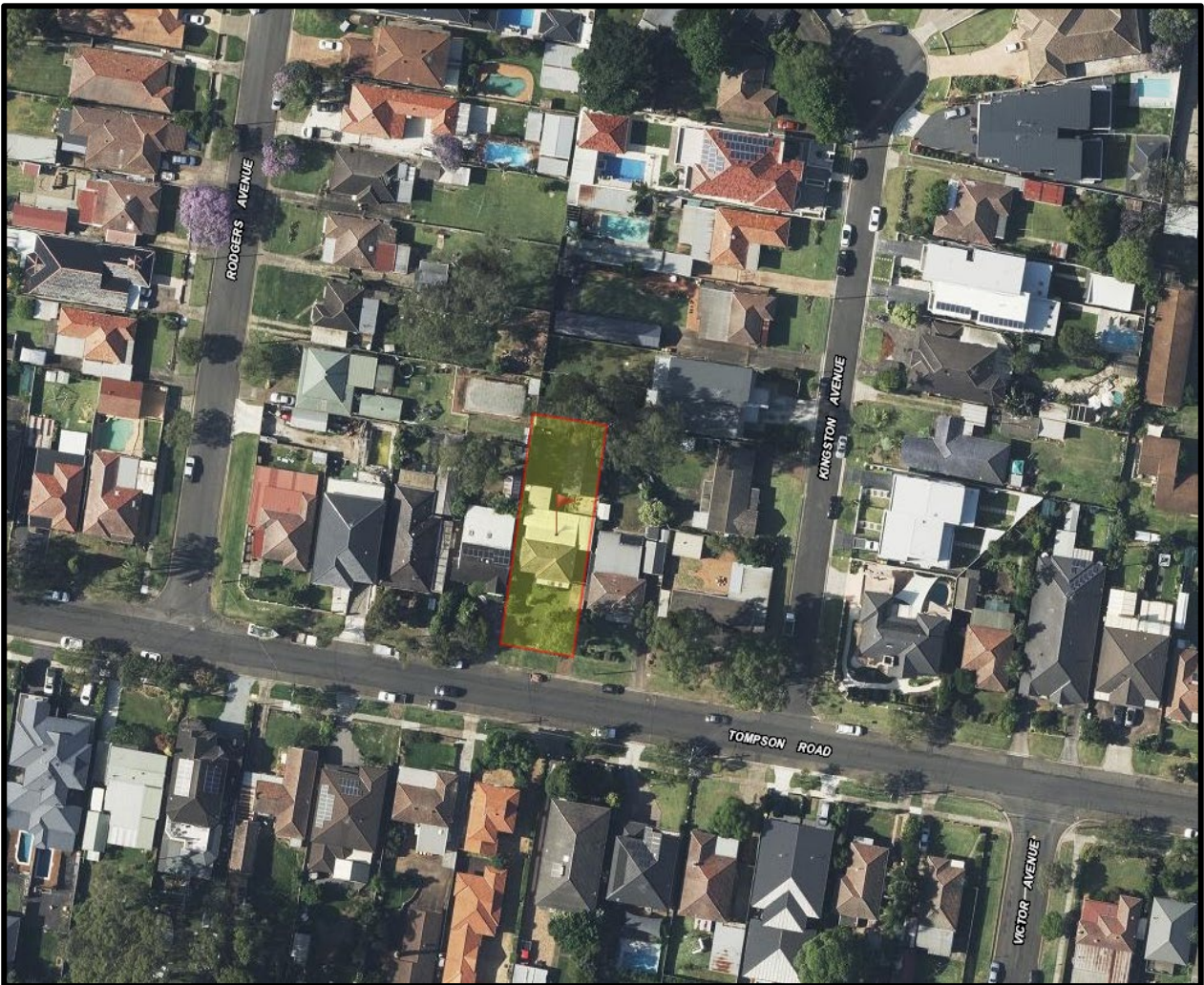


# STATEMENT OF ENVIRONMENTAL EFFECTS



SITE: Lot 3 DP 27642  
120 Thompson Road  
Panania

PROPOSED DEVELOPMENT: Construction of new principal dwelling



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## INTRODUCTION

This Statement of Environmental Effects is submitted to Canterbury-Bankstown Council in accordance with the Environmental Planning and Assessment Act 1979, in support of a development application for the construction of a new principal dwelling. This report is based on plans prepared by Straightline Studio, Drawing No. SS24.113.10, Issue J, dated 13.03.2025.

