) be compatible with the form and pitch of the roof; and b) must not project above the ridgeline of the main roof; and c) must not exceed a width of 2 metres; and (d) the number of dormers must not dominate the roof plane.	Dormers are not proposed.	N/A
Development in the foreshore protection area (refer to map in Appendix 1) must use non-reflective materials that are compatible with the natural characteristics and colours of the area (such as olive green, grey and dark brown).	The subject site is not located in the foreshore protection area.	N/A
BUILDING DESIGN (CAR PARKING)		
Development on land bounded by Birdwood Road, Bellevue Avenue and Rex Road in Georges Hall must: a) comply with the road pattern shown in Appendix 2; and b) ensure vehicle access from Balmoral Crescent to land at Nos. 107–113 Rex Road in Georges Hall is provided for no more than 10 dwellings as shown in Appendix 3.	Not applicable.	N/A
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	Existing car parking for the dwelling house is in the form of the hardstand parking on the driveway in keeping with the current on-site parking	Yes

<p>clause, Council may allow one car parking space per dwelling to locate forward of the front building line provided:</p> <ul style="list-style-type: none"> 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 b) the covered car parking space is setback a minimum 6 metres from the primary and secondary frontages. 	configuration. The existing garage to be removed is not used for car parking purposes.	
Where development proposes a garage with up to two car parking spaces facing the street, Council must ensure the garage architecturally integrates with the development and does not dominate the street facade. Council does not permit internal stacked or tandem garages.	Not proposed.	N/A
<p>Where development proposes a garage with more than two car parking spaces facing the street, Council must consider the architectural merit of the development and may allow the garage provided:</p> <ul style="list-style-type: none"> a) the building is at least 2 storeys in height, and b) the garage is architecturally integrated with the upper storey by: <ul style="list-style-type: none"> i. ensuring the garage does not project more than 3 metres forward of the upper storey street facade; and (ii) designing a covered balcony, rooms or other architectural features of the upper storey to extend over the garage roof. 	Not proposed.	N/A
LANDSCAPING		
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 dual occupancy.	The proposed development does not require the removal of any significant trees or vegetation.	Yes
<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> <ul style="list-style-type: none"> a) a minimum 45% of the area between the dwelling house and the primary road frontage; and b) a minimum 45% of the area between the dwelling house and the secondary road frontage; and c) plant at least one 75 litre tree between the dwelling house 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 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. 	As detailed on the Architectural Plans submitted with this application, the development has retained permeable surfaces and landscaping within the front setback to Bunt Avenue, as well as along the side and rear property boundaries. A total of 119.03m ² of landscaping is retained and enhanced on the site. Landscape treatment is commensurate with the development and helps to soften the appearance of the built form and hardstand areas, whilst contributing to the well-maintained landscape characteristic of the locality.	Yes
CHAPTER 5 – RESIDENTIAL ACCOMODATION		

SECTION 3 – SECONDARY DWELLINGS

SECTION 3 – SECONDARY DWELLINGS		
LOT SIZE		
A secondary dwelling is permissible on a site with a minimum lot size of 450m ² .	The site has an area of 556.4m ² and is therefore suitable for a secondary dwelling.	Yes
SITE COVER		
<p>Council must not consent to development for the purpose of secondary dwellings unless:</p> <ul style="list-style-type: none"> a) the total floor area of the principal dwelling and the secondary dwelling is no more than the maximum floor area allowed for a dwelling house on the land under an environmental planning instrument; and b) the total floor area of the secondary dwelling is no more than 60m² or, if a greater floor area is permitted in respect of a secondary dwelling on the land under an environmental planning instrument, that greater floor area. 	The site is subject to a maximum floor space ratio of 0.50:1. The final development has a gross floor area of 189.41m ² which equates to a compliant floor space ratio of 0.34:1. The gross floor area of the secondary dwelling is 57.2m ² .	Yes
STOREY LIMIT		
The storey limit for attached secondary dwellings is two storeys.	Not applicable.	N/A
The storey limit for detached secondary dwellings is single storey and the maximum wall height is 3 metres.	The secondary dwelling is single storey in form. The external wall height marginally exceeds 3m on the eastern building elevation due to the skillion roof form. The development is appropriately articulated and offset from the property boundaries and will not generate unacceptable visual impacts.	Variation. Requested
The siting of secondary dwellings and landscape works must be compatible with the existing slope and contours of the site and any adjoining sites. Council does not allow any development that involves elevated platforms on columns; or excessive or unnecessary terracing, rock excavation, retaining walls or reclamation.	The secondary dwelling has been designed to respond to the natural topography of the land.	Yes
<p>Any reconstituted ground level on the site must not exceed a height of 600mm above the ground level (existing) of an adjoining site except where:</p> <ul style="list-style-type: none"> a) the secondary dwelling is required to be raised to achieve a suitable freeboard in accordance with Chapter 2.2 of this DCP; or b) the fill is contained within the ground floor perimeter of the secondary dwelling to a height no greater than 1 metre above the ground level (existing) of the site. 	Not proposed.	N/A
SETBACK RESTRICTIONS		
The erection of secondary dwellings is prohibited within 9 metres of an existing animal boarding or training establishment.	The subject site is not located within 9m of an existing animal boarding or training establishment.	Yes
STREET SETBACKS		

