

# Statement of Environmental Effects

51 Orchard Road  
Bass Hill NSW 2197

**Development Application for:**  
Respite Day Care Centre

*31 March 2025*

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# 1 Introduction

Council Approval Group has been engaged by Guellawpapa PTY LTD to prepare and submit a Development Application for a Respite Day Care Centre at 51 Orchard Road, Bass Hill.

Specifically, this Statement of Environmental Effects (SoEE) includes:

- an analysis of the subject site and the surrounding locality.
- a description of the proposed development.
- an analysis of the proposal against the provisions of the Canterbury-Bankstown Local Environmental Plan (LEP 2023), relevant SEPPs and deemed SEPPs, and other relevant statutory controls that apply to the site; and
- conclusion.

This SoEE is submitted in accordance with the requirements of the Environmental Planning and Assessment Act and Part 3 of the *Environmental Planning and Assessment Regulation 2021* for the purposes of

- demonstrating that the environmental impact of the development has been considered; and
- outlining the steps to be undertaken to protect the environment and to mitigate any potential harm, if necessary.

This SoEE concludes that the proposal is consistent with the objectives and provisions of the *LEP 2023*. We are pleased to present this SoEE for Respite Day Care Centre which, once determined will allow opportunities for daytime respite care within the community.

## 2 Subject Site and Locality

### 2.1 Description of site and surroundings

The location of the subject property is shown on the location and aerial maps at **Figures 1** and **2**. A Google Street image of the property is included at **Figure 3**. The property is in the Canterbury-Bankstown Council area.

The site is improved with a dwelling house and a swimming pool.

Surrounding development is predominantly low-density residential development including detached housing on modest to larger sized allotments, interspersed with landscape gardens and tree lined streets.

Address	Title Details	Site Area	Site Frontage
51 Orchard Road, Bass Hill NSW 2197	Lot 10, DP30974	870.73 sqm (approx.)	16.78 metres (approx.)



Figure 1: Site location (Source: Land checker)



Figure 2: Site aerial (Source: Land checker)