The proposed works include:

- Construction of new principal dwelling consisting of:
  - o Subfloor level including a double garage, storage and workshop
  - o Ground floor including a media, guest, kids' activity, laundry, kitchen, dining and living room along with an attached alfresco and verandah
  - o First floor including four (4) bedrooms
- Construction of a new driveway

The subject site is located on Tompson Road and is rectangular in shape. The allotment has frontage of 15.24m, a depth of 45.72m and total site area of 695.6m<sup>2</sup>. The site is currently consists of a secondary dwelling approved in 2018 (CD-50/2018) which is to be retained, following the demolition of the principal dwelling via Complying development certificate obtained in 2024 (CD-1408/2024).

All required services are available to the allotment with drainage to be in accordance with the Concept Drainage Plan. The proposed development requires the removal of one (1) tree to allow the proposed development to occur. The proposed tree to be removed is necessary to allow the driveway proposed which is considered to be appropriately sited to avoid a speed bump and drainage facilities.

The subject site is not identified to be of any heritage significance or to be located within close proximity to any conservation areas or heritage items.

The site is within an established residential area that predominantly consists of one and two storey dwellings, varying in architectural styles.

The following sections of this statement address the likely impact of the proposal.



## LEGISLATIVE REQUIREMENTS

The following sections address the matters for consideration as listed in Part 4 Section 4.15 of the Environmental Planning & Assessment Act 1979. A comment is provided against each relevant matter.

### (a)(i) Relevant environmental planning instruments

#### **State Environmental Planning Policy (Sustainable Buildings) 2022**

##### Chapter 2 – Standards for Residential Development - BASIX

State Environmental Planning Policy (Sustainable Buildings) 2022 requires all residential development in New South Wales to achieve a minimum target for energy efficiency, water efficiency and thermal comfort. The proposed 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 proposal achieves the required rating for energy efficiency, water efficiency and thermal comfort.

#### **State Environmental Planning Policy (Resilience and Hazards) 2021**

##### Chapter 4 – Remediation of Land

##### Clause 4.6 Contamination and remediation to be considered in determining development application

- (1) *A consent authority must not consent to the carrying out of any development on land unless—*
- (a) it has considered whether the land is contaminated, and*
  - (b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and*
  - (c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.*

The subject site is within an existing area historically utilised for residential purposes. No previous land uses are known to have occurred on the site that would result in potential land contamination. No further assessment is considered necessary in this instance.



## **State Environmental Planning Policy (Transport and Infrastructure) 2021**

### Chapter 2 Infrastructure

#### Part 2.3 Development controls

##### Division 15 Railways

##### Subdivision 2 Development in or adjacent to rail corridors and interim rail corridors

##### Section 2.98 Development adjacent to rail corridors

*(1) This section applies to development on land that is in or adjacent to a rail corridor, if the development—*

- (a) is likely to have an adverse effect on rail safety, or*
- (b) involves the placing of a metal finish on a structure and the rail corridor concerned is used by electric trains, or*
- (c) involves the use of a crane in air space above any rail corridor, or*
- (d) is located within 5 metres of an exposed overhead electricity power line that is used for the purpose of railways or rail infrastructure facilities.*

The subject site is not located within proximity to a railway corridor, and does not have a common boundary with a railway corridor. No further assessment is anticipated in this regard.

##### Division 17 Roads & Traffic

##### Subdivision 2 Development in or adjacent to road corridors and road reservations

##### Section 2.118 Development with frontage to classified road

*(1) The objectives of this section are—*

- (a) to ensure that new development does not compromise the effective and ongoing operation and function of classified roads, and*
- (b) to prevent or reduce the potential impact of traffic noise and vehicle emission on development adjacent to classified roads.*

*(2) The consent authority must not grant consent to development on land that has a frontage to a classified road unless it is satisfied that—*

- (a) where practicable and safe, vehicular access to the land is provided by a road other than the classified road, and*
- (b) the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development as a result of—*





- (i) the design of the vehicular access to the land, or*
- (ii) the emission of smoke or dust from the development, or*
- (iii) the nature, volume or frequency of vehicles using the classified road to gain access to the land, and*
- (c) the development is of a type that is not sensitive to traffic noise or vehicle emissions, or is appropriately located and designed, or includes measures, to ameliorate potential traffic noise or vehicle emissions within the site of the development arising from the adjacent classified road.*

The subject site is not located within proximity to a regional classified Tower Street however, it does not have direct access. frontage or a common boundary with the classified roadway. No further assessment is anticipated in this regard.

### **State Environmental Planning Policy (Biodiversity and Conservation) 2021**

#### **Chapter 2 – Vegetation in non-rural areas**

The aims of this chapter of the policy are understood to relate to the protection of the biodiversity values of trees and other vegetation in non-rural areas and to preserve the amenity of non-rural area through preservation of trees and other vegetation.

