

STATEMENT OF ENVIRONMENTAL EFFECTS 78 BROADWAY PUNCHNBOWL

Proposal: Construction of a detached secondary dwelling

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Note:

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1. Executive Summary

This Statement of Environmental Effects has been prepared for submission to the city of Canterbury-Bankstown Council (CBC) for a development that is proposing the *“Construction of a detached secondary dwelling”*. The development site is identified as 78 Broadway Punchbowl, legally identified as Lot A DP 308042.

The subject site is zoned R4 High Density Residential pursuant to the Canterbury-Bankstown Local Environmental Plan (CBLEP) 2023. This Statement of Environmental Effects provides a detailed assessment against the relevant development standards and the relevant development guidelines that are applicable to the site in accordance with the provisions of the Environmental Planning and Assessment Act 1979 (EP&A Act).

2. Site and Locality

The subject site identified as 78 Broadway Punchbowl, legally identified as Lot A DP 308042. The site is currently benefited from a detach dwelling with associated outbuildings. The site is a regular shaped allotment with a site area of 453.7m², with a frontage of 10.06m along Broadway a northern side boundary of 45.11m a southern boundary of 45.11m and a rear eastern boundary of 10.06m.

The surrounding locality is primarily characterised by a mixture of low-density and high-density residential environment. The properties within the surrounding locality of the subject site consist of detached dwellings of single and double storey construction, with several 3-4 storey residential flat buildings of masonry construction.

The subject site is located in an R4 High Density zone. The development provides for a design that is consistent with objectives of the R4 zone and provides a suitably designed development that is consistent with the future character of the area.