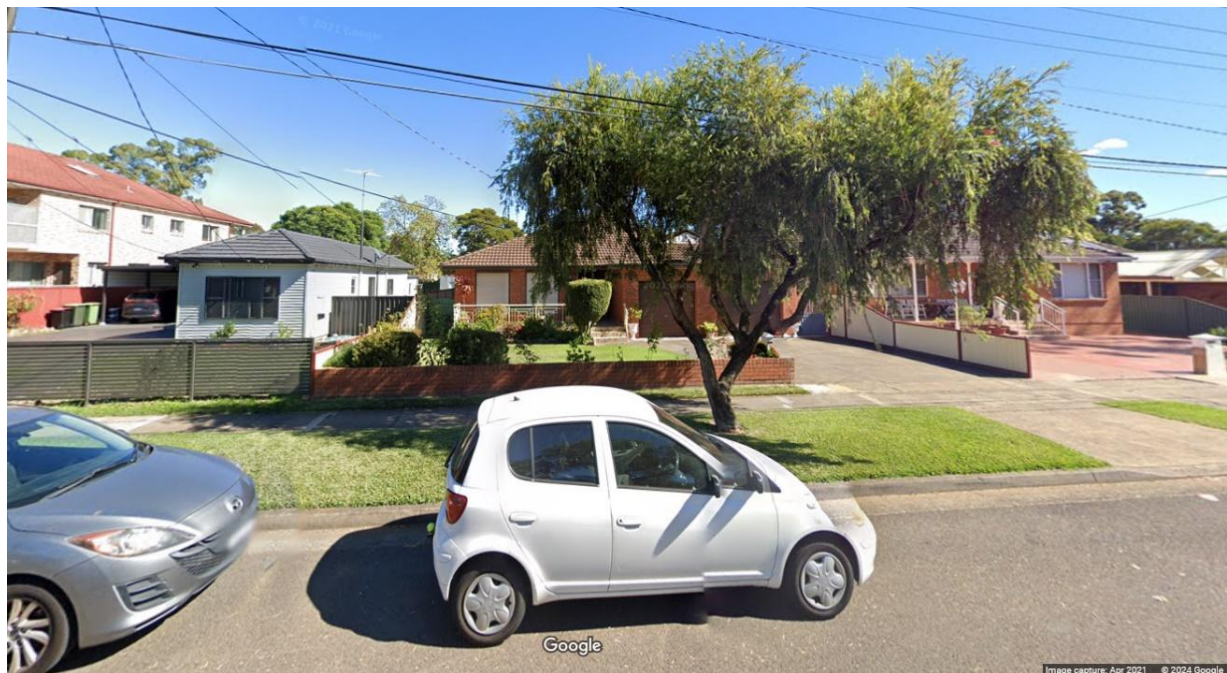


Figure 3: Google Street View



## 2.2 Summary environmental mapping constraints

- Floor Space Ratio: 0.5:1
- Building Height: 9 m
- Minimum Lot Size: 450 sqm
- Heritage: not applicable
- Clause Application: Area 1

## 2.3 Site zoning

The site is zoned under Canterbury-Bankstown Local Environmental Plan 2023 (LEP) as Zone R2 - Low Density Residential. A Respite Day Care Centre is permitted with consent in the R2 zone.

# 3 The Proposed Development

## 3.1 Description of proposed development

The proposal is for a change of use to a Respite Day Care Centre to be used for day programs only. There will be no overnight accommodation services provided on this property. Refer to **Appendix A** - DA plans and **Appendix B** - Operations Management Plan submitted with the application.

The proposal includes minor alterations to the existing dwelling to ensure compliance with Building Code of Australia standards. The minor changes include:

- Fencing
- Internal bathroom layout
- Improved access

## 3.2 Details of proposed development

### 3.2.1 Privacy, Views, Overshadowing, and Noise

The proposal will not overlook or overshadow neighbouring property or private open space. No views are impeded as the development is proposed within an existing building.

### 3.2.2 Trees and Vegetation

No trees and vegetation are proposed to be removed.

### 3.2.3 Vehicular Access and Parking

Access to the site is from the existing vehicle crossing off Orchard Road and this will allow for lawful vehicle access to the property.

The proposed continuation of this access is considered reasonable and consistent with the residential nature of the use and the site. Future trip generation to and from the site is minor and should not impact the locality and/or existing road network.

Two car parking spaces are available in the garage. Two additional parking spaces are available in front of the garage in the driveway as shown on the architectural plans.

Transport will be provided to persons cared for at this property and they will be collected from their place of residence and dropped off at the conclusion of each day.

### **3.2.4 Flooding**

The site is within the flood planning area (FPA) and mapped as medium risk. A Stormwater Systems Report (SSR) is submitted with this development application - refer to **Appendix C**. The proposed development can be managed with a flood evacuation plan which includes closing the centre in the event of expected flooding.

### **3.2.5 Stormwater and Sewerage**

The sewer connection of the existing dwelling house will remain the same. Stormwater management is proposed to continue in accordance with the current provisions on the site.

### **3.2.6 Contamination**

Considering the current residential use of the site and the likelihood that this use has remained for some time, it is considered that previous residential uses do not cause concern for the site to be contaminated or requiring remediation pursuant to the *State Environmental Planning Policy (Resilience and Hazards) 2021*.

### **3.2.7 Demolition and Asbestos**

In addition to the change of use of the existing dwelling there will be some minor interior alterations undertaken for disability access purposes. Given the age of the existing dwelling, it is not anticipated that there is any asbestos building materials present, however this can be confirmed prior to any works if deemed necessary.

Any demolition/construction waste associated with the alterations will be disposed of appropriately and this is identified within the attached Waste Management Plan.

### **3.2.8 Hours of Operation and Management Details**

All activities will occur in normal business hours from Monday to Friday: 9:00 AM - 3:00 PM. There will be consistently two caregivers on site at any one time, being available to assist the needs of the residents when needed.

### **3.2.9 Ongoing Waste Management**

The development has been given space for its own outdoor rubbish bins that will be set out for collection by Council's waste collection services.

The existing dwelling has scheduled waste collection provided by the Council. This existing arrangement is appropriate given the number of people that will be living here is similar to that which would occupy if being used as a family home. Just like any other residence, if there was ever a need for increased capacity, the property owner can get in contact with Council for additional bins.

A Waste Management Plan is attached with this application (Refer to **Appendix D**).

