

STATEMENT OF ENVIRONMENTAL EFFECTS



SITE: Lot 33 DP 11831
84 Lancaster Avenue
Punchbowl

PROPOSED DEVELOPMENT: Construction of a secondary dwelling and attached garage



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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 secondary dwelling and attached garage. This report is based on plans prepared by Universal Designs, Job No. UD2466 Issue 11, dated 18.08.2024.

The subject site is located on Lancaster Avenue, and is rectangular in shape. The allotment has a frontage of 12.19m, a depth of 76.81m and total site area of 935.8m². The site currently contains a one storey dwelling which is to be retained and a garage and shed which are proposed to be removed as part of this development.

The site has a gradual fall towards the rear of the allotment, two trees are required to be removed to allow for the proposed development. All required services are available to the allotment with the stormwater to be directed to an approved system in accordance with the attached drainage plan.

The surrounding neighbourhood consists of detached one storey dwellings that vary in architectural style. The site's neighbouring allotments feature single storey dwellings of brick and weatherboard construction respectively. Other allotments on Lancaster Avenue feature highly contemporary designs, consistent with an area at the early stages of urban renewal. No heritage items are noted on site, or within proximity to the subject site.

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

DESCRIPTION OF PROPOSED DEVELOPMENT

The proposed works include:

- Construction of a granny flat consisting of 2 bedrooms, an open plan living/dining room and kitchen, an attached garage, along with an attached alfresco,
- Provision of additional hardstand driveway to the proposed building,
- Demolition of two (2) outbuildings to make way for the new driveway to the proposed secondary dwelling,
- Removal of two trees.



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 2.119 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 classified road, and does not have a frontage or 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 two (2) trees to allow the proposed development to be sited. The removal of the identified trees 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. Replacement planting is to be provided as part of the proposed development 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.



A stormwater management plan has been provided with this application which will demonstrate that the cumulative impact on water quality for the catchment area will be minimal. The proposal will be consistent with the objectives of the SEPP, particularly in relation to total catchment management and water quality.

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 or 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 as a "*secondary dwelling*" being "*a self-contained dwelling that—*

- (a) is established in conjunction with another dwelling (the principal dwelling), and*
- (b) is on the same lot of land as the principal dwelling, and*
- (c) is located within, or is attached to, or is separate from, the principal dwelling."*



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

Clause 2.3 Zone Objectives and land use table

The objectives of the R2 Zone are:

- *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 compliments the existing residential setting. Residential amenity can be maintained by the proposed development as the site is within an existing residential area intended for this form of development.

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

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

The proposed secondary 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 ridge height	N/A – see part 2A(a) below	N/A
2A(a) requires secondary dwellings in R2 zone identified in area 1 that are not attached to the principal dwelling to have a maximum height 6m	5.902m	Yes
2B requires secondary dwellings in R2 zone identified in area 1 that are not attached to the principal dwelling to have a maximum wall height 3m	3m	Yes

Clause 4.4 Floor Space Ratio

<i>Requirement</i>	<i>Provision</i>	<i>Compliance</i>
0.5:1	0.35:1	Yes

Clause 4.6 Exceptions to development standards

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

Part 5 Miscellaneous provisions

Clause 5.4 Controls relating to miscellaneous permissible uses

(9) Secondary dwellings on land other than land in a rural zone. If development for the purposes of a secondary dwelling is permitted under this Plan on land other than land in a rural zone, the total floor area of the dwelling (excluding any area used for parking) must not exceed whichever of the following is the greater—

- (a) 60 square metres,*
- (b) 10% of the total floor area of the principal dwelling.*



The secondary dwelling has a gross floor area of 59.49m² and therefore does comply with this requirement.

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 a heritage item and is not located within proximity to any heritage items or conservation areas.

Clause 5.11 Bush fire hazard reduction

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

Clause 5.21 Flood planning

The subject site is not known to be located within a flood planning area.