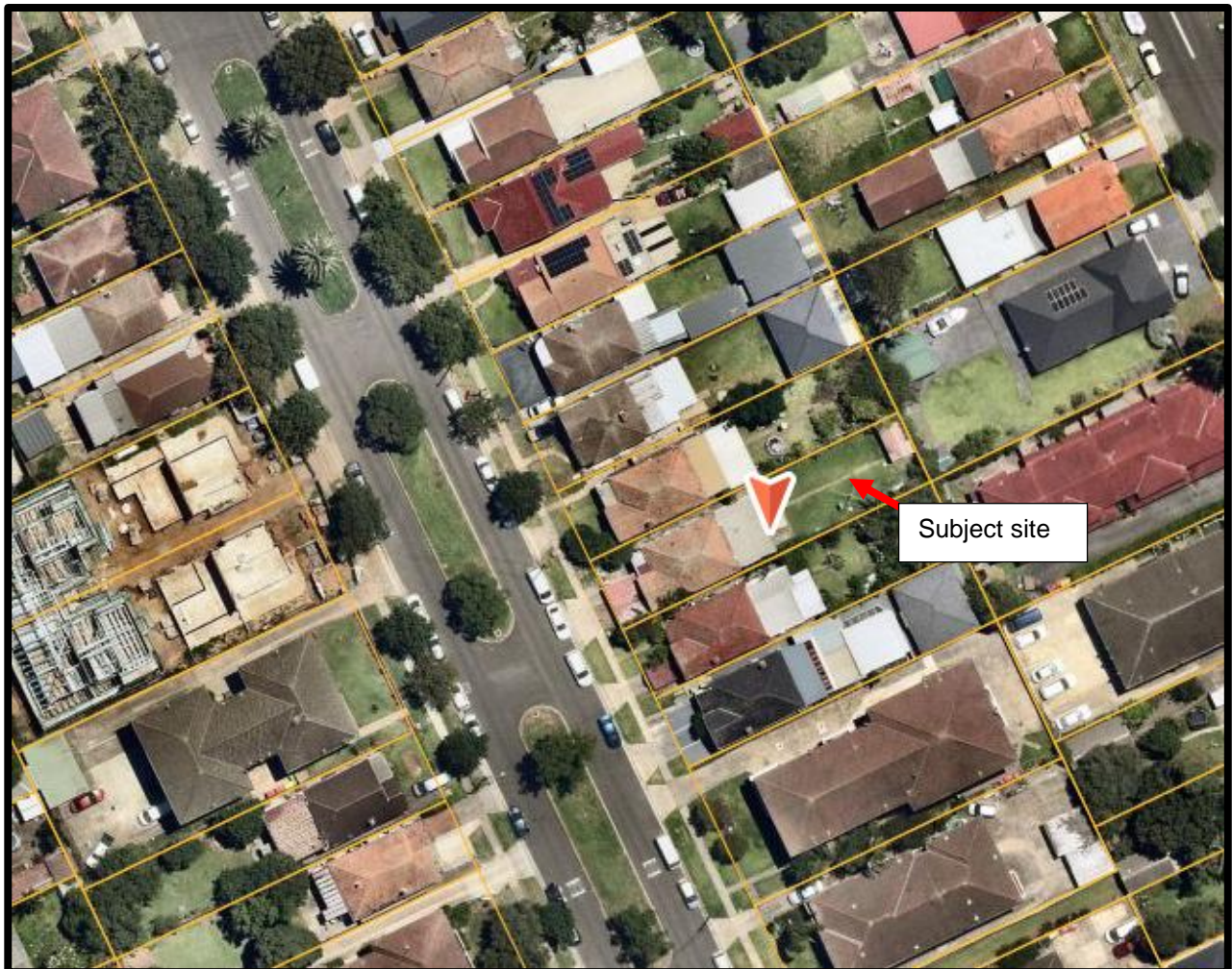


Figure 1: Aerial view of the site identified as 78 Broadway Punchbowl

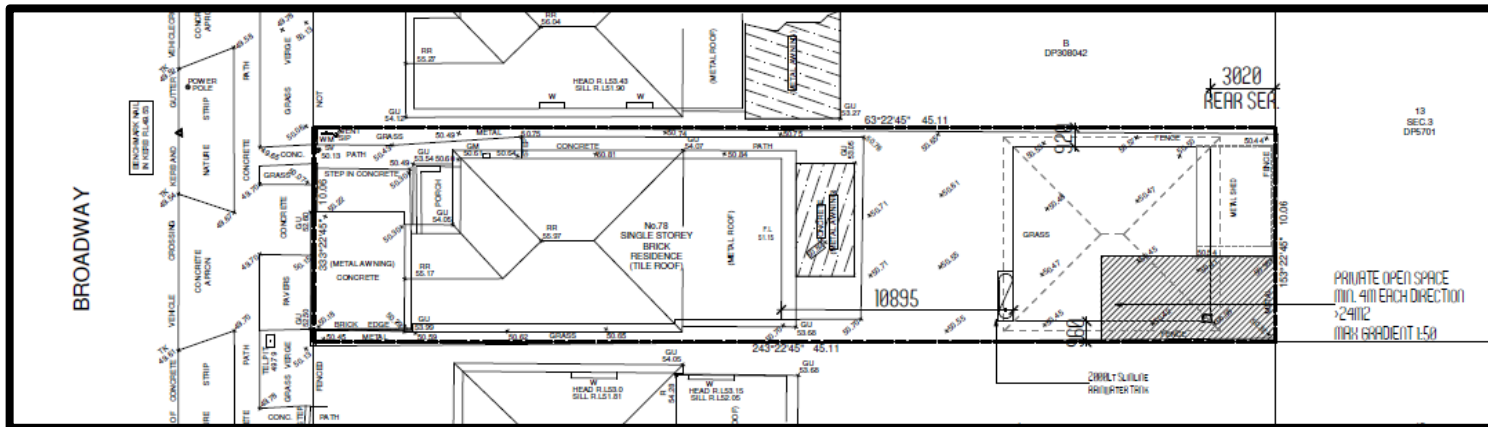


Figure 2: Site Plan

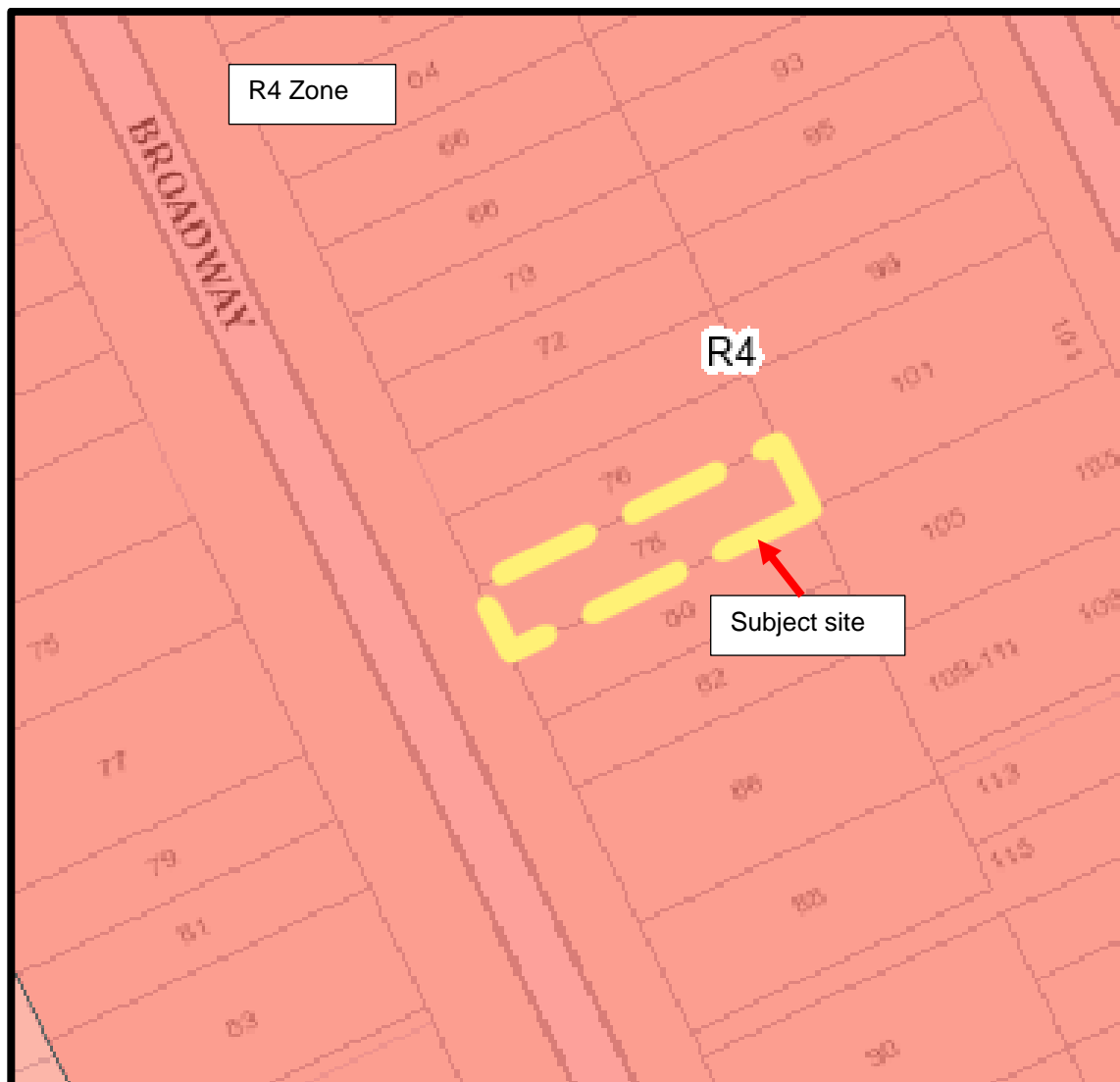


Figure 3: Zoning Map of the area - (Source NSW e-planning portal)

3. Proposed Development

The proposed development consists of:

“Construction of a detached secondary dwelling”. A detailed description is provided below.

- Ground floor consists of 2 x bedrooms, kitchen/dining room and a bathroom.
- The rear dining room leads out to a POS area with an alfresco with a dimension of 4m and a width of 4m.

