



PRAGMA

— URBAN PLANNING —

Statement of Environmental Effects

Address: 50 Undercliffe Road, Earlwood

Proposal: 'construction of an accessway and basement level for the dwelling house approved in Complying Development Certificate CD-1521/2024'

Pragma Urban Planning Pty Ltd

Prepared by: M. Boutros

Revision: B

Date: February 2025

Contents

Introduction	3
Site Context	4
Application Background	7
Proposal	8
State Environmental Planning Policy (Resilience and Hazards) 2021	9
Canterbury-Bankstown Local Environmental Plan 2023	9
Canterbury-Bankstown Development Control Plan 2023.....	14
Evaluation of Section 4.15 of the Environmental Planning and Assessment Act 1979 No 203..	18
Context and Setting	18
Social, Environmental and Economic Impacts	18
The Suitability of the Site for the Development	18
Any submissions made in accordance with the Act.....	18
The Public Interest	18
Conclusion	18

Document History				
Prepared by	Date Prepared	Reviewed by	Date Reviewed	Revision Issue
M.B.	February 2025	M.B.	February 2025	A
M.B.	February 2025	M.B.	February 2025	B

Disclaimer

This document has been prepared reliant upon information made available at the date of publication. While we have tried to ensure the accuracy of the information in this publication, Pragma Urban Planning Pty Ltd ('Pragma') accepts no responsibility or liability for any errors, omissions or resultant consequences including any harm, loss or damage caused by reliance on any information or prescriptions in this publication. It is also emphasised that while we have attempted to prepare this document in good faith, the references, views, and conclusions expressed or inferred may differ from other professionals and/or relevant authorities. Draft versions of this document are not endorsed by Pragma. Reproduction and distribution of this document is not permitted without the prior written permission of Pragma.

Introduction

This document has been prepared by Pragma Urban Planning Pty Ltd ('Pragma') for a Development Application for 50 Undercliffe Road, Earlwood. The Development Application proposes the construction of an accessway and basement level for the dwelling house approved in Complying Development Certificate CD-1521/2024. The works do not seek to have a habitable space (as defined with the National Construction Code) within the basement level, nor do they alter the gross floor area, overall height or perceived bulk of the approved dwelling house as addressed in this document.

The Site is zoned R2 Low Density Residential zoning under the provisions of the Canterbury-Bankstown Local Environmental Plan 2023 ('CBLEP 2023'). Figures 1-9 assist in illustrating the zoning and context of the site.