The proposed development requires the removal of one (1) tree to allow the proposed development to occur. The proposed tree to be removed is necessary to allow the driveway proposed which is considered to be appropriately sited to avoid a speed bump and drainage facilities.

The identified tree is not known to be of increased biodiversity value and is not anticipated to result in reduced amenity to the proposed development as a result of their removal. Additional planting can be provided post construction to ensure amenity of the allotment is maintained as a result of the development.

#### **Chapter 6 – Water Catchments**

The main objective of this plan is to protect, enhance and maintain the catchments, foreshores, waterways of the Georges River. Given the location of the subject site and the low-density nature of the development, the proposed development is not expected to have any detrimental impact on the objectives of SEPP (Biodiversity and Conservation) 2021.



Stormwater drainage plans have been prepared and are lodged for Council's consideration. The plans demonstrate that the cumulative impact of water quality for the region will be minimal. Subject to appropriate conditions, the proposal will be consistent with SEPP (Biodiversity and Conservation) 2021, particularly in relation to total catchment management, water quality and the metropolitan strategy.

### **State Environmental Planning Policy (Precinct – Western Parkland City) 2021**

#### **Part 4.3 Development – airport safeguards**

##### **Clause 4.20 - Wind Turbines**

The site is mapped within the 30km buffer zone for wind turbines under this SEPP.

Clause 4.20(3) of the SEPP requires consultation the relevant Commonwealth body for development for the purpose of a wind turbine or large wind monitoring tower, if proposed within the mapped 30km buffer zone. A wind turbine or large wind monitoring tower is not proposed as part of the development. No further assessment is anticipated in this regard.

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

The LEP is divided into several Parts and the relevant provisions that apply to the subject development are listed, together with a comment with respect to compliance.

#### **Part 2 Permitted and prohibited development**

##### **Clause 2.2 Zoning of land to which this plan applies**

The subject site is zoned *R2 Low Density Residential* pursuant to Clause 2.2 of *Canterbury-Bankstown Local Environmental Plan 2023*.

The proposed development is defined in the plan as a '*dwelling house*', being '*a building containing only one dwelling.*'



The identified zone permits the construction of a 'dwelling house' subject to development consent from Council.

### Clause 2.3 Zone objectives and land use table

The objectives of R2 Zone 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.*

The proposed development can satisfy the objectives of the zone as it complements the existing residential setting. Residential amenity can be maintained by the proposed development as the site is within a new residential area intended for this form of development.

The proposed development is compatible with the existing and future character of the locality. The development is designed to provide a high level of amenity for both the property owners and adjoining residents whilst considering the natural constraints of the site.

The siting of the dwelling house is in the most appropriate location, which minimises disturbance and follows a similar development density evident throughout the area.

The proposed dwelling is considered to meet the objectives of the R2 Zone.





## Part 4 Principal development standards

### Clause 4.3 Height of Buildings

<i>Requirement</i>	<i>Provision</i>	<i>Compliance</i>
9m	8.93m	Yes

### Clause 4.4 Floor Space Ratio

*(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.*

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

The subject site is located within Area 1 on the Clause Application Map and has a frontage width of 15.24m. Therefore, the provisions of this sub-clause apply in this instance. The proposed development has a floor space ratio of 0.8:1 thus complying with the maximum FSR of 2:1 as outlined in Clause 4.4(2A).

### Clause 4.6 Exceptions to development standards

The proposed development does not contravene the development standards of the LEP.

## Part 5 Miscellaneous provisions

### Clause 5.10 Heritage Conservation

Upon reference to Schedule 5 in relation to local, State or Regional items of heritage significance including conservation areas, it was revealed that the subject property was not identified as having heritage significance or located within proximity of heritage items.



#### Clause 5.11 Bush fire hazard reduction

The subject site is not identified to be bushfire prone land.

#### Clause 5.21 Flood Planning

The subject site is not identified as being located in a flood prone area.

#### Part 6 Additional local provisions

##### Clause 6.1 Acid Sulfate Soils

The subject property is not identified as being affected by Sulfate Soils.

##### Clause 6.2 Earthworks

Due to the topography of the allotment minimal earthworks are required to site the proposed footprint. All earthworks can be suitably battered and/or retained to ensure structural adequacy and minimal impact on the adjoining properties. No excessive impact anticipated.

##### Clause 6.3 Stormwater Management and Water Sensitive Urban Design

The proposed development has been designed to ensure no adverse impacts of stormwater run-off occurs and has been designed to maximise the amount of permeable surfaces on the subject site. A stormwater management plan has been provided as part of this development application.

##### Clause 6.9 Essential Services

All necessary services are available on the site including access to water, sewer, telecommunications and electricity.