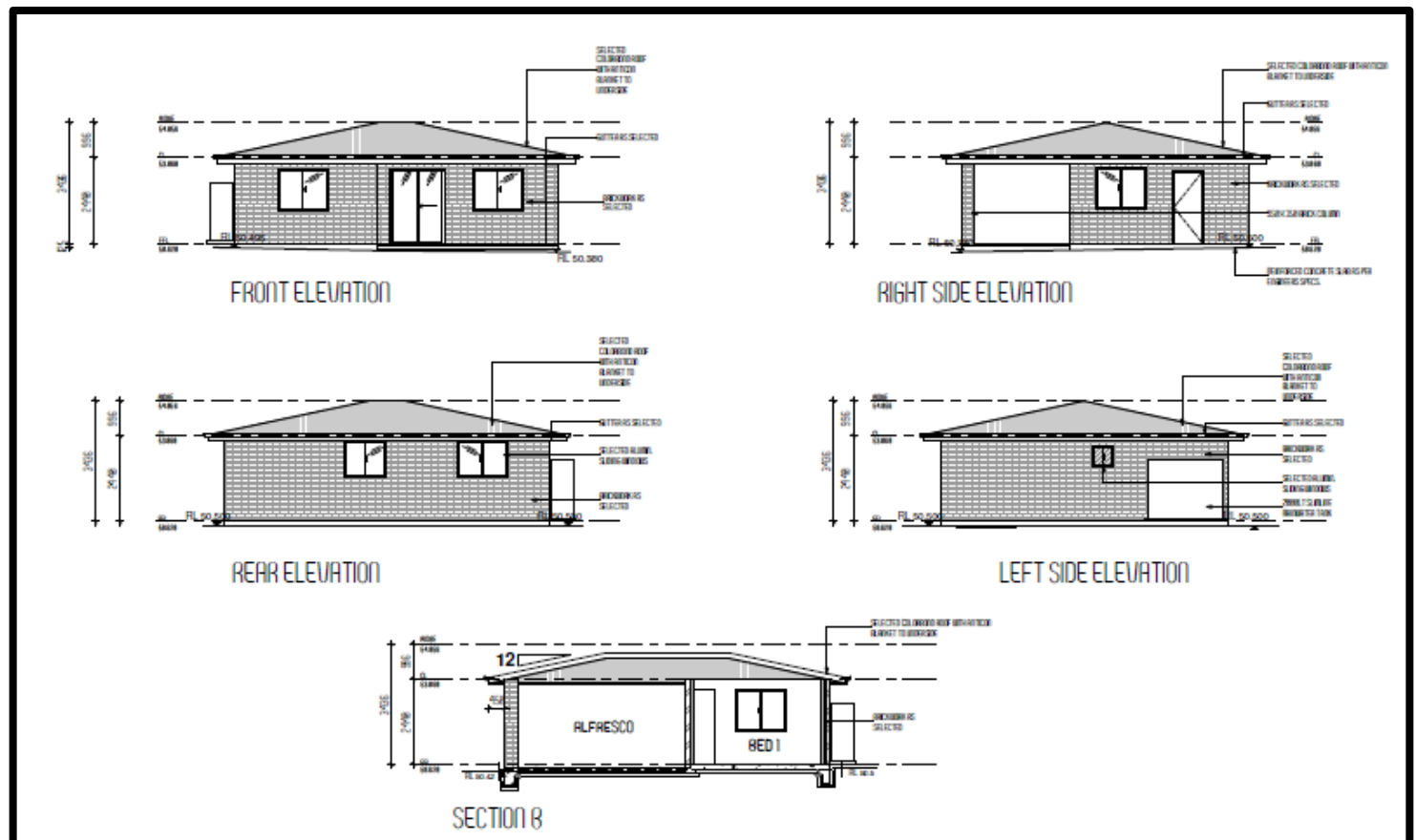


Figure 4: Proposed elevations

4. Site Constraints

| Site Constraint | Yes/No |
|--|---|
| Bushfire | No |
| Flooding | No |
| Heritage Items | No – However the site fronts the Broadway which is identified as a heritage item. Given the nature of the proposed works being located at the rear of the allotment, the proposed secondary dwelling will not impact the heritage significance of the road. |
| Aboriginal heritage | No |
| Environmentally Significant Land | No |
| Threatened Species/ Flora/ Habitat/ Critical Communities | No |
| Acid Sulphate Soils | No |
| Flight Paths | No |

| | |
|-----------------------------|----|
| Railway Noise | No |
| Road Noise/ Classified Road | No |

5. Section 4.15 Planning Assessment

The following planning instruments have been considered in the planning assessment of the subject Development Proposal

- (a) State Environmental Planning Policy (Biodiversity and Conservation) 2021 – Chapter 6, Waterway Catchments
- (b) State Environmental Planning Policy (Resilience and Hazards) 2021 – Chapter 4, Remediation of Land
- (c) State Environmental Planning Policy (Sustainable Buildings) 2022
- (d) Canterbury-Bankstown Local Environmental Plan (CBLEP) 2023
- (e) Canterbury-Bankstown Development Control Plan (CBDCP) 2023
 - o Chapter 5.2 – Residential Accommodation – Former Canterbury LGA.
 - o State Environmental Planning Policy (Housing) (SEPP Housing) 2021 – Schedule 1 – Secondary Dwelling

(a) State Environmental Planning Policy (Biodiversity and Conservation) 2021 – Chapter 6, Waterway Catchment

The subject land is located within the Georges River Catchments and as such State Environmental Planning Policy (Biodiversity and Conservation) 2021 – Chapter 6, Waterway Catchment applies to the application. The SEPP generally aims to maintain and improve the water quality and river flows of the Georges River and its tributaries.

The proposed development involves the construction of a detached secondary dwelling and is unlikely to have a detrimental impact on the environmental quality of the Georges River Catchment and thus is consistent with the relevant objectives of the SEPP.

(b) State Environmental Planning Policy (Resilience and Hazards) 2021 – Chapter 4, Remediation of Land

In accordance with Clause 4.6(1) Council must not consent to the carrying out of any development on land unless it has considered whether the land is contaminated, and 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.

Due to the existing and surrounding residential uses there is nothing to indicate that the site would be affected by soil contamination. The site has been used for residential purposes for a prolonged and extended period of time, therefore would unlikely contain contaminated land.

With consideration to the above-mentioned points there is no sufficient evidence to suggest that the land is contaminated and therefore a land contamination assessment is not considered to be necessary at this stage. Based on the conclusions above it is considered that the site is suitable for the proposed development and land use and has adequately addressed Clause 4.6(1) of the SEPP.

(c) State Environmental Planning Policy (Sustainable Buildings) 2022

Chapter 2 – Standards for Residential Development - BASIX

BASIX Certificates have been provided for the proposal. The BASIX certificates demonstrate that the development has incorporated sufficient energy and water saving protocols to demonstrate satisfactory compliance with the BASIX SEPP.

(d) **Canterbury Bankstown Local Environmental Plan (CBLEP) 2023**

(i) **Zoning**

The subject site is zoned R4 High Density Residential, pursuant to the CBLEP 2023.