Part 6 Additional local provisions

Clause 6.1 Acid sulphate soils

The subject property is identified as being affected by Class 5 Acid Sulphate Soils. The proposal does not require excavation more than 1 meter below the existing natural ground level and is not considered to lower the water table by 1 meter. The proposed dwelling requires minor excavation within the footprint area only to provide footings / foundations for the proposed development. The development is not anticipated to have any specific requirement in respect to Acid Sulphate Soils.

Clause 6.2 Earthworks

No earthworks are proposed to site the proposed dwelling, utilising the existing sites typography.

* * *



Conclusion with respect to LEP requirements

The proposal is considered to generally satisfy the relevant objectives and development standards relating to secondary dwellings contained within the Canterbury-Bankstown Local Environmental Plan 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>
<u>Chapter 2.1 Site Analysis</u> 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 secondary dwelling and therefore does not require a site analysis plan.	N/A



<u>Chapter 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>Chapter 2.3 Tree Management</u>	Two trees are proposed to be removed to site the proposed development. Please refer to arborist's report provided with this application.	Yes

Chapter 3 – General Requirements

<i>Requirement</i>	<i>Provision</i>	<i>Compliance</i>
<u>Chapter 3.1 Development Engineering Standards</u>		
<u>Section 2 civil engineering requirements</u>		
<i>2.1 Vehicular footway crossing design and construction</i>	No change to existing driveway width.	N/A
Must provide. widths in accordance with table 2a		
Residential: Width at boundary		
Min. 2.75m		
Max. 5.5m		
<i>2.3 Internal driveway requirements</i>		
Car able to access and exit in one motion	Existing driveway allows vehicles to enter and exit the property in one motion	Yes
<i>2.4 Sight distance requirements</i>		
Refer to the Australian Standard AS 2890.1 for minimum sight distance requirements.	Unchanged by the proposed development.	N/A
<u>Section 3 Stormwater drainage systems</u>		



<p><i>3.1 Development impacted by stormwater systems</i></p>	N/A	N/A
<p><i>3.2. Disposal of stormwater run off</i> To be designed to connect to Council's system at nearest suitable location.</p>	Please refer to Stormwater Management Plan provided with this application.	Yes
<p><i>3.4 Roof gutter design</i> Roof, eave and /or box gutters must be sized using formulas in accordance with the Australian Standard AS/NZS 3500 and Table 4b</p>	Roof, eaves and gutters to be designed in accordance with the Australian Standards.	Yes
<p><i>3.6 Alternative solutions for stormwater disposal from single dwellings and dual occupancies</i> Council will consider alternative system solutions where drainage to a Council system cannot be achieved under gravity.</p>	Suitable stormwater drainage plans provided for Council's consideration	Yes
<p><u>Chapter 3.2 Parking</u> <u>Section 2 – Off street parking rates</u> Secondary dwellings – 1 car space</p> <p>Car parking and associated spaces such as access aisles in excess of requirement will be counted as gross floor area.</p>	<p>Construction of an attached garage to provide one (1) car parking space.</p> <p>Noted – no change to existing dwelling parking provisions.</p>	Yes
<p><u>Section 3 – Design and layout</u> <i>3.1 Parking location - Must not locate entries:</i> Close to intersections/signalised junctions</p>	N/A - No change to existing driveway at the boundary or kerb.	N/A



<p>Where adequate sight distance is not available</p> <p>Opposite parking entries</p> <p>Where right turning traffic entering may obstruct through traffic</p> <p><i>3.3 Where above ground parking is the only solution, to be at the rear of buildings.</i></p> <p><i>3.8 Location of driveways to allow shortest, most direct access over the nature strip from the road</i></p> <p><i>3.11 Residential development driveway widths:</i></p> <p>One way – 3m clear width min.</p> <p>Two way – 5.5m clear width min.</p>	<p>All parking to remain behind the front building line.</p> <p>No proposed change to existing driveway</p> <p>No proposed change to existing driveway width. 3m minimum driveway width provided.</p>	<p>Yes</p> <p>N/A</p> <p>Yes</p>
<u>Chapter 3.3 Waste Management</u>	Waste management plan provided.	Yes
<u>Chapter 3.4 Sustainable Development</u>	Basix certificate provided	Yes
<u>3.5 Subdivision</u>	Subdivision does not form part of the proposed development	N/A
<u>3.6 Signage</u>	Signage does not form part of the proposed development	N/A
<p><u>3.7 Landscape</u></p> <p>New landscaping to complement existing street landscaping</p> <p>Consider the retention of trees</p> <p>Landscape design is to contribute to and take advantage of the sites characteristic's</p> <p>Retain, protect and enhance indigenous/native vegetation</p>	<p>The proposed development will involve the removal of two trees and additional landscaping is to be provided as per the landscape plan to make up for their loss. Vegetation to be planted includes a range of indigenous and native plants.</p>	<p>Yes</p>