### **3.2.10 Accessibility Provisions**

The proposed use for the subject site, and to be accommodated within the existing dwelling house, has been considered through an Accessibility Review Report prepared by Access Right (Refer to **Appendix E**) and recommendations from this assessment have been adopted into the architectural plans and can be adopted into the undertaking of physical works on site and prior to the issue of a construction certificate.

Access Right have identified that:

*"In general, the development has accessible paths of travel. In line with the report recommendations, the proposed development has demonstrated an appropriate degree of accessibility. The Development Application drawings indicate that compliance with statutory requirements, pertaining to site access, ingress and egress, common area access, circulation areas, accessible car parking and accessible sanitary facilities, can be readily achieved."*

### **3.2.11 Fire Safety Provisions**

A Category 1 Fire Safety Provisions report (refer to **Appendix F**) has concluded that "the proposed design will be capable of achieving compliance in accordance with Volume two NCC-2022 Part H Fire Safety".

### **3.2.12 Total Number of Staff**

The total Number of Staff will be 6.

### **3.2.13 Maximum Number of Staff at Any One Time**

Maximum Number of Staff at Any One Time will be 3.

### **3.2.14 Maximum Number of Clients/Customers in a Day**

Maximum Number of Clients/Customers in a Day will be 9.

### **3.2.15 Maximum Number of Clients/Customers at Any One Time**

Maximum Number of Clients/Customers at Any One Time will be 5.

### **3.2.16 Schedule of Materials and Finishes**

The materials and finishes for this development are anticipated to be remain largely as they currently are. Some changes will be made to implement necessary construction works such as the nominated addition of fire rated walls. Details on materials, colours and finishes have not yet been determined. It is anticipated that these will be consistent with the current building and complementary to surrounding dwellings.

## **3.3 Consideration of Social Impact**

It is expected that this proposal for a Respite Day Care Centre at the subject property should not create any negative social impact for the following reasons:

- Respite Day Care Centres are designed to integrate individuals into the community, helping to normalise their presence and reduce stigma. When effectively managed, these homes blend into the neighbourhood.



- Respite Day Care Centres are typically subject to strict regulations and standards. These ensure that the homes are well-maintained, and that the behaviour and activities of residents do not negatively affect the neighbourhood.
- Respite Day Care Centres usually accommodate a small number of residents, often comparable to a large family. This low density minimises any potential impact on local resources, traffic, and noise levels.
- Respite Day Care Centres come with professional support systems, including caregivers, social workers, and healthcare providers, ensuring that residents receive the care they need and that any issues are promptly addressed.

In summary, when properly managed and supported, these homes integrate seamlessly into the community, maintain high standards, and contribute positively to the social fabric of the neighbourhood.

## 4 Environmental Assessment

### 4.1 State Environmental Planning Policies

#### 4.1.1 SEPP (Exempt and Complying Development Codes) 2008

The proposal for a change of use into a Respite Day Care Centre cannot be undertaken as exempt development or a complying development.

### 4.2 Local Environmental Plan

#### 4.2.1 Canterbury-Bankstown Local Environmental Plan 2023

Canterbury-Bankstown Local Environmental Plan 2023 (LEP) applies to the subject site. The following provides an assessment of the proposed development against the relevant provisions of the Plan.

##### Zoning and Permissibility

Part 2 of LEP identifies that the subject site is zoned Zone R2 - Low Density Residential. The Land Use Table for the zone is as follows:

*2. Permitted without consent*

*Home occupations*

*3. Permitted with consent*

*Bed and breakfast accommodation; Building identification signs; Business identification signs; Car parks; Centre-based child care facilities; Community facilities; Dual occupancies; Dwelling houses; Early education and care facilities; Environmental facilities; Environmental protection works; Exhibition homes; Flood mitigation works; Group homes; Health consulting rooms; Home businesses; Oyster aquaculture; Places of public worship; Pond-based aquaculture; Recreation areas; **Respite day care centres**; Roads; Secondary dwellings; Semi-detached dwellings; Tank-based aquaculture*

*4. Prohibited*

*Any development not specified in item 2 or 3*

The subject Development Application to Council seeks approval for a Respite Day Care Centre. The proposal is permitted with the consent of Council.

The objectives of the Zone R2 - Low Density Residential are as follows:

- *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.*

It is considered that the proposal is consistent with these objectives, in that:

- It provides the facility or services to meet the day-to-day needs of residents.
- It promotes a high standard of urban design and local amenity.