The minimum setback for a building wall to the primary street frontage is: a) 5.5 metres for the first storey (i.e. the ground floor); and b) 6.5 metres for the second storey.	The secondary dwelling is located at the rear of the site and maintains the existing front setback distance of the dwelling house.	Yes
The minimum setback to the secondary street frontage is: a) 3 metres for a building wall; and b) 5.5 metres for a garage or carport that is attached to the building wall.	The subject site is not a corner lot.	N/A
SIDE AND REAR SETBACKS		
For the portion of the building wall that has a wall height less than or equal to 7 metres, the minimum setback to the side and rear boundaries of the site is 0.9 metre.	The secondary dwelling is setback 995mm from the side boundary and 950mm from the rear boundary.	Yes
For the portion of the building wall that has a wall height greater than 7 metres, the minimum setback to the side and rear boundaries of the site is 1.5 metres.	The secondary dwelling is single storey in form.	N/A
PRIVATE OPEN SPACE		
Secondary dwellings must not result in the principal dwelling on the site having less than the required landscaped area and private open space.	The dwelling house achieves compliant landscape and private open space areas as discussed above.	Yes
ACCESS TO SUNLIGHT		
At least one living area must receive a minimum three 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.	The dwelling house and secondary dwelling are both single storey and receive sufficient solar access.	Yes
At least one living area of a dwelling on an adjoining site must receive a minimum three 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.	The secondary dwelling is single storey and does not preclude solar access provision to adjoining properties.	Yes
A minimum 50% of the private open space required for the principal dwelling on the site and a minimum 50% of the private open space of a dwelling on an adjoining site must receive at least three hours of sunlight between 9.00am and 5.00pm at the equinox. Where this requirement cannot be met for a dwelling on an adjoining site, the development must not result with additional overshadowing on the affected private open space.	The secondary dwelling is single storey and does not preclude solar access provision to the private open space area of the dwelling house.	Yes
VISUAL PRIVACY		
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	The secondary dwelling is single storey.	N/A

<ul style="list-style-type: none"> b) provide the window with a minimum sill height of 1.5 metres above floor level; or c) ensure the window cannot open and has obscure glazing to a minimum height of 1.5 metres above floor level; or (d) use another form of screening to the satisfaction of Council. 		
<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> <ul style="list-style-type: none"> a) the window is to a bedroom, bathroom, toilet, laundry, storage room, or other non-habitable room; or b) the window has a minimum sill height of 1.5 metres above floor level; or c) the window has translucent glazing to a minimum height of 1.5 metres above floor level; or d) the window is designed to prevent overlooking of more than 50% of the private open space of a lower-level or adjoining dwelling. 	The secondary dwelling is single storey.	N/A
<p>Council may allow attached secondary dwellings to have an upper floor side or rear balcony solely where the balcony is not accessible from a living area or hallway, and the balcony design:</p> <ul style="list-style-type: none"> a) does not have an external staircase; and b) does not exceed a width of 1.5 metres throughout; and c) incorporates a form of screening to the satisfaction of Council such as partially recessing the balcony into the building. 	Not applicable.	N/A
Council does not allow secondary dwellings to have roof-top balconies and the like.	Not proposed.	N/A
BUILDING DESIGN		
The maximum roof pitch for attached secondary dwellings is 35 degrees.	Not applicable.	N/A
<p>Council may allow attached secondary dwellings to have an attic provided the attic design:</p> <ul style="list-style-type: none"> a) accommodates no more than two small rooms (for the purposes of a bedroom and/or study) and a bathroom plus an internal link to the storey below; and b) ensures the attic does not give the external appearance of a storey. 	Not proposed.	N/A
<p>The design of dormers must:</p> <ul style="list-style-type: none"> a) be compatible with the form and pitch of the roof; and b) must not project above the ridgeline of the main roof; and c) must not exceed a width of 2 metres; and d) the number of dormers must not dominate the roof plane. 	Not proposed.	N/A
The maximum roof pitch for detached secondary dwellings is 25 degrees. An attic or basement is not permitted as part of the dwelling.	The secondary dwelling has a roof pitch of 8 degrees.	Yes