\* \* \*



#### Conclusion with respect to LEP requirements

The proposal is considered to generally satisfy all the relevant development standards relating to dwelling houses as contained within CLEP 2023.

#### **(a)(ii) Relevant draft environmental planning instruments**

There are no known draft environmental planning instruments that would prevent the subject development from proceeding.

#### **(a)(iii) Relevant development control plans**

#### **Canterbury-Bankstown Development Control Plan 2023**

#### Chapter 2 – Site Considerations

<i>Requirement</i>	<i>Provision</i>	<i>Compliance</i>
<b><u>2.1 Site Analysis</u></b> Development for the following purposes must submit a site analysis plan: (a) attached dwellings (b) boarding houses (c) manor houses (d) multi dwelling housing (e) multi dwelling housing (terraces) (f) residential flat buildings (g) serviced apartments (h) shop top housing (i) housing estates (j) mixed use development containing dwellings (k) Torrens Title subdivision that proposes three or more lots.	The proposed development relates to a dwelling house therefore a site analysis plan is not required.	N/A



<u>2.2 Flood Risk Management</u>	The subject site is not identified as being located in a flood prone area therefore, the provisions of this chapter do not apply to the proposed development.	N/A
<u>2.3 Tree Management</u>	One (1) tree proposed to be removed. An Arboricultural report has been provided as part of this development application. Additional landscaping and tree planting are to be provided upon completion of the construction phase.	Yes

### Chapter 3 – General Requirements

<i>Requirement</i>	<i>Provision</i>	<i>Compliance</i>
<u>3.2 Parking</u> <u>Section 2 - Off Street Parking Rates</u> Dual Occupancies / semi-detached dwellings – 1 car space per 2 or less bedrooms; or 2 car spaces per 3 or more bedrooms	2 spaces provided within the garage	Yes
<u>Section 3 – Design and Layout</u> Development must not be located close to intersections, signalised junction, on curves, or where adequate sight is not available.	Proposed driveway capable of providing safe access to and from the proposed garage. The proposed location has taken into consideration the existing street constraints including a speed bump and drainage infrastructure.	Yes
For new residential development necessary clear driveway width are to be provided – One way – min. 3m width Two way – min. 5.5m width	Min. 2.4m proposed	No -see below



<p><u>3.3 Waste Management</u>  <u>Section 3 – Residential Development</u>  Each dwelling is to have:  A waste storage cupboard capable of holding 2 days waste and recycling  A suitable space in kitchen for a caddy for food waste</p> <p>Adequate sized bin storage area behind front building line to be provided</p>	<p>Capable of complying</p> <p>Suitable area is available for household rubbish bins to be provided behind the building line of the dwelling ensuring so adverse impact upon the streetscape. All waste will be deposited within the waste receptacle in accordance with the waste management plan attached to this application.</p>	<p>Yes</p> <p>Yes</p>
<p><u>3.4 Sustainable Design</u>  (Relates to Class 5 to 9 buildings only)</p>	<p>N/A to the proposed development</p>	<p>N/A</p>
<p><u>3.5 Subdivision</u></p>	<p>Subdivision does not form part of the proposed development</p>	<p>N/A</p>
<p><u>3.7 Landscaping</u>  <u>Section 2 – Landscape Design</u>  Development to minimise earthworks. Where excavation is necessary, the reuse of excavated soil on site is encouraged.</p> <p><u>Section 3 – Biodiversity</u>  Development must retain, protect and enhance indigenous/native vegetation and incorporate it into the landscape design</p>	<p>Minor earthworks are required to site the proposed footprint</p> <p>No indigenous or native vegetation proposed to be removed  Landscape Plan accompanies the subject DA.</p>	<p>Yes</p> <p>Yes</p>

#### Variation Request

Driveway width – Council’s DCP requires driveways to have a minimum width of 3m however, the proposed driveway has a width of 2.4m therefore requires a 0.6m variation to this control.



It is understood this control is designed to ensure that suitable access is available to the parking spaces whilst not becoming a dominant feature within the development.

The proposed driveway has been designed to ensure that safe entry and exit to the road is achieved. The proposed width is compliant with the relevant Australian Standards and will be functional in this instance.

Despite the required variation it is anticipated that the proposal will have no greater impact in this regard than that of a compliant proposal and will be able to meet the objectives of the clause. Therefore, it is requested that Council support this variation on the basis of it being appropriate for the subject site.

#### Chapter 4 - Heritage

Upon reference to LEP Schedule 5 in relation to local, State or Regional items of heritage significance including conservation areas, it was revealed that the subject property was not identified as having heritage significance or located within proximity of heritage items. Therefore, the provisions of this chapter do not apply to the subject site.