## Other Relevant Clauses

LEP Clause / Provision	Statement of Compliance															
<b>Clause 4.3: Height of buildings</b>																
<p>(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.</p> <p>(2A) Despite subclause (2), the following maximum building heights apply—</p> <p>(a) 6m for a secondary dwelling that is not attached to the principal dwelling in Zone R2 in Area 1,</p> <p>(b) 8.5m for a dwelling house in Zone R4 in Area 2,</p> <p>(c) 11m for a building on a lot that is less than 5,000m2 on land identified as "Area 1" on the Height of Buildings Map that is in Zone B6,</p> <p>(2B) The maximum wall height for a secondary dwelling that is not attached to the principal dwelling in Zone R2 in Area 1 is 3m.</p> <p>(2C) The maximum wall height for a dwelling house or dual occupancy in Zone R2 in Area 1 is 7m.</p> <p>(2D) In this clause—</p> <p>wall height means the vertical distance between the ground level (existing) and the higher of—</p> <p>(a) the underside of the eaves at the wall line, or</p> <p>(b) the top of the parapet or the flat roof.</p>	<p><b>Complies</b></p> <p><b>This property is mapped within Zone R2 with Clause Application Area 1 and Height of Buildings at 9 metres.</b></p> <p><b>No change to the building height is proposed.</b></p>															
<b>Clause 4.4: Floor space ratio</b>																
<p>(2) The maximum floor space ratio for a building on any land is not to exceed the floor space ratio shown for the land on the Floor Space Ratio Map.</p> <p>(2A) Despite subclause (2), the maximum floor space ratio for a building on land specified in Column 1 of the table to this subclause with a lot width at the front building line less than the width specified in Column 2 is the floor space ratio specified in Column 3.</p> <table><tr><td>Column 1</td><td>Column 2</td><td>Column 3</td></tr><tr><td>"Area 1" on the Floor Space Ratio Map</td><td>18m</td><td>2:1</td></tr><tr><td>"Area 2" on the Floor Space Ratio Map</td><td>18m</td><td>1:1</td></tr><tr><td>"Area 3" on the Floor Space Ratio Map</td><td>30m</td><td>2:1</td></tr><tr><td>"Area 4" on the Floor Space Ratio Map</td><td>30m</td><td>1:1</td></tr></table>	Column 1	Column 2	Column 3	"Area 1" on the Floor Space Ratio Map	18m	2:1	"Area 2" on the Floor Space Ratio Map	18m	1:1	"Area 3" on the Floor Space Ratio Map	30m	2:1	"Area 4" on the Floor Space Ratio Map	30m	1:1	<p><b>Complies</b></p> <p><b>This property is mapped within Zone R2 with a Floor Space Ratio of 0.5:1. No change to the dwelling floor area is proposed.</b></p>
Column 1	Column 2	Column 3														
"Area 1" on the Floor Space Ratio Map	18m	2:1														
"Area 2" on the Floor Space Ratio Map	18m	1:1														
"Area 3" on the Floor Space Ratio Map	30m	2:1														
"Area 4" on the Floor Space Ratio Map	30m	1:1														
<p>(2B) Despite subclause (2), the following maximum floor space ratios apply—</p> <p>(a) for a building used for non-residential purposes—</p>																

LEP Clause / Provision	Statement of Compliance
<p>(i) on land in Zone R2 in Area 1—0.4:1, and</p> <p>(ii) on land in Zone R2 or R3 in Area 2—0.5:1, and</p> <p>(iii) on land in Zone R4 in Area 2—0.75:1,</p> <p>(b) for a building used for the purposes of dwelling houses or semi-attached dwellings on land in Area 2—</p> <p>(i) for a site area less than 200m<sup>2</sup>—0.65:1, and</p> <p>(ii) for a site area greater than 200m<sup>2</sup> but less than 600m<sup>2</sup>—0.55:1, and</p> <p>(iii) for a site area of 600m<sup>2</sup> or more—0.5:1,</p> <p>(c) for a building used for the purposes of dual occupancies on land in Zone R2 in Area 2—0.5:1,</p> <p>(d) for a building on land identified as "Area 5" on the Floor Space Ratio Map, where mid-block connections of at least 20m wide are not provided for public use—2:1.</p>	
<b>Clause 6.9: Essential Services</b>	
<p>Development consent must not be granted to development unless the consent authority is satisfied that the following services that are essential for the development are available or that adequate arrangements have been made to make them available when required—</p> <p>(a) the supply of water,</p> <p>(b) the supply of electricity,</p> <p>(c) the disposal and management of sewage,</p> <p>(d) stormwater drainage or on-site conservation,</p> <p>(e) waste management,</p> <p>(f) suitable vehicular access.</p>	<p><b>Complies</b></p> <p>It is anticipated that essential services are already available to the existing dwelling and would remain available to the new proposed Respite Day Care Centre.</p>