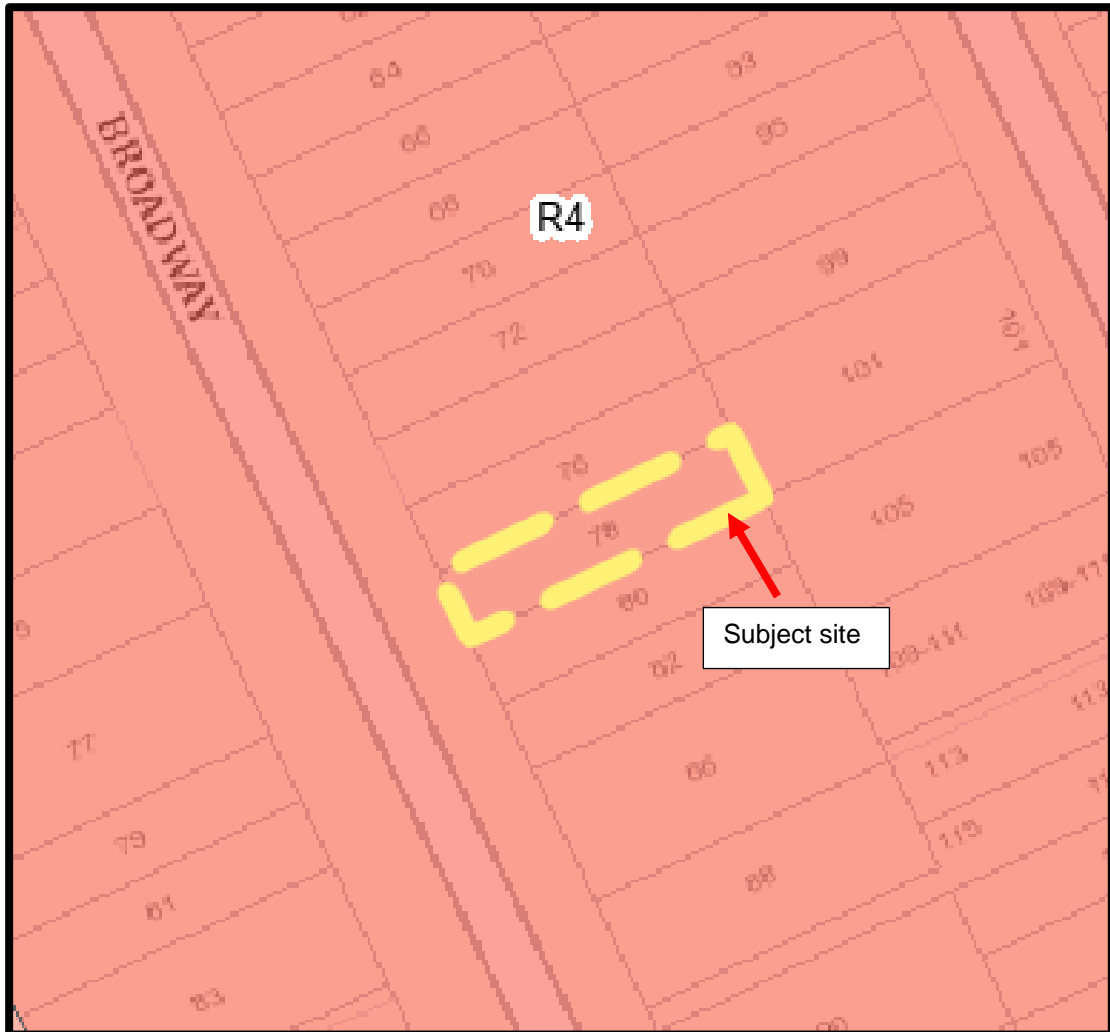


Figure 5: Zoning Map of the area - (Source NSW e-planning portal)

(ii) **Permissibility**

The development proposes the “*Construction of a detached secondary dwelling*”.

The proposal involves the construction of secondary dwelling. This element of the proposal is best defined as a “*secondary dwelling*”. Secondary Dwellings are permissible with consent in the R4 Zone, as indicated in the extract from the CBLEP 2023 below.

3 Permitted with consent

*Attached dwellings; Bed and breakfast accommodation; Boarding houses; Building identification signs; Business identification signs; Car parks; Centre-based child care facilities; Community facilities; Dwelling houses; Early education and care facilities; Environmental facilities; Environmental protection works; Exhibition homes; Flood mitigation works; Home businesses; Multi dwelling housing; Neighbourhood shops; Oyster aquaculture; Places of public worship; Recreation areas; Residential flat buildings; Respite day care centres; Roads; **Secondary dwellings**; Serviced apartments; Shop top housing*

Having regard to the above, the development is permissible, pursuant to the applicable EPI and can be proposed.

(iii) Objectives of the Zone

The objectives of the zone are as follows:

- *To provide for the housing needs of the community within a high-density residential environment.*
- *To provide a variety of housing types within a high-density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day-to-day needs of residents.*
- *To minimise conflict between land uses within this zone and land uses within adjoining zones.*
- *To allow for increased residential density in accessible locations to maximise public transport patronage and encourage walking and cycling.*
- *To promote a high standard of urban design and local amenity.*

Comment: The development is consistent with the applicable objectives of the R4 zone in that it is providing for a development that will facilitate for the housing needs of the community in a high-density residential environment. The proposal contributes to the variety of housing types within the future surrounding high-density environment.