#### Chapter 5 – Residential Accommodation

##### Chapter 5.1 – Former Bankstown LGA

##### Section 2 – Dwelling Houses and outbuildings

<i>Requirement</i>	<i>Provision</i>	<i>Compliance</i>
<u>Site Planning</u>		
<u>Storey Limit (not including basements)</u>		
2.1. Max. two storey.	Three storeys proposed – including two storey dwelling and subfloor garage (identified as a storey as per definition)	No – see below
2.2 The siting of dwelling houses and landscape works must be compatible with the existing slope and contours of the site and any adjoining sites	Capable of complying	Yes





<p>2.3. 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> <p>(a) the dwelling house is required to be raised to achieve a suitable freeboard in accordance with Chapter 2.2 of this DCP;</p> <p>(b) the fill is contained within the ground floor perimeter of the dwelling house to a height no greater than 1 metre above the ground level (existing) of the site.</p>	<p>&lt;600mm proposed</p>	<p>N/A</p>
<p><u>Setbacks</u></p> <p>2.4 Erection of dwelling houses is prohibited within 9 metres of an existing animal boarding or training establishment.</p> <p>Street setback –</p> <p>2.5 The minimum setback for a building wall to the primary street frontage is:</p> <p>(a) 5.5 metres for the first storey (i.e. the ground floor); and</p> <p>(b) 6.5 metres for the second storey.</p> <p>2.6. The minimum setback to the secondary street frontage is:</p> <p>(a) 3 metres for a building wall; and</p> <p>(b) 5.5 metres for a garage or carport that is attached to the building wall.</p> <p>Side Setback –</p> <p>2.7. Wall height &lt;7m – 0.9m min Wall height &gt;7m – 1.5m</p>	<p>No animal or training establishment within immediate proximity.</p> <p>Min. setback 9.22m in keeping with the established streetscape pattern providing significant front setbacks to the primary street frontage.</p> <p>N/A – No secondary street frontage</p> <p>Min. setback 1.5m</p>	<p>Yes</p> <p>Yes</p> <p>N/A</p> <p>Yes</p>



<p><u>Private Open Space</u></p> <p>2.10 Min. 80m<sup>2</sup> behind the building line with min. 5m width</p>	<p>126.8m<sup>2</sup> provided in rear setback &gt;5m provided</p>	<p>Yes Yes</p>
<p><u>Access to Sunlight</u></p> <p>2.11 Min. one living area to receive min. three hours between 8am-4pm at mid-winter solstice.</p> <p>2.12 Min. one living area of adjoining site to receive min. three hours between 8am-4pm at mid-winter solstice. Where cannot be met, must not reduce existing provision</p> <p>2.13 Min. 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 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.</p>	<p>Living room orientated north to access min. 3hours sunlight between 8am-4pm, at mid-winter solstice as per shadow diagram provided</p> <p>Proposed development follows similar sitting to the existing dwelling this application seeks to replace, with a rear setback in keeping with the neighbouring dwelling. Most dwelling designs have living areas adjoining the POS located at the rear which allows ideal orientation for solar access located to the north where &gt;3hours solar access will be available at various times throughout the day.</p> <p>Both proposed and adjoining dwellings capable of achieving &gt;3hours of solar access within 50% of the private open space at the rear.</p>	<p>Yes  Yes  Yes</p>
<p><u>Visual Privacy</u></p> <p>2.15 Development proposing a window that directly looks into the living area or</p>	<p>No proposed living room windows that would directly look into an existing dwelling.</p>	<p>Yes</p>



<p>bedroom window of an existing dwelling, the development must:</p> <ul style="list-style-type: none"><li>(a) offset the windows between dwellings to minimise overlooking; or</li><li>(b) provide the window with a minimum sill height of 1.5 metres above floor level; or</li><li>(c) ensure the window cannot open and has obscure glazing to a minimum height of 1.5 metres above floor level; or</li><li>(d) use another form of screening</li></ul>		
<p>2.16 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"><li>(a) the window is to a bedroom, bathroom, toilet, laundry, storage room, or other non-habitable room; or</li><li>(b) the window has a minimum sill height of 1.5 metres above floor level; or</li><li>(c) the window has translucent glazing to a minimum height of 1.5 metres above floor level; or</li><li>(d) the window is designed to prevent overlooking of more than 50% of the private open space of a lower-level or adjoining dwelling.</li></ul>	<p>No living rooms windows proposed to look directly into private open space</p>	<p>N/A</p>
<p>2.17 Council may allow dwelling houses 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"><li>(a) does not have an external staircase; and</li></ul>	<p>No balconies proposed as part of the development.</p>	<p>N/A</p>