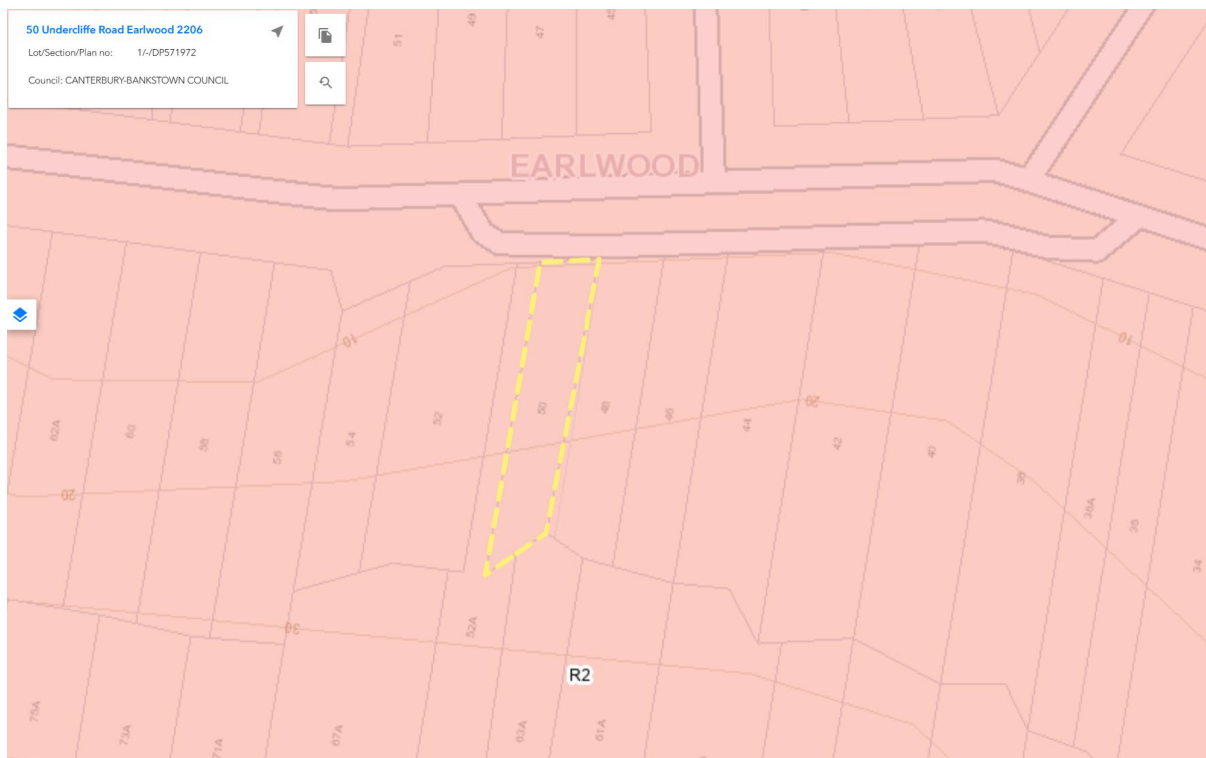


Figure 1. Zoning Map Overlay – R2 Low Density Residential – CBLEP 2023 (Extracted from <https://www.planningport.nsw.gov.au/spatialviewer/#/find-a-property/address>)



Figure 2. Extract of Aerial Image of Site (Extracted from <https://maps.six.nsw.gov.au/>)

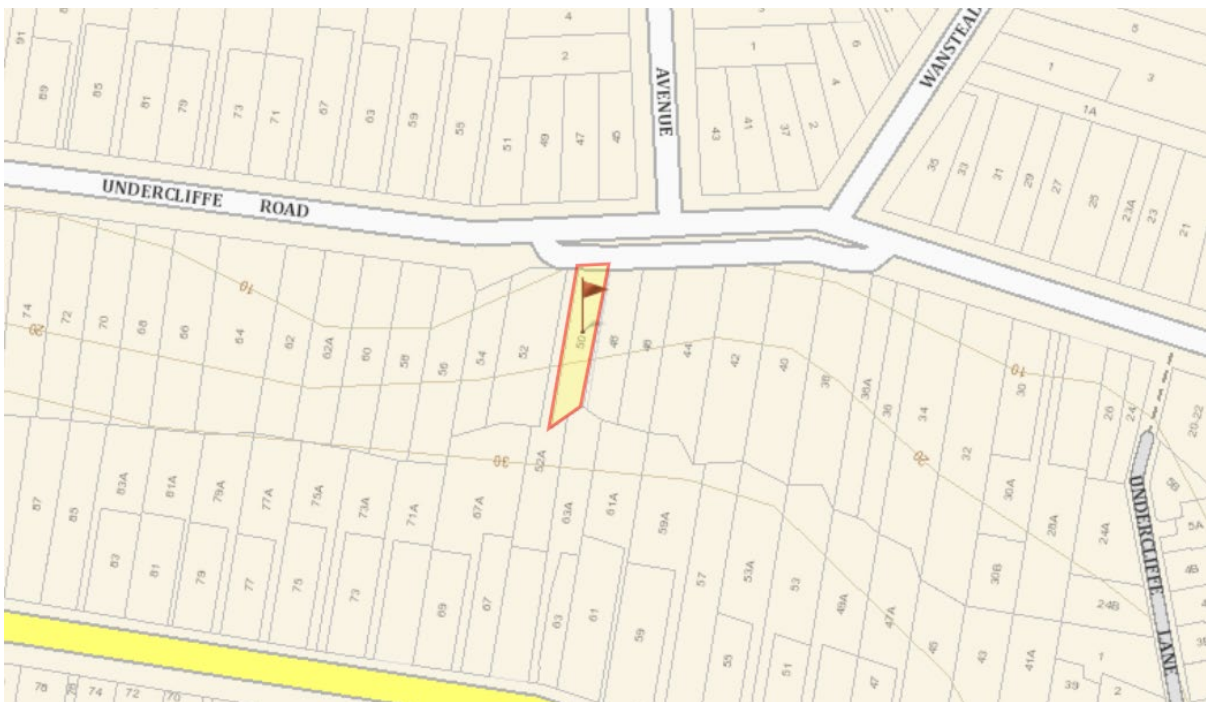


Figure 3. Extract of NSW Map of Site (Extracted from <https://maps.six.nsw.gov.au/>)