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

5.2. Former Canterbury LGA

Section 7 – Secondary dwellings

Where an application for a secondary dwelling is made to Council within the Former Canterbury LGA, an assessment of the relevant provisions of the State Environmental Planning Policy (Housing) 2021 and the Canterbury-Bankstown LEP 2023 will be undertaken by Council to determine its compliance. This report has already addressed the relevant provisions of the CBLEP2023 above, please find relevant assessment of the proposed development under Schedule 1 of the Housing SEPP below.

State Environmental Planning Policy (Housing) 2021

Schedule 1 Development Standards for Secondary Dwellings

<i>Requirement</i>	<i>Provision</i>	<i>Compliance</i>
<u>Part 2 Site Requirements</u> <u>2. Lot requirements</u> May only be carried out on a lot that: a) At completion will only have one principal dwelling and one secondary dwelling, and b) If it is not a battle-axe lot, has boundary with primary road, measured at the building line of at least: <ul style="list-style-type: none">• 12m if lot $\geq 450\text{m}^2 < 900\text{m}^2$• 15m if lot $\geq 900\text{m}^2 < 1500\text{m}^2$• 18m if lot $\geq 1500\text{m}^2$	Proposed development would result in one principal dwelling and one secondary dwelling Site area of 935.8m ² Width <15m / 12.19m N/A	No - See below N/A



<p>c) If battle-axe lot, has an access laneway min. 3 width and min. 12m x 12m excluding access laneway Must have lawful access to a public road</p> <p><u>3. Maximum site coverage of all development</u> The site coverage of the principal, secondary and ancillary development must not be more than:</p> <p>a) 50% of area if lot $450\text{m}^2 < 900\text{m}^2$ b) 40% of area if lot $\geq 900\text{m}^2 < 1500\text{m}^2$ c) 30% of area if $\geq 1500\text{m}^2$</p> <p><u>4. Maximum floor area for principal and secondary dwelling</u> Secondary dwelling max. 60m^2 or a greater floor area if permitted under another environmental planning instrument (10% of dwelling CBLEP2023)</p> <p>Principal dwelling, secondary dwelling and any carport, garage, balcony, deck, patio, pergola, terrace or verandah must not be more than –</p> <p>a) 330m if lot $\geq 450\text{m}^2 < 600\text{m}^2$ b) 380m if lot $\geq 600\text{m}^2 < 900\text{m}^2$ c) 430m if lot $\geq 900\text{m}^2$</p> <p><u>5. Maximum floor area for balconies, decks, patios, pergolas, terraces and verandahs</u> Max. 12m^2 floor area of a balcony, deck, patio, pergola, terrace or verandah</p>	<p>Existing access via Lancaster Avenue</p> <p>374.32m² permitted Proposed 211.32m²</p> <p>Proposed secondary dwelling floor area – 59.49m²</p> <p>Max. 211.32m²</p> <p>Proposed alfresco is 9.27m² in size. Alfresco is sited less than 2m above NGL.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>
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attached to a principal dwelling or secondary dwelling with a floor level >2m above GFL.		
<u>Part 3 Building heights and setbacks</u> <u>6. Building height</u> Max. 8.5m <u>7. Setbacks from roads, other than classified roads</u> <u>8. Classified road minimum setbacks –</u> As per any other environmental planning instrument or 9m in any other case <u>9. Side setbacks –</u> Lots $\geq 450\text{m}^2 < 900\text{m}^2$ – min. 0.9m Lots $\geq 900\text{m}^2 < 1500\text{m}^2$ - min. 1.5m Lots $\geq 1500\text{m}^2$ - min. 2.5m Setback must not be less than 25% of the additional building height above 3.8m – 530mm required <u>10. Rear setbacks –</u> Lots $\geq 450\text{m}^2 < 900\text{m}^2$ – min. 3m Lots $\geq 900\text{m}^2 < 1500\text{m}^2$ - min. 5m and an additional amount equal to 3 times the height above 3.8m – 11.36m Lots $\geq 1500\text{m}^2$ - min. 2.5m <u>13. Articulation Zone</u> Must not result in neither the principal dwelling nor the secondary dwelling having a front door and a window to a	5.902m No change to existing front setback to road from existing principal dwelling and proposed dwelling is to be located behind. Not in proximity to any classified road Min 1.505m provided Min. 1.505m provided 1.521m setback provided. Secondary dwelling located to the rear of the allotment, obscured by the primary dwelling. Entry door and front	Yes Yes N/A Yes No – See below No – See below Yes