The proposal has been designed to ensure a high level of residential amenity is maintained for surrounding residents and potential future residents of the proposed development. The development has been designed to be of a bulk and scale that is consistent with the existing and future character of the area.

The proposal has been designed to limit any detrimental impacts on the surrounding built environment, by providing a design that does not create a detrimental impact in terms of privacy and overshadowing on adjoining properties. The secondary dwelling has been built towards the rear of the site, and is built in accordance with the site constraints. The proposed secondary dwelling is a consistent built form within the locality, particularly when having regard to sites, north and south of the development, which comprise of secondary dwellings on sites with similar site areas and frontages.

(iv) Summary of the Development Standards Applicable under the CBLEP 2023

| Development Provision | Requirement | Proposed |
|---|---|---|
| 4.3 (2A) (a) Height of Buildings | Max Height 8.5m | Complies Proposed height of building is 3.436m |
| 4.4 Floor Space Ratio | Max FSR 0.75:1 | Complies The overall FSR of proposed with main dwelling and secondary dwelling is 0.41:1 |
| 5.4 (9) – Controls relating to miscellaneous permissible uses | Secondary dwelling is to be a maximum 60m ² or 10% of the principle dwelling whichever is greater. | Complies Secondary dwelling is 60m ² |

(e) Canterbury-Bankstown Development Control Plan (CBDCP) 2023

An assessment against the applicable guidelines of the CBDCP 2023, specifically Chapter 5.1 – Former Bankstown LGA, section 3 – Secondary Dwellings is provided below

| CBDCP 2023 – Part 5.2 – Former Canterbury LGA | | |
|--|----------|----------|
| Section 7 – Secondary Dwellings | | |
| Control | Required | Complies |
| Frontage | | |
| <p>C1 - Where an application to Council is made for a secondary dwelling, the minimum frontage required for secondary dwellings will be considered on merit taking into consideration compliance with Canterbury City Council's Secondary Dwelling (Granny Flat) Policy (adopted on 15 October 2009 by CDC Minute 295)</p> <p>Comment: The SEPP (Housing) requires a boundary to a primary of 12m; however, the subject allotment has a boundary to Broadway of 10.06m, which is less than 12m.</p> <p>In consideration of the merit of the proposal the application has had consideration to the secondary dwelling policy and the objectives of the clause and the existing built form within the immediate locality. The policy makes reference to the standards for secondary dwellings pursuant to the SEPP (Housing) 2021, in particular Schedule 1 in relation to secondary dwellings. As can be seen from the table below, the proposal is consistent where required for secondary dwellings, particularly having regard to floor area, site coverage, setbacks, landscaping and POS. It is on this basis, the secondary dwelling is able to be accommodated on the site, in line with the applicable design standards, notwithstanding the boundary not achieving the 12m.</p> <p>Moreover, the subject allotment, complies with the development standards of the LEP and the SEPP, in that the site exceeds 450m², and the secondary dwelling does not exceed 60m² in GFA. The overall site remains consistent with the applicable height limit and FSR for the site, when considering the existing dwelling and proposed secondary dwelling.</p> <p>In reference to the Clause the relevant objectives of the clause are as follows;</p> <ul style="list-style-type: none"> • <i>To ensure that land to be developed is of an adequate size and shape to accommodate development whilst providing adequate amenity for occupants of the site and surrounds.</i> • <i>To ensure there is adequate area for vehicle access and parking.</i> • <i>To ensure sites have sufficient dimensions to accommodate adequate landscaped open spaces.</i> <p>The proposed allotment is of an appropriate size, and a regular shaped allotment. The development maintains a single storey-built form, to limit the privacy and overshadowing impacts on adjoining development. The secondary dwelling is designed to include north and east facing habitable room windows to ensure adequate solar access is retained for future occupants. The development maintains a POS area for the main dwelling and secondary dwelling with a north orientation to ensure the development site maintains an adequate area</p> | | |

for private recreation for both occupants of the main dwelling and secondary dwelling. The proposed secondary dwelling is located at the rear of the allotment, with limited visibility from the public domain, thus limiting any adverse streetscape impacts as a consequence of the development.

The development does not create any additional adverse impacts on vehicular access to and from the site.

The proposal maintains adequate landscaped and POS areas, in line with Schedule 1 as detailed below.

The proposed secondary dwelling is aligned with the existing built form in the immediate locality, where detached secondary dwelling is constructed on sites with frontages less than 12m. Particularly reference is made to the sites located at 72 and 74 Broadway to the north and 82 Broadway to the south.

Therefore, having regard to the above, the proposal is consistent with the SEPP (Housing) – Schedule 1, the objectives of the Clause and the prevailing built form character along Broadway. It is on this basis, that the proposal is acceptable on merit, notwithstanding the boundary width.

SEPP Assessment

C2 - All applications for secondary dwellings will be assessed against Schedule 1 of the State Environmental Planning Policy (Housing) 2021.