Site Context

The subject site is known as 50 Undercliffe Road, Earwood having the legal description of Lot 1 in DP571972 ('the Site'). The Site is a regularly shaped allotment with a 10.07m frontage along Undercliffe Road and a total area of 442.8 m². It has a north-south orientation and slopes from south to north. The topography is evident in the front setback, where a significant change in levels is observable. The existing dwelling is positioned on top of a rock formation, with a

stairway providing street access and a hard-paved area within the front setback allocated for parking, see Figure 4 below.



Figure 4. View of the Site from the roadway



Figure 5. View of the Site from the roadway

The Site is not a heritage item and is not located within a heritage conservation area or in proximity to a heritage item listed in the provisions of the CBLEP 2023.

The immediate locality is characterised by single dwellings which lie on lots which have a similar topography of the subject site. For instance, the dwellings 44, 46, 48 and 52A Undercliffe Road sit upon a rock formation and have large parking areas within the front setback, see Figure 6, 7, and 8 for views of those properties.



Figure 6. View of 44 Undercliffe Road



Figure 7. Google Street View of 44, 46 and 48 Undercliffe Road (Extracted from <https://www.google.com/maps/>)



Figure 8. View of 52A Undercliffe Road

It is important to note that the above-mentioned properties (and the subject Site) are located above the primary roadway of Undercliffe Road. Each property relies on a divergent access road situated above the primary roadway, see Figure 9 below.



Figure 9. Google Street View of 44, 46 and 48 Undercliffe Road (Extracted from <https://www.google.com/maps/>)

Application Background

On 15 February 2021 Development Consent DA/501/2020 approved the following works on the Site:

Date of Determination:	15 February 2021
Determination Notice No.:	DA-1051/2020
Property:	Lot 1 DP 571972, No. 50 Undercliffe Road, EARLWOOD NSW 2206

Canterbury-Bankstown Council hereby Consents to the above described land being developed for the following purpose, subject to compliance with the conditions and requirements set out in the attached schedules.

Description of Development:	Demolition of remnants of existing wall and steps and proposed new retaining wall, new walkway and stairs, front fence, gates and paved car spaces
------------------------------------	---

Construction Certificate CC-368/2021 for the works were later approved on 7 July 2021 as per the below extract of the Canterbury-Bankstown Planning Portal:

Application Number:

CC-368/2021

Description:

Demolish remnants of existing wall and steps that are damaged. Proposed new retaining wall, new walkway and stairs, proposed front fence and gates and paved car spaces.

Address:

50 Undercliffe Road, EARLWOOD NSW 2206

Lodged:

16/06/2021

Status:

Approved

Officer Recommendation:

Determined:

Approved 07/06/2021

The works relating that application appear to have since been completed.

On 28 November 2024 Complying Development Certificate CD-1521/2024 was granted for the Site. The CDC approved the demolition of existing structures and construction of a two-storey dwelling as per the below extract of the Canterbury-Bankstown Planning Portal:

Application Number:

CD-1521/2024

Description:

Demolition of existing structures and construction of a two storey dwelling

Address:

50 Undercliffe Road, EARLWOOD NSW 2206

Lodged:

28/11/2024

Status:

Certificate Registered

Officer Recommendation:

Determined:

Approved 28/11/2024

Proposal

This Development Application proposes construction of an accessway and basement level for the dwelling house approved in Complying Development Certificate CD-1521/2024, as per the architectural plans and associated documentation accompanying this application. A development consent would act as alterations and additions to the approved dwelling house CD-1521/2024. The Proposed Development seeks the below listed works:

Basement/Lower Ground Floor

- Excavation works to facilitate a pathway within the front setback below the dwelling

- Construction of a stairway over the resulting pathway
- Construction of a new entry gate
- Alterations to the steps within the front setback to comply with AS2601-2001
- Construction of a planter box along the western boundary
- Excavation works to facilitate a basement accessway into the dwelling house
- Works to extend the internal stairway and lift access to the proposed basement level
- Excavation and demolition work to facilitate the above listed works

The works are sought in an attempt to create an entry to the resulting dwelling house which does not rely upon outdoor stairs or ramp for access. As clearly visible in Figure 4, 5, 6 and 7, the subject property and those adjoining are impacted by significant slope and as such the works will an equitable accessway to the lift within the dwelling.