<p>habitable room in the building wall that faces a primary road.</p> <p>Must not result in neither principal dwelling nor the secondary dwelling having a window to a habitable room in a building wall that faces a parallel road.</p> <p>May incorporate an articulation zone from the secondary dwelling to a primary road unless the secondary dwelling has a setback from the primary road of less than 3m.</p> <p><u>15. Privacy</u> New window in the principal or secondary dwelling required to have a privacy screen if –</p> <ul style="list-style-type: none"> a) Is a habitable room, other than a bedroom and has a floor level >1m above EGL b) Setback <3m c) Has a sill <1.5m <p>Balcony, deck, patio, pergola, terrace or verandah to have a privacy screen if</p> <ul style="list-style-type: none"> a) Setback <3m from side or rear boundary b) Floor area > 3m² c) Floor level >1m above EGL 	<p>windows facing back of dwelling, not a primary road.</p> <p>Not a parallel lot</p> <p>Secondary dwelling does not face a primary road.</p> <p>Capable of providing - Family, dining and kitchen room located >1m above EGL, windows W07 and W01.</p> <p>Privacy screen provided to proposed alfresco.</p>	<p>N/A</p> <p>N/A</p> <p>N/A</p> <p>Yes</p>
<p><u>Part 4 Landscaping</u> 16. Landscaped Area Lots ≥450m²<600²m – min. 20% Lots ≥600m²<900²m – min. 25% Lots ≥900m²<1500²m – min. 35% Lots ≥1500m² - min. 45%</p>	<p>Min. 327.53m² / proposed 441m²</p>	<p>Yes</p>



<p><u>17. Principal Private Open Space</u> Min. 24m² Is directly accessible from, and adjacent to, a habitable room, other than a bedroom min. 4m wide max. 1:50 gradient</p>	<p>Sufficient left-over open space to the front of the secondary dwelling to provide a 24m² PPOS compliant with a 4m minimum width and maximum 1:50 gradient.</p>	<p>Yes</p>
<p><u>Part 5 Earthworks and drainage</u> <u>18. Earthworks, retaining walls and structural support</u> Cut/fill within 1.5m-3m of the boundary: 3m</p> <p><u>19. Drainage</u> Stormwater collecting as a result of secondary dwelling to be conveyed by gravity fed/charged system to:</p> <ul style="list-style-type: none"> a) Public drainage system b) Inter-allotment drainage system, or c) An on-site disposal system <p><u>20. Setbacks of secondary dwellings and ancillary structures from protected trees</u> Secondary dwellings/ancillary structures to be setback from protected trees by 3m</p>	<p>Only minor excavation required as part of this application. Considered to be <3m of cut and fill. The secondary dwelling can be appropriately sited with minimal fill by the use of deepened edge beams to site the building. Any fill will be restricted to the footprint of the secondary dwelling.</p> <p>Proposed secondary dwelling to utilise existing approved stormwater drainage of the principal dwelling.</p> <p>Proposed development sited to be >3m from any nearby tree.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>



Variation Requests

Lot width – Council's DCP requires lots greater than 900m² and less than 1500m² to have a minimum width of 15m for a secondary dwelling development. The subject site has a width of 12.19m and therefore requires a variation to this control.