Development in the foreshore protection area (refer to map in Appendix 1) must use non-reflective materials that are compatible with the natural characteristics and colours of the area (such as olive green, grey and dark brown).	The subject site is not located within the foreshore protection area.	N/A
The change of use of outbuildings to secondary dwellings must comply with the National Construction Code.	Not proposed.	N/A
BUILDING DESIGN (CAR PARKING)		
Secondary dwellings must not result in the principal dwelling on the site having less than the required car parking spaces.	Existing car parking for the dwelling house is retained in the form of hardstand parking on the driveway.	Yes
LANDSCAPE		
Development must retain and protect any significant trees on the site and adjoining sites. To achieve this clause, the development may require a design alteration or a reduction in the size of the secondary dwelling.	The development did not require the removal of significant trees or vegetation from the site.	Yes

5.4.2 CANTERBURY BANKSTOWN DEVELOPMENT CONTRIBUTIONS PLAN

The applicable development contribution may be imposed as a condition of consent.

5.5 SECTION 4.15(1)(a)(iiia) – PLANNING AGREEMENTS

Not applicable to the subject site.

5.6 SECTION 4.15(1)(a)(iv) – THE REGULATIONS

The development is consistent with the provisions of the Environmental Planning and Assessment Regulation 2021.

5.7 SECTION 4.15(1)(b) – LIKELY IMPACTS OF THE DEVELOPMENT

The likely impacts of the proposed development upon the surrounding area are discussed as follows:

Impact on the natural environment:

- The development will not have any adverse impact on the natural environment. The secondary dwelling does not require the removal of significant trees or vegetation.

Impact of the built environment:

- The development does not adversely impact on the existing built form on the site.

Social and Economic impacts in the locality:

- The proposal will not have any adverse social/economic impacts.

5.8 SECTION 4.15(1)(c) – SUITABILITY OF THE SITE FOR THE DEVELOPMENT PROPOSED

- No hazard to the health and safety of residents of the subject site and owners of adjoining properties is anticipated from the proposed development.
- The development as proposed is safe and can be supported.
- Council may consider imposing a relevant condition of consent satisfying any safety concern.

5.9 SECTION 4.15(1)(e) – THE PUBLIC INTEREST

The proposed development is consistent with the objectives of the EP&A Act 1979. The proposal is consistent with the public interest and is deemed satisfactory from an environmental planning perspective.

It is understood that Council will undertake public notification procedures to ensure that neighbouring property owners have been provided with the opportunity to make submissions to the consent authority on the likely amenity and environmental impacts on their properties.

6 CONCLUSION

The development at 83 Tempe Street, Greenacre involves the demolition of the existing garage and construction of a detached secondary dwelling. The intention of the works was to achieve the development potential of the site and provide an additional form of low impact residential development that is in keeping with the built form characteristics of the streetscape and will meet the housing needs of the residents.

The impact of the development has been assessed in accordance with the provisions of Section 4.15 of the EP&A Act and is found to be satisfactory. The development has also been assessed against the relevant provisions of the Canterbury-Bankstown Local Environmental Plan 2023 (CBLEP 2023) and the Canterbury-Bankstown Development Control Plan 2023 (CBDCP 2023) and is considered to be appropriate for the subject site for the following reasons:

- The scale and form of the proposed secondary dwelling is not out of character with the streetscape and does not compete with the integrity of the existing dwelling house on the site.
- The proposed development retains and enhances a sufficient and compliant amount of landscaped open space and deep soil zoning throughout the site to reflect the well-maintained landscaped setting of the area and maintain a high level of amenity and visual privacy on the site and for adjoining properties.
- The proposed development complies with the relevant guiding objectives and provisions for secondary dwelling development under the CBLEP 2023 including land use zoning, height of buildings and floor space ratio.
- The proposed development generally complies with the guiding principles of the CBDCP 2023 including building form, landscaped area, solar access and private open space.

The site is therefore considered to be suitable for the proposed development and will generally have acceptable environmental, social and economic impacts on the immediate area. The proposal is unlikely to result in adverse impacts on the amenity of the locality and accordingly, the proposal is considered to be in the public interest and worthy of Council's support.