Key Planning considerations:

- The basement level does not include any habitable spaces as defined with the National Construction Code
- The proposed works do not constitute a storey as defined within the CBLEP 2023
- The proposed works do not increase the gross floor area of the resulting dwelling (as will be analysed later in this document).
- The works do not alter the height of the resulting dwelling
- The works do not increase the perceived bulk or scale of the resulting dwelling
- The excavation works related to the basement are setback in excess of 1.2m from the adjoining side (eastern) boundary

This Statement should be read in conjunction with the architectural and other design documentation which form part of the Development Application and detail the different elements of the Proposed Development.

State Environmental Planning Policy (Resilience and Hazards) 2021

Chapter 4 of the State Environmental Planning Policy (Resilience and Hazards) 2021 identifies provisions relating to the remediation of land which is considered below.

Chapter 4 Remediation of land

Given the part of the Site to which the works relate are currently used for residential purposes, land contamination from that use is not considered to be likely. If any contaminated material or suspected contaminated material is unearthed during the construction process, then actions consistent with the legislative requirements and guideline documents must be undertaken. Suitable conditions of consent may be imposed to ensure that this occurs.

Canterbury-Bankstown Local Environmental Plan 2023

Provisions of the CBLEP 2023 which may relate to Proposed Development are considered below.

Canterbury-Bankstown Local Environmental Plan 2023

Current version for 27 November 2024 to date (accessed 11 February 2025 at 13:42)

Zone R2 Low Density Residential

1 Objectives of zone

- 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.

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

Comment: The Proposal relates to an approved dwelling house which is permissible with consent in the R2 Low Density Residential zone.

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.

(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.

(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.

Column 1	Column 2	Column 3
"Area 1" on the <u>Floor Space Ratio Map</u>	18m	2:1
"Area 2" on the <u>Floor Space Ratio Map</u>	18m	1:1
"Area 3" on the <u>Floor Space Ratio Map</u>	30m	2:1
"Area 4" on the <u>Floor Space Ratio Map</u>	30m	1:1

(2B) Despite subclause (2), the following maximum floor space ratios apply—

(a) for a building used for non-residential purposes—

(i) on land in Zone R2 and identified as “Area 1” on the Clause Application Map—0.4:1, and

(ii) on land in Zone R2 or R3 and identified as “Area 2” on the Clause Application Map—0.5:1, and

(iii) on land in Zone R4 and identified as “Area 2” on the Clause Application Map—0.75:1,

(b) for a building used for the purposes of dwelling houses or semi-attached dwellings on land identified as “Area 2” on the Clause Application Map—

(i) for a site area less than 200m²—0.65:1, and

(ii) for a site area greater than 200m² but less than 600m²—0.55:1, and

(iii) for a site area of 600m² or more—0.5:1,

(c) for a building used for the purposes of dual occupancies on land in Zone R2 and identified as “Area 2” on the Clause Application Map—0.5:1,

(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.