Refer to Schedule 1 Assessment below

Lot Requirements

2 – Lot Requirements

(1) Development for the purposes of a secondary dwelling or an ancillary structure may only be carried out on a lot that—

(a) at the completion of the development will have only 1 principal dwelling and 1 secondary dwelling, and

(b) for a lot other than a battle-axe lot—has a boundary with a primary road, measured at the building line, of at least the following—

The proposed development will have only the primary and secondary dwelling on the allotment

Non-compliant, subject allotment has a width at the building line of 10.06m, refer to discussion under C1 above.

| | | |
|------------------------|--|---|
| | <p>(i) if the lot has an area of at least 450m² but not more than 900m²—12m,</p> <p>(2) A lot on which a new secondary dwelling is erected must have lawful access to a public road.</p> <p>(3) Nothing in this Schedule requires the provision of additional parking spaces for development for the purposes of a secondary dwelling.</p> | <p>The lot has access to Broadway</p> <p>No additional parking proposed</p> |
| Site Coverage | | |
| 3 – Site Coverage | <p>(1) The site coverage of the principal dwelling, secondary dwelling and all ancillary structures on a lot must be no more than the following—</p> <p>(a) if the lot has an area of at least 450m² but not more than 900m²—50% of the area of the lot,</p> | Yes – Site coverage proposed at 41% |
| Floor Area | | |
| 1 – Secondary Dwelling | <p>(1) The floor area of a secondary dwelling, excluding an attached ancillary structure, must not be more than—</p> <p>(a) 60m²</p> | Yes – Secondary dwelling is 60m ² . |
| 2 – Total | <p>(2) The total floor area of a principal dwelling, secondary dwelling and all attached ancillary structures must not be more than the following—</p> <p>(a) if the lot has an area of at least 450m² but not more</p> | Yes – Total floor area is 185.2m ² |

| | | |
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| | than 600m ² —330m ² , | |
| Setbacks and Maximum floor Area for Balconies, decks, patios, terraces and verandahs | | |
| 1 - | <p>(1) The total floor area of all balconies, decks, patios, terraces and verandahs on a lot must be no more than 12m² if—</p> <p>(a) a part of the structure is within 6m from a side or rear boundary, and</p> <p>(b) the structure has a point of its finished floor level at more than 2m above ground level (existing).</p> | N/A – Alfresco is not 2m above NGL |
| 2 - | <p>(2) The balcony, deck, patio, terrace or verandah must not have a point of its finished floor level—</p> <p>(a) if it is located within 3m of a side or rear boundary—more than 2m above ground level (existing)</p> | Complies – Alfresco is well under 2m from NGL |
| Building Heights and Setbacks | | |
| 1 - | Development for the purposes of a secondary dwelling or an ancillary structure must not result in a new building or a new part of an existing building having a building height above ground level (existing) of more than 8.5m. | Yes - Complies Proposed height of building is 3.436m |
| 2 - | Development for the purposes of an ancillary structure must not result in a new building or a new part of | N/A |

| | | |
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| | <p>an existing building having a building height above ground level (existing) of more than—</p> <p>(a) if an outbuilding—4.8m, or</p> <p>(b) if a fence—1.8m.</p> | |
| Setbacks from roads, other than classified roads | | |
| 1 - | <p>Development for the purposes of a secondary dwelling or an ancillary structure on a lot must result in a new building or a new part of an existing building having a setback from a primary road, other than a classified road, of at least—</p> <p>(a) the average distance of the setbacks of the 2 nearest dwelling houses on the same side of the primary road and located within 40m of the lot on which the principal dwelling is erected, or</p> <p>(b) if 2 dwelling houses are not located within 40m of the lot on the same side of the primary road—</p> <p>(i) for a lot with an area of at least 450m² but not more than 900m²—4.5m</p> | N/A – Development is not fronting a primary road. The secondary dwelling is located at the rear of the allotment |
| 9 Setbacks from side boundaries | | |
| 1 - | <p>Development for the purposes of a secondary dwelling or an ancillary structure must not result in a new building or a new part of an existing building or a new carport, garage, balcony, deck, patio, pergola, terrace</p> | <p>Yes – Secondary dwelling located a minimum of 900mm from both side boundaries.</p> <p>Northern Boundary = 920mm</p> <p>Southern Boundary = 960mm</p> |

| | | |
|---|--|---|
| | <p>or verandah having a setback from a side boundary of less than the following—</p> <p>(a) for a lot with an area of at least 450m² but not more than 900m²—0.9m,</p> | |
| 10 Setbacks from rear boundaries | | |
| 1 - | <p>(a) for a lot with an area of at least 450m² but not more than 900m²—</p> <p>(i) 3m, and</p> <p>(ii) if the development results in a new or existing building with a height of more than 3.8m—an additional amount equal to 3 times the height above 3.8m, up to a maximum setback of 8m,</p> | <p>Yes – Rear setback is 3.02m</p> <p>N/A</p> |
| 15 Privacy | | |
| 1 - | <p>A window in a new secondary dwelling, or a new window in an alteration or addition to an existing principal dwelling for the purposes of a new secondary dwelling, must have a privacy screen for a part of the window less than 1.5m above the finished floor level if—</p> <p>(a) the window—</p> <p>(i) is in a habitable room that has a finished floor level of more than 1m above ground level (existing), and</p> <p>(ii) has a sill height less than 1.5m above that floor level, and</p> | <p>N/A – The FFL of the habitable rooms are well under 1m above NGL</p> |