## 4.3 Development Control Plan

### 4.3.1 Canterbury - Bankstown Development Control Plan 2023

Canterbury - Bankstown Development Control Plan 2023 applies to the subject site. The following provides an assessment of the proposed development against the relevant provisions of the Plan.

DCP Clause / Provision	Statement of Compliance
<b>Chapter 2.: Site Considerations</b>	
2.2 Flood Risk Management	<p><b>Complies</b></p> <p>Refer to previous comment under 3.2.4 of this report. The Respite Day Care centre will not operate in the event of flooding.</p>
<b>Chapter 3.: General Requirements</b>	
<p>Section 2 – Off Street Parking rates</p> <p>Group homes require two car parking spaces under SEPP Housing, 2021.</p>	<p><b>Complies</b></p> <p>No car parking standard is provided in the DCP for respite centres. The proposal complies however with the parking standard for Group homes in State Environmental Planning Policy (Housing) 2021 for complying development. Two car parking spaces are available on site in the garage and two in front of the garage.</p>
<b>3.6 Signs</b>	No signage is proposed as part this DA.

DCP Clause / Provision	Statement of Compliance
<b>5.1 Former Bankstown LGA</b> <b>Section 10: Group homes</b>	
<b>Storey limit (not including basements)</b> 10.1 The storey limit for group homes in Zone R2 is two storeys. 10.2 The storey limit for group homes in Zone R3 is three storeys. 10.3 The siting of group homes 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. 10.4 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: (a) group homes are 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 group homes to a height no greater than 1 metre above the ground level (existing) of the site.	<u><b>Complies</b></u> <b>The dwelling house that is proposed for change of use to a Respite Day Care Centre is an existing single storey building.</b>
<b>Setback restrictions</b> 10.5 The erection of group homes is prohibited within 9 metres of an existing animal boarding or training establishment Setbacks in Zone R2 10.6 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. 10.7 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. 10.8 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 site is 0.9 metre. 10.9 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 site is 1.5 metres. 10.10 The basement level must not project beyond the ground floor perimeter of group homes.	<u><b>Complies</b></u> <b>The subject property is not located within 9m of an animal boarding or training establishment.</b> <b>The boundary setbacks are all existing and not proposed to change.</b>
<b>Private open space</b> 10.17 Group homes must provide: (a) one area of at least 20m <sup>2</sup> with a minimum dimension of 3 metres for the use of the lodgers; and (b) if accommodation is provided on site for a group home manager, one area of at least 8m <sup>2</sup> with a minimum dimension of 2.5 metres is provided adjacent to that accommodation. 10.18 Development must locate the private open space behind the front building line. This clause does not apply to any balconies where it is used to provide articulation to the street facade.	<u><b>Complies</b></u> <b>The site contains existing areas of open space compliant with this requirement.</b>
<b>Access to sunlight</b> 10.19 At least 70% of boarding rooms 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. 10.20 Where the development provides for one or more communal living rooms, at least one of those rooms must receive a minimum of three hours direct sunlight between 8.00am and 4.00pm at the mid-winter solstice. 10.21 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	<u><b>Complies</b></u> <b>Acceptable levels of sunlight access are available on the property to comply with this requirement.</b>