The lot width, although less than what the development standard seeks, does not present inadequate site width to allow a secondary dwelling. The proposed secondary dwelling has been designed with consideration of the allotment width to ensure that the development is in keeping with residential development in the surrounding area.

The site currently contains a dwelling of which the proposed secondary dwelling would sit behind and therefore is not expected to have a detrimental impact on the residential streetscape character of the area or on the environmental quality of the area.

The subject site is considered to be of a suitable size to accommodate a principal and secondary dwelling without creating a development that would create an undesirable density, or adverse impacts upon the neighbouring dwellings or principal dwellings privacy and private open space. It is therefore requested that a variation to this control is considered acceptable and should be supported in this instance.

Setback – The required rear setback as per the secondary dwelling provisions within the Housing SEPP 2021 is 5m, and an additional amount equal to three times the height of the building above 3.8m. The building height of the proposed secondary dwelling is 5.902m, providing 2.102m above 3.8m. This results in an additional 6.306m within the rear setback on top of the minimum 5m, resulting in the requirement to provide an 11.306m rear setback to the secondary dwelling. The proposed rear setback is 1.505m, therefore requiring a variation to this control.

It is understood that this control is in place to prevent secondary dwellings from affecting neighbouring allotments' private open space and privacy requirements. In the case of the subject development, sufficient consideration has been given to protecting the privacy of the allotment that shares the subject site's rear boundary – 32 James Street, Punchbowl. Only a single half-sized window faces the James Street allotment, located at a counter-top height which will prevent significant intrusions into the privacy of the rear allotment.



Additionally, due to the arrangement of the two allotments which are in question, the overlooking of the secondary dwelling would only pertain to a small amount of the site at 32 James Street as it is orientated to the opposite direction of the subject site. This means that whilst some overlooking will be created by this development, it will only be over a small patch of the land at 32 James Street roughly equal to the size of the secondary dwelling itself. Overlooking to the extent of the primary dwelling on 32 James Street will be avoided by the shape and siting of the allotments.

It is considered that the siting of the secondary dwelling is in the most appropriate location, providing sufficient privacy for both the primary and secondary dwellings. By siting the secondary dwelling at the much larger setback of 11.306m, the privacy and private open space area would be reduced for the primary dwelling, resulting in an outcome against the objectives of this control.

It is anticipated that there will be no further impact by the proposed setback to the privacy and amenity of surrounding allotments than that of a compliant development. It is therefore requested that a variation be supported in this instance.

Section 9 – Liveable Housing

<i>Requirement</i>	<i>Provision</i>	<i>Compliance</i>
A safe continuous and step free path of travel from the street entrance and/or parking area to a dwelling entrance.	Capable of providing continuous path to building.	Yes
Min. 1 step free entrance into the dwelling	No – proposed steps to dwelling entrance	For Council's consideration
Internal doors and corridors that facilitate comfortable and unimpeded movement between spaces	Capable of complying all doors min. 820mm	Yes
A toilet on the ground floor (or entry) level that provides easy access	No – proposed secondary dwelling is located on first floor	For Council's consideration
A bathroom that contains a hobless shower recess	Capable of complying	Yes
Reinforce walls around the toilet, shower and bath to support the safe installation of grabrails at a later date	Capable of complying	Yes



Stairways are designed to reduce the likelihood of injury and also enable future adaption.	No proposed internal stairs Proposed external stairs to be suitable designed	N/A Yes
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* * *

Conclusion with respect to DCP requirements

The proposed development generally complies with the relevant development controls relating to secondary dwellings within the Canterbury-Bankstown Development Control Plan 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 secondary dwelling will be compatible in terms of height, bulk and scale with recent developments within the area.

The siting of the proposed development provides appropriate boundary setbacks, contributing to spatial separation and openness between dwellings. The articulated design of the proposed secondary dwelling and double garage 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.



Utilities

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

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 secondary dwelling and double garage, 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 a secondary dwelling will complement and blend with the existing and likely future character of Punchbowl. 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 secondary dwelling and double garage 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.

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