<p>(b) does not exceed a width of 1.5 metres throughout; and</p> <p>(c) incorporates a form of screening to the satisfaction of Council such as partially recessing the balcony into the building.</p>		
<p><u><i>Building design</i></u></p> <p>2.19 Max. roof pitch 35 degrees</p> <p>2.20 Attics permitted if:</p> <p>(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</p> <p>(b) ensures the attic does not give the external appearance of a storey.</p>	<p>Max. 30° roof pitch proposed</p> <p>No attic proposed as part of the development.</p>	<p>Yes</p> <p>N/A</p>
<p><u><i>Building Design (car parking)</i></u></p> <p>2.23 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.</p> <p>2.24 Development must locate the car parking spaces behind the front building line with at least one covered car parking space for weather protection. Despite this clause, Council may allow one car parking space to locate forward of the front building line provided:</p>	<p>N/A to the subject site</p> <p>N/A to the subject site</p> <p>Proposed garage located behind the front building line</p>	<p>N/A</p> <p>N/A</p> <p>Yes</p>



<p>(a) the car parking space forward of the front building line is uncovered and located in a stacked arrangement on the driveway in front of the covered car parking space; and</p> <p>(b) the covered car parking space is setback a minimum 6 metres from the primary and secondary street frontages.</p> <p>2.25 Despite clause 2.24, Council may consider a single carport forward of the front building line of an existing dwelling house solely where:</p> <p>(a) there is no existing garage on the site;</p> <p>(b) there is no side or rear vehicle access to the site;</p> <p>(c) the site does not contain a heritage item or is not within a heritage conservation area or local character area;</p> <p>(d) the site is in the vicinity of existing, approved carports on adjacent sites that are forward of the front building line;</p> <p>(e) the maximum width of the single carport is 3 metres;</p> <p>(f) it is of a simple posted design, with no side panel infill;</p> <p>(g) there is no solid panel lift or roller shutter door proposed;</p> <p>(h) the carport is setback a minimum 1 metre from the primary and secondary street frontages;</p> <p>(i) the carport achieves a high-quality design and has a roof design that is compatible with the dwelling house.</p>	<p>No carport proposed as part of this development application</p>	<p>N/A</p>
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2.26 Garage with up to two car parking spaces facing the street to integrate with the development and does not dominate the street facade.	Proposed garage with two car parking spaces integrated into dwelling design within the basement.	Yes
2.27 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: (a) the building is at least two storeys in height, and (b) the garage is architecturally integrated with the upper storey by: (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.	Two car parking space proposed.	N/A
<u>Landscape</u> 2.28. Retain and protect significant trees  2.29 To provide: a) Min. 45% of the area between the dwelling house and the primary street frontage; and (b) Min. 45% of the area between the dwelling house and the secondary street frontage; and (c) plant at least one 75 litre tree between the dwelling house and the primary street frontage (refer to the Landscape Guide for a list of suitable trees in Canterbury-Bankstown); and	No significant trees identified onsite   40.5%   N/A   Capable of complying post construction	Yes   No -see below   N/A   Yes





(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.	N/A	N/A
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### Variation Request

Number of storeys – Council's DCP requires all dwellings to be a maximum of two storeys, however the proposed development is identified to be three storeys as per the LEP definition of a basement and therefore requires a variation to this control.

The non-compliance is the direct result of the topography of the allotment, resulting in parts of the ground floor with a maximum height exceeding 1m above the existing ground level. Therefore, determining that the proposed garage and workshop do not meet the LEP definition of a basement thus contributing to the total number of storeys. Providing compliant storeys by reducing the levels would prevent access to the garage due to the topography of the site and providing a compliant driveway gradient.

The proposed dwelling has been designed to ensure there is no loss of privacy or overshadowing of the adjoining properties. The dwelling also provides a high level of articulation and design features to ensure it will not have an excessive bulk. Further the proposed dwelling has an overall complying height ensuring no unreasonable impact on the amenity of the adjoining properties.

The proposed dwelling is not expected to have any increased impact on residential amenity of the area as a result of its three-storey height and the objectives of the control are considered to have been achieved despite the requested variation. Therefore, a variation to this control is considered to be acceptable and should be supported in this instance.

Landscape forward of the building line – Council's DCP requires a minimum of 45% of the front setback to be landscaped, however the proposed development provides 40.5% and therefore requires a minor variation to this control.

It is understood that the objectives of the landscape requirements are to ensure that the landscape character is retained and enhanced along with providing increase amenity and improve privacy.



Providing an increased amount of impervious area to the front of the dwelling would result in significant changes to the design of the development and would prevent access to the garage via the driveway from being provided on the subject site. However, providing high quality landscaping to the front setback area outweighs the impact of the reduced landscape area and is considered to result in a suitable outcome for the site which currently contains minimal quality landscape planting.