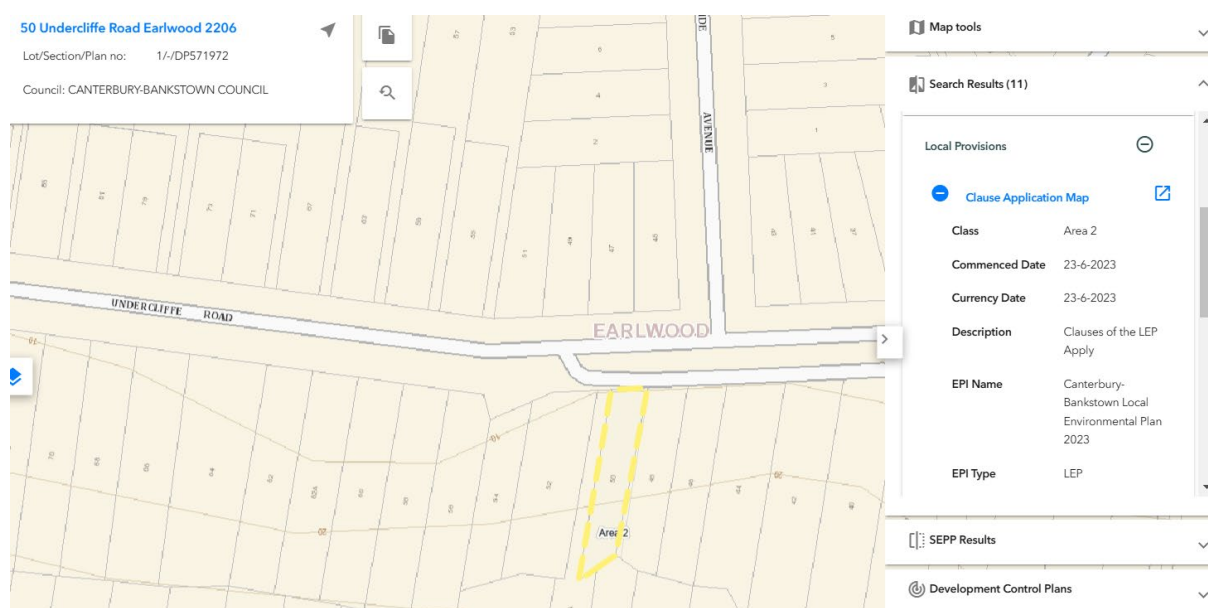


Figure 10. Clause Application Map Overlay – Area 2 – CBLEP 2023 (Extracted from <https://www.planningportals.nsw.gov.au/spatialviewer/#/find-a-property/address>)

Comment: The Site is identified as being within Area 2 on the Clause Application Map and as such a maximum FSR of 0.55:1 is prescribed as per subclause (2B)(b)(ii). In any case, the works sought do not increase the gross floor area of the resulting building as they relate to non-habitable spaces within a basement level as per the below analysis.

Section A-A prepared by SY Design clearly illustrates that the proposed accessway is within a basement as per the CBLEP 2023 definition:

basement means the space of a building where the floor level of that space is predominantly below ground level (existing) and where the floor level of the storey immediately above is less than 1 metre above ground level (existing).

The definition of gross floor area only requires habitable rooms, shops, auditoriums and cinemas within a basement level to be included in the calculation:

gross floor area means the sum of the floor area of each floor of a building measured from the internal face of external walls, or from the internal face of walls separating the building from any other building, measured at a height of 1.4 metres above the floor, and includes—

(a) the area of a mezzanine, and

(b) habitable rooms in a basement or an attic, and

(c) any shop, auditorium, cinema, and the like, in a basement or attic,

but excludes—

(d) any area for common vertical circulation, such as lifts and stairs, and

(e) any basement—

(i) storage, and

(ii) vehicular access, loading areas, garbage and services, and

(f) plant rooms, lift towers and other areas used exclusively for mechanical services or ducting, and

(g) car parking to meet any requirements of the consent authority (including access to that car parking), and

(h) any space used for the loading or unloading of goods (including access to it), and

(i) terraces and balconies with outer walls less than 1.4 metres high, and

(j) voids above a floor at the level of a storey or storey above.

Note. Highlight added.

The accessway does not relate to shops, auditoriums or cinema. The space is not considered to be habitable room as per the following definition of Habitable Room derived from the National Construction Code (NCC) as it functions as a hallway / lobby both of which are not considered to be a habitable room:

Habitable room means a room used for normal domestic activities, and—

- a. includes a bedroom, living room, lounge room, music room, television room, kitchen, dining room, sewing room, study, playroom, family room, home theatre and sunroom; but

- b. excludes a bathroom, laundry, water closet, pantry, walk-in wardrobe, **corridor**, **hallway**, **lobby**, photographic darkroom, clothes-drying room, and other spaces of a specialised nature occupied neither frequently nor for extended periods.

This methodology of calculating gross floor area is consistent with the findings of Britely Property Pty Ltd v Randwick City Council 2020 and Connoisseur Investments Pty Ltd v Sutherland Shire Council 2020.