| | | |
|-----------------------------|--|--|
| | (iii) faces a side or rear boundary and is less than 3m from that boundary, or | |
| 2- | <p>A new balcony, deck, patio, terrace or verandah for the purposes of a new secondary dwelling and any alteration to an existing balcony, deck, patio, terrace or verandah of a secondary dwelling that has a floor area of more than 3m² must have a privacy screen if the balcony, deck, patio, terrace or verandah is—</p> <p>(a) within 3m of a side or rear boundary and has a floor level of more than 1m above ground level (existing), or</p> <p>(b) between 3m and 6m of a side or rear boundary and has a floor level of more than 2m above ground level (existing).</p> | N/A |
| 16 – Landscaped Area | | |
| 1 - | <p>A lot on which development for the purposes of a secondary dwelling or an ancillary structure is carried out must have a landscaped area of at least the following—</p> <p>(a) for a lot with an area of at least 450m² but not more than 600m²—20%,</p> | Yes – Proposed Landscaping is 22.3% or (101.49m ²) |
| 2 - | At least 50% of the landscaped area must be located behind the building | Yes – In excess of 50% is located behind the building |

| | | |
|--|---|--|
| | line to the primary road boundary. | line |
| 3 - | The minimum dimensions of the landscaped area must be more than 2.5m. | Yes – All landscaped included has a minimum dimension of 2.5m |
| 17 - Principal private open space | | |
| 1 - | A lot on which development for the purposes of a secondary dwelling is carried out must have more than 24m ² of principal private open space | Yes – Greater than 24m ² is proposed |
| 2 - | The principal private open space may be shared by both the principal dwelling and secondary dwelling and may be in the form of a balcony or deck. | N/A – Secondary dwelling provides its own POS at the rear boundary |
| 3 - | <p>In this section—</p> <p><i>principal private open space</i> means an area—</p> <p>(a) directly accessible from, and adjacent to, a habitable room, other than a bedroom, and</p> <p>(b) more than 4m wide, and</p> <p>(c) not steeper than a 1:50 gradient.</p> | Yes – Directly accessible from the living area, with a minimum dimension of 4m and a relatively flat area. |
| 18 Earthworks, retaining walls and structural support | | |
| 1 - | <p>(1) Excavation for the purposes of a secondary dwelling or an ancillary structure must not be deeper than a maximum depth, measured from ground level (existing), of—</p> <p>(a) if located no more than</p> | Yes – Limited excavation proposed |

| | | |
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| | 1m from any boundary—1m, or | |
| 2 - | Fill must not have more than a maximum height, measured from ground level (existing), of— (a) if the fill is for the purposes of a secondary dwelling—1m, or | Yes – Limited fill proposed |

(f) Section 4.15(1)(a)(iii) –Any Planning Agreement or Draft Planning Agreement

There is no planning agreement or draft planning agreement applying to the site.

(g) Section 4.15(1)(a)(iv) –The Regulations

The applicable provisions of the *Environmental Planning and Assessment Regulation 2021* has been considered in the assessment of this application and it is considered the proposal is consistent with the EP&A Regulation 2021.

(h) Section 4.15(1)(b) – The Likely Impacts of the Development

It is considered that the proposal will have limited impacts on the existing and future character of the locality. The proposal provides for a development that will easily cater for a suitable residential development that will not compromise the amenity of the surrounding locality. The proposal provides for a suitable lot size and has demonstrated it can accommodate a built form and dwelling design that is consistent with the objectives and intent of the current development standards under the CBLEP 2023 and relevant guidelines of the CBDP 2023.

(i) Section 4.15(1)(c) – The Suitability of the Site for the Development

The subject development is permissible in the zone and the proposal satisfies the key planning controls for site as detailed above and is generally considered to be suitable for the site.

6. Conclusion

The application has been assessed against the relevant provisions of the EP&A Act 1979, applicable development standards of the CBDP 2023 and relevant guidelines of the CBDP 2023. It is considered the development proposing the “*Construction of a detached secondary dwelling*” at 78 Broadway Punchbowl, legally identified as Lot A DP 308042, is a suitable form of development consistent with the development standards applicable to the site and is a development form that is consistent with the existing and future character of the area.

The proposal provides for a development that is consistent with the prevailing subdivision pattern and predominant building form in the immediate locality and is consistent with the objectives of the R4 – High Density zone applicable to the site.