DCP Clause / Provision	Statement of Compliance
<p>requirement cannot be met, the development must not result with additional overshadowing on the affected living areas of the dwelling.</p> <p>10.22 A minimum 50% of the private open space required for group homes 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. 10.23 Development should avoid overshadowing any existing solar hot water system, photovoltaic panel or other solar collector on the site and neighbouring sites.</p>	
<p><b>Visual privacy</b> 10.24 Where development proposes a window that directly looks into the living area or bedroom window of an existing dwelling, the development must:</p> <p>(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.</p> <p>10.25 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 (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.</p> <p>10.26 Council may allow group homes 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 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.</p> <p>10.27 Council does not allow group homes to have roof-top balconies and the like.</p>	<p><b><u>Complies</u></b></p> <p>The site is adequately fenced to ensure visual privacy. The use will be contained within a single storey dwelling which will ensure visual privacy.</p>
<p><b>Building design</b> 10.28 Group homes must satisfy each of the following:</p> <p>(a) if a group home has 5 or more boarding rooms, at least one communal living room will be provided; and (b) if each boarding room has a gross floor area (excluding any area used for the purposes of private kitchen or bathroom facilities) of at least:</p> <p>(i) 12m<sup>2</sup> in the case of a boarding room intended to be used by a single lodger; or (ii) 16m<sup>2</sup> in any other case; and (c) no boarding room will have a gross floor area (excluding any area used for the purposes of private kitchen or bathroom facilities) of more than 25m<sup>2</sup>; and (d) no boarding room will be occupied by more than 2 adult lodgers; and (e) adequate bathroom and kitchen facilities will be available within the group home for the use of each lodger; and (f) if the group home has capacity to accommodate 20 or more lodgers, a boarding room or on site dwelling will be provided for a group home manager; and</p>	<p><b><u>Complies</u></b></p> <p>The design of the existing dwelling is considered suitable for the purposes of accommodating this proposed use.</p> <p>The respite centre is for day visitors only.</p>



DCP Clause / Provision	Statement of Compliance
<p>(g) at least one parking space will be provided for a bicycle, and one will be provided for a motorcycle, for every 5 boarding rooms.</p> <p>10.29 The maximum roof pitch for group homes is 35 degrees.</p> <p>10.30 Council does not allow group homes to have attics.</p> <p>10.31 Development for the purpose of group homes must demolish all existing dwellings (not including any heritage items) on the site.</p> <p>10.32 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).</p>	
<p><b>Building design (car parking)</b></p> <p>10.33 Development on land bounded by Birdwood Road, Bellevue Avenue and Rex Road in Georges Hall must:</p> <p>(a) comply with the road pattern shown in Appendix 2; and</p> <p>(b) ensure vehicle access from Balmoral Crescent to land at 107–113 Rex Road in Georges Hall is provided for no more than 10 dwellings as shown in Appendix 3.</p> <p>10.34 The design and siting of car parking structures and driveways must ensure vehicles can leave the site in a forward direction.</p> <p>10.35 Development must locate the car parking spaces behind the front building line.</p> <p>10.36 Council must ensure the garage architecturally integrates with the development and does not dominate the street facade.</p>	<p><b><u>Complies</u></b></p> <p><b>Adequate car parking is available for the proposed use. There are existing provisions for car parking on the property, associated within the existing dwelling.</b></p>
<p><b>Landscape</b></p> <p>10.37 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 group homes.</p> <p>10.38 Development must landscape the following areas on the site by way of trees and shrubs with preference given to native vegetation endemic to Canterbury-Bankstown (refer to the Landscape Guide for a list of suitable species):</p> <p>(a) a minimum 45% of the area between the group home and the primary street frontage; and</p> <p>(b) a minimum 45% of the area between the group home and the secondary street frontage; and</p> <p>(c) plant more than one 75 litre tree between the group home and the primary street frontage (refer to the Landscape Guide for a list of suitable trees in Canterbury-Bankstown); or</p> <p>(i) if the site adjoins the Hume Highway and the minimum setback to the Hume Highway is less than 20 metres, the development must plant a row of 75 litre trees at 5 metre intervals along the length of the Hume Highway boundary and must select the trees from the Landscape Guide; or</p> <p>(ii) if the site adjoins the Hume Highway and the minimum setback to the Hume Highway is 20 metres, the development must plant two rows of 75 litre trees at 5 metre intervals along the length of the Hume Highway boundary and must select the trees from the Landscape Guide; and</p> <p>(d) for development in the foreshore protection area (refer to map in Appendix 1), the development must plant native trees with a mature height greater than 12 metres adjacent to the waterbody.</p>	<p><b><u>Complies</u></b></p> <p><b>No changes to landscaping are being proposed.</b></p>
<p><b><u>Chapter 10.4: Non-Residential Development</u></b></p>	
<p><b>Section 5: Other Non-Residential Development</b></p>	
<p><b>Development Controls</b></p> <p>5.1 In determining development applications that relate to land within Zone R2 Low Density Residential, Zone R3 Medium Density Residential and Zone R4 High Density Residential, Council must take into consideration the following matters:</p>	<p><b><u>Complies</u></b></p> <p><b>The proposed use will be contained within the existing dwelling.</b></p>