5.10 Heritage Conservation

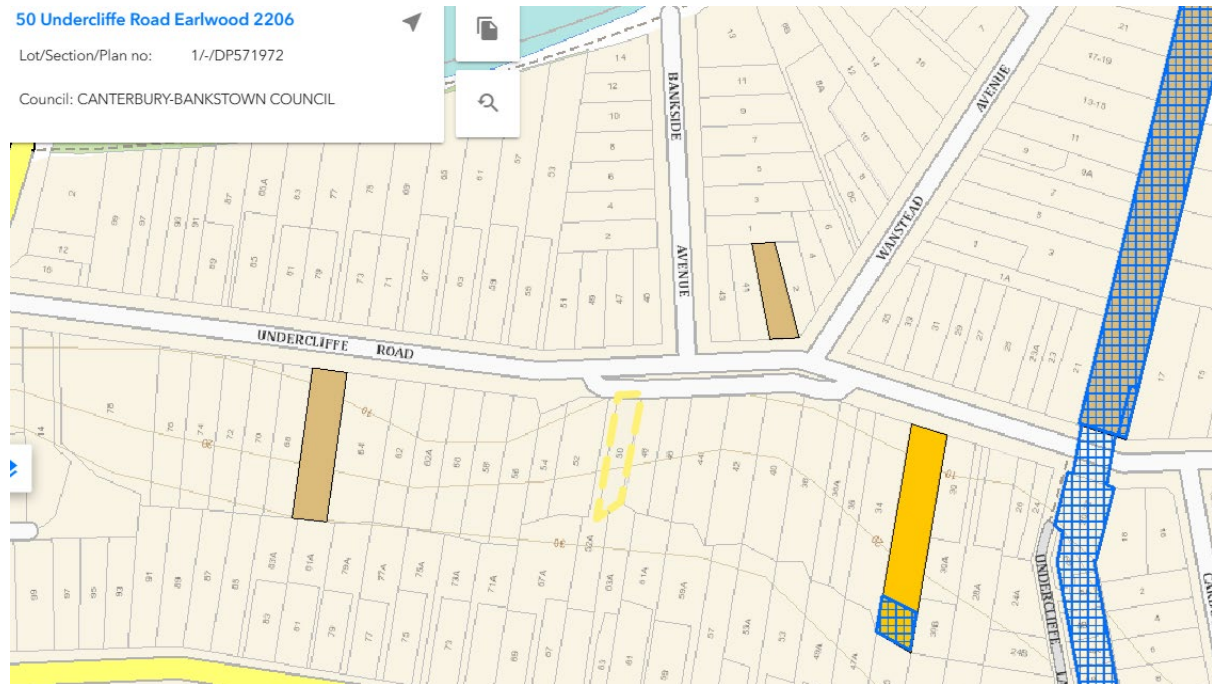


Figure 11. Heritage Map Overlay with State Heritage Register Curtilage overlay (Extracted from <https://www.planningportal.nsw.gov.au/spatialviewer/#/find-a-property/address>)

Comment: As per Figure 11 above, the Site is not in close enough proximity to a heritage item identified within the CBLEP 2023 or State Heritage Curtilage such that the proposed works would unduly impact upon heritage fabric.

6.1 Acid sulfate soils



Figure 12. Acid Sulfate Map Overlay – Class 5 – CBLEP 2023 (Extracted from <https://www.planningportal.nsw.gov.au/spatialviewer/#/find-a-property/address>)

Comment: The Site is identified as being on Class 5 land. The Site is not within close proximity to Class 1 or 2 land and the works sought relate to a floor level of RL 13.650 and as such is unlikely to impact upon underground water table on Class 1 or 2 land.

6.2 Earthworks

Comment: Development consent is sought for earth works so as to facilitate the proposal. It is assumed the earthworks may be carried out in a manner that will not adversely affect the existing drainage pattern and/or soil stability through the utilisation of appropriate construction methodology and conditions of consent. Where cut works are to be undertaken, appropriate conditions may be imposed to ensure retaining measures are to be carried out in accordance with appropriate engineering and construction methodology.

Canterbury-Bankstown Development Control Plan 2023

Provisions of the Canterbury-Bankstown Development Control Plan 2023 ('CBDCP 2023') which may relate to Proposed Development are considered below.