In this instance the reduced landscaped area will not result in any impact beyond that of a compliant proposal and it is therefore considered reasonable and appropriate for the variation to be supported.

### Section 3 – Secondary Dwellings

<i>Requirement</i>	<i>Provision</i>	<i>Compliance</i>
<u>Lot size</u> – min. 450m <sup>2</sup>	Lot size 695.6m <sup>2</sup>	Yes
<u>Site coverage</u> – The total floor area of the principal dwelling and secondary ≤ max. floor area allowed for a dwelling house on the land under environmental planning instrument	See Clause 4.3 above	Yes
<u>Storeys</u> – Detached secondary dwelling – max. single storey and 3m wall height  Attached secondary dwelling – max. two storey  Sitting and landscape must be compatible with the existing slope and contours of the site and any adjoining sites.	No proposed change to existing height – 3.94m and 2.74m  N/A  No proposed change to existing sitting of the secondary dwelling or landscape	Yes  N/A  Yes
<u>Fill</u> – Max. 1m above ground level of existing	Existing secondary dwelling no fill proposed	N/A
<u>Setback</u>	No proposed change to existing setbacks	



Erection of secondary dwellings prohibited within 9m of existing animal boarding or training establishment.	No animal boarding or training establishments identified within 9m of the existing secondary dwelling	N/A
Street setbacks – Min. setback for a building wall to the primary street frontage is: 5.5m – first storey 6.5m – second storey	>5.5m provided N/A	Yes N/A
Min. setback to secondary street frontage: 3m – building wall 5.5m – garage or carport that is attached to the building wall	N/A	N/A
Side and rear setbacks – Wall height ≤7m – min. 0.9m  Wall height >7m – min. 1.5m	Min. 1m provided to side Min. 4.21m provided to rear N/A	Yes Yes N/A
<u>Private Open Space</u> Must not result in principal dwelling having less than required landscape and POS.	Principal dwelling capable of providing required landscape and POS as identified above.	Yes
<u>Access to sunlight</u> Min. 1 living area of secondary dwelling and of dwelling on adjoining site to receive 3hrs of sunlight between 8am-4pm at mid-winter solstice.  Min. 50% of private open space required for principal dwelling and on adjoining site must receive min. 3hrs sunlight between 9am-5pm. Where this is not existing 3hrs to not result in additional overshadowing	>3hrs of direct sunlight provided to living area of existing secondary dwelling and dwelling on adjoining site between 8am-4pm  >3hrs of sunlight to 50% of POS of principal dwelling and adjoining site provided	Yes  Yes



<p><u>Visual Privacy</u></p> <p>Where development proposes a window that looks directly into the living area or bedroom of an existing dwelling the development must –</p> <ul style="list-style-type: none"> <li>a) Offset the windows</li> <li>b) Min. sill height 1.5m above floor level</li> <li>c) Window cannot open and have obscure glazing to a min. height of 1.5m above floor level</li> <li>d) Use another form of screening</li> </ul> <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"> <li>a) Does not have an external staircase and</li> <li>b) Max. 1.5m width and</li> <li>c) Incorporates a form of screening to the satisfaction of Council such as partially recessing the balcony into the building</li> </ul>	<p>No proposed change to existing secondary dwellings windows or internal configuration of rooms. Existing living areas and bedrooms will not look directly into the proposed new principal dwelling or existing dwelling on adjoining allotments.</p>	<p>Yes</p>
<p><u>Building Design</u></p> <p>Max. 35° roof pitch for attached secondary</p> <p>Max. 25° roof pitch for detached secondary</p> <p>May allow an attic if:</p> <p>Design accommodates max. 2 small rooms and a bathroom</p> <p>Does not appear as a storey</p> <p>Basement is not permitted on a secondary dwelling</p>	<p>N/A</p> <p>No attic proposed</p> <p>No basement proposed</p>	<p>N/A</p> <p>Yes</p> <p>Yes</p>



Must not result in the principal dwelling having less than the required car parking spaces	Required car parking spaces to principal dwelling provided	Yes
Development in the foreshore protection area must use non-reflective materials that are compatible with the natural characteristics and colours of the area	Subject site is not identified in the foreshore protection area	N/A
The change of use of outbuildings to secondary dwellings must comply with National Construction Code.	Existing secondary dwelling to be retained	N/A
<u>Landscape</u> Development must retain and protect any significant trees on site and adjoining sites.	No trees proposed to be removed in relation with the existing secondary dwelling	Yes