DCP Clause / Provision	Statement of Compliance
<p>(a) whether any proposed building is compatible with the height, scale, siting and character of existing residential development within the adjoining residential zone;</p> <p>(b) whether any goods, plant, equipment and other material used in carrying out the proposed development will be stored or suitably screened from residential development;</p> <p>(c) whether the proposed development will maintain reasonable solar access to residential development between the hours of 8.00am and 4.00pm at the midwinter solstice;</p> <p>(d) whether noise generation from fixed sources or motor vehicles associated with the proposed development will be effectively insulated or otherwise minimised;</p> <p>(e) whether the proposed development will otherwise cause nuisance to residents, by way of hours of operation, traffic movement, parking, headlight glare, security lighting, fumes, gases, smoke, dust or odours, or the like; and</p> <p>(f) whether any windows or balconies facing residential areas will be treated to avoid overlooking of private yard space or windows in residences.</p> <p>5.2 The non-residential component of buildings that adjoin residential zones in the former Canterbury Local Government Area should comply with the Building Height Plane as shown in Figure 5a.</p>	

## 4.4 Section 4.15 Considerations

### 4.4.1 Suitability of the site

The previous sections of this report have demonstrated the suitability of the site for the proposed Respite Day Care Centre, particularly in terms of:

- The proposal is consistent with the existing development within the locality.
- The proposal is consistent with the objectives and development standards applying to the land.
- Overall, the development is considered an appropriate usage of the site.

### 4.4.2 Public interest

The proposal is considered to accord with the wider public interest in that:

- It provides an alternative outcome for this dwelling whilst being an appropriate and permissible use that provides for choice within the social support system.
- It will not detract from the streetscape and immediate locality.
- With proper management and support this will seamlessly integrate into the community and contribute positively to social fabric; and
- It is consistent with relevant LEP aims and objectives.

### 4.4.3 Section 4.15 of the Environmental Planning and Assessment Act, 1979

Matters for Consideration	Considered?
Section 4.15 (1) (a)(i) – Has consideration been given to all relevant provisions of any relevant environmental planning instrument?	Yes
Section 4.15 (1) (a)(ii) – Has consideration been given to any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved)?	Yes
Section 4.15 (1) (a)(iii) – Has consideration been given to all relevant provisions of any provisions of any development control plan?	Yes
Section 4.15 (1) (a)(iia) – Has consideration been given to all relevant 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?	N/A
Section 4.15 (1) (a)(iv) – Have you considered all relevant provisions of the Regulations (to the extent that they are prescribed for the purposes of this paragraph)?	Yes
Section 4.15 (1) (b) – Are the likely impacts of the development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality acceptable?	Yes
Section 4.15 (1) (c) – Is the site suitable for the development?	Yes
Section 4.15 (1) (d) – Has consideration been given to any submissions made in accordance with the EPA Act or EPA Regulations?	TBA by Council
Section 4.15 (1) (e) – Is the proposal in the public interest?	Yes

## 5 Summary and Conclusion

Council Approval Group is pleased to submit this Statement of Environmental Effects and accompanying information for Respite Day Care Centre at Orchard Rd 51, Bass Hill.

This Statement of Environmental Effects for the proposed development has considered:

- the circumstances of the case;
- an analysis of the subject site and the surrounding locality;
- an analysis of the proposal against the provisions of the *LEP 2023*, as well as relevant DCPS, SEPPs and deemed SEPPs, and other relevant statutory controls that apply to the site; and
- Section 9.1 Directions.

This report concludes that the proposal will substantially complement the objectives and vision of the Plan, Zone, and DCP in particular:

- To provide for the social 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.

We are pleased to present this SoEE for Respite Day Care Centre, which, once approved, will add to the variety of services for seniors and people with a disability.

### 5.1 Recommendation

Under all the circumstances of the case, it is therefore recommended to Council for favourable consideration.