Canterbury-Bankstown Development Control Plan 2023

Chapter 3 General Requirements

3.7 Landscape

June 2023 (Amended August 2024)

SECTION 2–LANDSCAPE DESIGN

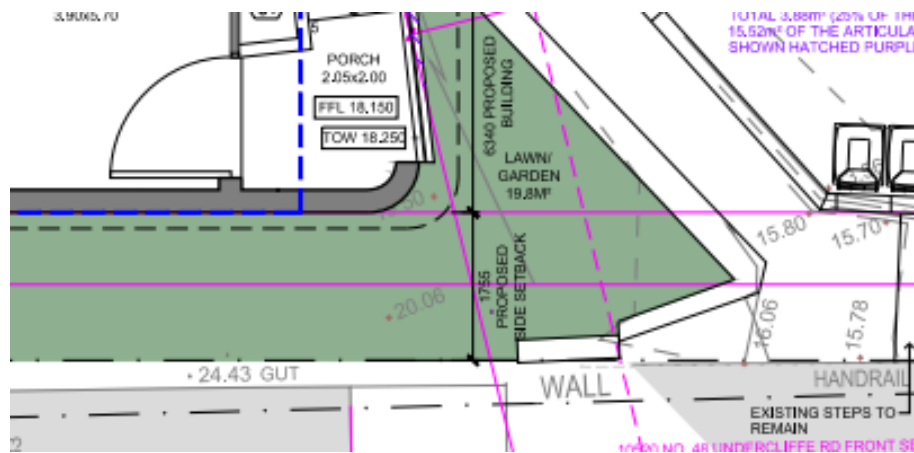
Existing vegetation and natural features

2.1 New landscaping is to complement the existing street landscaping and improve the quality of the streetscape.

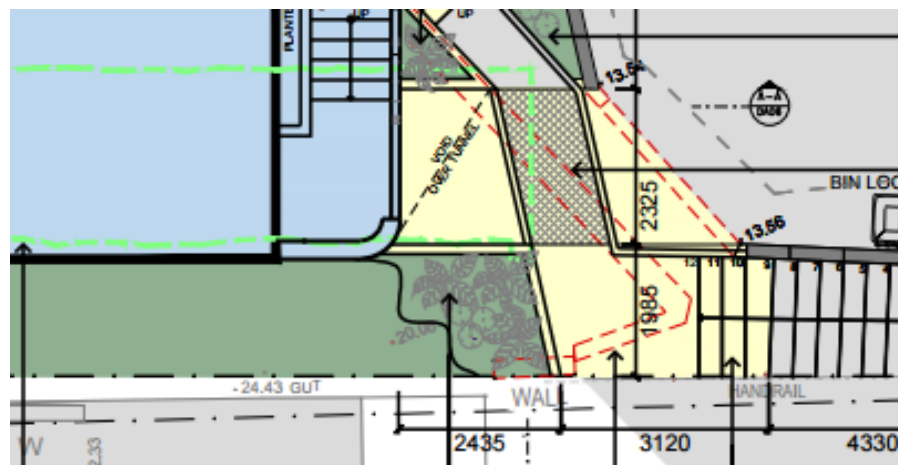
2.2 Development, including alterations and additions, is to minimise earthworks (cut and fill) in order to conserve site soil. Where excavation is necessary, the reuse of excavated soil on site is encourage

Comment: The Proposal results in very minor changes to the landscaped arrangement within the front setback. The Proposal seeks to slightly reduce the size of the landscaping within the front setback to facilitate the lower-ground floor accessway into the proposed basement level. A comparison of the approved arrangement within CD-1521/2024 versus the proposed development can be seen below:

Extract of Lower Ground Floor Plan for CD-1521/2024



Extract of the Proposed Development



The front landscaped arrangement of the locality is driven by the topography which includes rock formations and as such the proposed works are entirely compatible with the properties within the vicinity of the Site as emphasised in the below Google Maps image of 44, 46 and 48 Undercliffe Road which depict hard paved areas and parking areas:



Figure 13. Google Aerial View of 44, 46 and 48 Undercliffe Road (Extracted from <https://www.google.com/maps/>)

Chapter 5 Residential Accommodation

5.2 Former Canterbury LGA June 2023 (Amended August 2024)

SECTION 2—DWELLING HOUSES AND OUTBUILDINGS

2.2 Site coverage

C1 All development must comply with the numerical requirements contained in the table below:

Site Area	Maximum area of building footprint	Maximum floor area of all outbuildings	Maximum site coverage of all structures on a site
Up to 449m ²	300m ²	30m ²	60%
450m ² to 599m ²	330m ²	45m ²	50%
600m ² to 899m ²	380m ²	60m ²	40%
900m ² or above	430m ²	60m ²	40%

Table 1: Maximum building footprint, floor area of outbuildings and site coverage

Comment: The Proposal results in a Site Coverage of approximately 184.9sqm (41.757%) as per the calculations prepared by SY Design. The following definition has been relied upon:

site coverage means the proportion of a site area covered by buildings. However, the following are not included for the purpose of calculating site coverage—

- (a) any basement,
- (b) any part of an awning that is outside the outer walls of a building and that adjoins the street frontage or other site boundary,
- (c) any eaves,
- (d) unenclosed balconies, decks, pergolas and the like.