### Section 11 – Liveable Housing

<i>Requirement</i>	<i>Provision</i>	<i>Compliance</i>
<u>New dwellings are to provide:</u> <ul style="list-style-type: none"> <li>• Capability for a safe and continuous path of travel from the street or car parking area into the dwelling</li> <li>• Internal doors with a clearance of 820mm</li> <li>• Corridors with a clearance of 1000mm</li> <li>• A toilet on ground floor level</li> <li>• A bathroom that contains a hobless shower recess</li> </ul>	<p>The proposed development has been provided with a safe and continuous path into the dwelling from the street including handrails at each side of the stairs</p> <p>820mm internal doors provided</p> <p>1000mm corridors provided</p> <p>Two toilets proposed on ground floor Provided</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>



<ul style="list-style-type: none"><li>Reinforced walls around the toilet, shower and bath to support safe installation of grabrails at a later date</li><li>Stairways designed with handrails and safe access</li></ul>	Provided	Yes
	Proposed stairways include handrails for safe access into the dwelling and up/down floor levels	Yes
The above dimensions and clearances are to be demonstrated on a floor plan	Provided on proposed floor plans	Yes

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#### Conclusion with respect to DCP requirements

The proposal is considered to generally satisfy all the relevant development standards relating to dwelling houses as contained within CBDP 2023.

#### **(iia) Relevant planning agreement, or draft planning agreements**

There are no known planning agreements that would prevent the proposed development from proceeding.

#### **(b) Likely impacts of the development, including environmental impacts on both the natural and built environment of the locality**

The following matters are understood to be relevant when considering on site impacts.

##### Siting and Design

The proposed dwelling will be compatible in terms of height, bulk and scale with the intended character of the area as it commences an urban renewal phase, in line with the low-density zone objectives.





The siting of the proposed dwelling provides appropriate boundary setbacks, contributing to spatial separation and openness between dwellings. The articulated design of the development will limit the impact on the adjacent properties in terms of bulk, privacy and overshadowing and will not dominate any perceived views enjoyed by others.

The front façade is appropriately articulated and contains a variety of elements along with an entry feature identifiable from the access handle. In this way, the proposal provides a clear definition of the entry and provides varied shadow lines due to the different construction elements and finishes.

#### Utilities

The site is connected to all necessary services and utilities including electricity, water, reticulated sewerage and telecommunications.

#### Sedimentation Control

Due to the topography of the site minimal excavation will be required for the construction of a level building platform, as shown on the development plans.

All disturbed areas will be provided with sedimentation controls in the form of geofabric fencing and/or stacked hay bales. Soil erosion control measures can easily be provided in accordance with Council's policy with compliance required as a condition of consent.

#### Waste Minimisation

All waste will be deposited within the waste receptacle in accordance with the waste management plan attached to this application.

#### Noise and Vibration

All work will be undertaken during hours specified within the development consent. No vibration damage is envisaged to occur during construction.



**(c) The suitability of the site for the development**

The subject site is within an established residential area within reasonable driving distance to local commercial, retail and transport facilities. The existing road network provides easy access to all locations.

The proposed dwelling, the subject of the application, can be constructed with all services necessary and have been designed to suit site constraints and the character of the surrounding residential setting.

The proposed works are permissible with development consent under the provisions of Canterbury-Bankstown Local Environmental Plan 2023, and generally satisfies the objectives of the Canterbury-Bankstown Development Control Plan 2023 as discussed above.

**(d) Any submissions made in accordance with this Act or the regulations**

Council will consider any submissions received during the relevant notification period for this development application.

**(e) Public interest**

As the proposal can satisfy the objectives of all relevant planning instruments and development control plan, approval of the subject dwelling is considered to be in the public interest.



## CONCLUSION

The proposed development has been considered in respect of the relevant Environmental Planning Instruments and is deemed to be satisfactory with respect to those requirements taking into consideration the overall merits of the design presented.

The residential use of the site is permissible with development consent under the provisions of Canterbury-Bankstown Local Environmental Plan 2023, and can satisfy the objectives of the relevant development control plan for the area.

It is considered that the construction of the proposed dwelling and swimming pool will complement and blend with the existing and likely future character of Panania. The proposal is not expected to have an adverse impact on the surrounding natural or built environment.

The appropriateness of the development has been evident within this statement and within the supporting documentation submitted to Council. The proposed dwelling appropriately identifies and relates to the sites use as a residential development.

Having considered the requirements of all environmental planning instruments and DCP's the proposed landuse activity is considered acceptable and maintains the integrity of the existing locality. There are no potential adverse impacts from the development having considered the relevant heads of consideration under S4.15 of the E P and A Act 1979.

Given the relevant planning policies, codes and requirements of the EP & A Act 1979 have been duly satisfied the proposed development is on balance worthy of approval.

Olivia McQuaid

Town Planner (PIA (Assoc.))

**Urban Planning & Building Consultants**

24 March 2025