2.3 Landscaping

C1 Deep soil permeable areas must be provided in accordance with the table below:

Site area	Minimum deep soil area (% of site area)
Up to 449m ²	15%
450m ² to 599m ²	20%
600m ² or above	25%

Table 2: Minimum deep soil areas

Comment: The has an area of 442.8sqm and as such the Site is required to have a landscaped area of 66.42sqm. The Proposal maintains a landscaped area of 84sqm as per the calculations prepared by SY Design.

2.4 Layout and orientation

BUILDING ENVELOPE

Basement and sub-floor projection

C2 Any part of a basement or sub-floor area that projects greater than 1m above ground level comprises a storey.

Comment: The basement level does not comprise of elements that exceed 1m above existing ground level.

Basement and sub-floor

C5 Dwelling houses may provide basement or subfloor parking where site constraints warrant and it can be demonstrated that there will be no adverse impacts on amenity, streetscape or public domain.

Comment: The Proposal seeks a 'basement level'. However, this level will correspond to the site's lower ground level, from which it is accessed. Given the significant difference in levels within the front setback, the basement accessway is proposed to provide a suitable entry into the dwelling without reliance on outdoor stairs or ramps. The proposed works are not anticipated to have any adverse amenity impacts on adjoining properties or the wider streetscape.

C6 Basement and sub-floor parking is only suitable where compliance with Chapter 3.2 of this DCP can be demonstrated.

Comment: The Proposal does not seek basement car parking.

BUILDING DESIGN

2.8 General design

Building entries

C7 Entries to residential buildings must be clearly identifiable.

Comment: The Proposal maintains a clearly identifiable entryway for the resulting dwelling.

C8 The front door to a dwelling house may face a side boundary, or may be located beneath a carport, provided it is clearly identified by a porch or awning, and pathways.

Comment: The Proposal creates an entryway on the lower ground floor.

Evaluation of Section 4.15 of the Environmental Planning and Assessment Act 1979 No 203

Context and Setting

The Site located at 50 Undercliffe Road, Earlwood. The locality is characterised by residential land uses. The resulting dwelling house as amended maintains compatibility with the existing and intended landscape of the locality given its siting. It is anticipated that the proposed works are capable of being undertaken in a manner that is suitable amenity for future occupants and adjoining properties subject to appropriate conditions of consent.

Social, Environmental and Economic Impacts

As considered in this statement, the works are anticipated to improve the built environment by improving the amenity of the resulting dwelling while the setbacks provided assist in minimising undue impacts on the adjoining properties.

The Suitability of the Site for the Development

The Proposed Development related to a permissible development under provisions of the R2 Low Density Residential zoning and the proposal is considered to be generally comply with the fundamental planning provisions within the CBLEP 2023 and CBDP 2023 considered in this statement except where justified, as such it is our view that the proposal is suitable for the site subject to appropriate conditions of consent and a multidisciplinary analysis.

Any submissions made in accordance with the Act

It is anticipated Canterbury-Bankstown Council will consider any submissions in its assessment of the proposal.

The Public Interest

As considered in this Statement, it is our view that the Proposed Development is generally compatible with the objectives of the planning instruments considered within it and as such it is anticipated to result in the revitalisation of the allotment while maintaining integrity of the local area.

Conclusion

Throughout this statement Pragma Urban Planning have attempted to consider potential environmental and amenity impacts relating to the Proposed Development. It is our opinion that the Proposed Development may be capable of being undertaken in a manner that is generally compatible with the overarching objectives and greater public interest as guided by the planning instruments which have been reviewed and considered in this document subject to a multidisciplinary analysis and suitable conditions of consent being imposed in a development consent. The application is to be lodged to Canterbury-Bankstown Council for an independent assessment and analysis of the proposal.