

3/6/2025

STATEMENT OF ENVIRONMENTAL EFFECTS

INTERNAL MINOR ALTERATIONS TO EXISTING DWELLING AND;
CONVERSION OF EXISTING DETACHED GARAGE AND WORKSHOP
ANCILLARY STRUCTURE INTO A SECONDARY DWELLING AT:

LOT 82 DP 27399
7 KIORA STREET PANANIA NSW 2213



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Conversion of Existing Detached Garage and Workshop
Ancillary Structure into a Secondary 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 (“**EP&A Act 1979**”) (as amended), in support of a development application pursuant to Clause 4.12 of the EP&A Act 1979 for the “**Internal Minor Alterations to Existing Dwelling and Conversion of Existing Detached Garage and Workshop Ancillary Structure into a Secondary Dwelling**” at 7 Kiora St Panania NSW 2213 LOT 82 DP 27399.

1.1. Particulars of Title

Registered proprietors: Mr. Dennis Lam and Mrs. Stella Xu
Title Reference: Lot 82 DP 27399 7 Kiora St Panania NSW 2213

1.2. Documentation

This statement has been prepared having regard to the following documentation issued with the development application:

- A001 Cover Page Location Photographs C
- A010 Site Analysis C
- A050 Demolition Plan C
- A100 Site Plan C
- A111 Existing Floor Plan C
- A112 Proposed Floor Plan C
- A114 Roof Waste & Stormwater Plan C
- A120 Elevations Sections & Finishes C
- A190 Notification Plans A
- Basix Certificate No. 1789167S
- Land survey
- BCA and Fire Safety Statement
- SSR - 7 Kiora Street, Panania - WP-SIAONL-1036-2025
- Statement of Environmental Effects
- Section 10.7(2) Planning Certificate No. 20252271 2 April 2025
- Waste Management Plan
- Political Donations and Gifts Disclosure Statement
- Valuation of Works Estimate
- DA Checklist
- Owners Consent



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1.3. Summary

This Statement of Environmental Effects (this "**SEE**") has been prepared by Architect Filiberto Gil RAIA, Managing Director with Gil Architects and Nominated New South Wales Architect with registration number NSWARB10420, and Design Building Practitioner Registration DBP DEP3634 and DBP PDP1219 on behalf of the owners.

The subject site (the "**site**") known as Lot 82 DP 27399, 7 Kiora St Panania NSW 2213. It is occupied by a one-storey dwelling (internal minor nonstructural works only) and a detached garage with a workshop and storage structure, this proposal.

The Land and Environmental Court ("**LEC**") granted consent (**DA-1053/2001**) in 2001 for the alterations and additions to the existing garage. In 2005, The LEC granted consent (CD-262/2005) for the construction of a Carport and Verandah and in 1997, the LEC granted consent (**BA-1413/1997**) – Addition at Rear of Dwelling.

This application relates to the nonstructural internal minor alterations to the existing dwelling and the conversion of the existing detached single garage and workshop ancillary structure into a secondary dwelling. It is proposed that the existing approved detached single garage and workshop ancillary structure polycarbonate roof sheeting, window, access double swing door and garage door are removed and replaced with a new metal roof sheeting to match existing, new PV solar panel array, new window to replace existing, new window to bathroom, new sliding glaze door to the kitchen and new sliding glazed door to the living space with no changes proposed to the existing floor levels, roof form, height, cladding, bulk or scale of existing approved detached structure, with very minor amendments to the existing walls located less than 900mm from the boundary to achieve National Construction Code ("**NCC**") and Australian Standards ("**AS**") fire rated construction and the stormwater system to connect a new rainwater tank at the rear to improve health and safety, energy and sustainability on the approved ancillary structure to be converted into a secondary dwelling (the "**proposal**").

The site is deemed flood affected by Council's 1% 100yr ARI flood event. However, Councils' SSR report found the proposed works do not required a flood study nor a 500mm freeboard as the proposed garage and workshop conversion are not affected in this section of the site.

There are no external works proposed to the existing dwelling, landscape, trees, or others works or amendments proposed than those stated above.



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The land is presently zoned **R2 Low Density Residential** under the provisions of Canterbury-Bankstown Local Environmental Plan 2023 ("**CBLEP 2023**"). The proposal has been assessed having regard to the relevant matters for consideration under Clause 4.15 of the EP&A Act 1979 (as amended).

As noted in this SEE, the proposal achieves compliance with planning and statutory documents referred to in References Section and relevant provisions of Canterbury-Bankstown Development Control Plan 2023 ("**CBDCP 2023**") with the exception of a minor CBDCP 2023 side and rear setback variation which has been address to meet NCC Vol 2 H3D2, AS3786 compliance with walls located less than 900mm from the boundary with an FRL (60/60/60) based on merit with respect to carrying out development permissible under the CBLEP 2023, and pursuant to Clause 4.15 of the EP&A Act 1979 (as amended).

This SEE evaluates the environment (the site and its context), details the proposed works, and provides an assessment of the proposed development with consideration to the relevant planning framework and the impacts of the development on the natural and built environment in accordance with Clause 4.15 of the EP&A Act 1979 (as amended).

This SEE concludes that the proposal is acceptable on merit regarding the applicable planning legislative regulations and controls, and it's therefore commended for approval.

2. Environment

A field inspection of the site and surrounding area has been undertaken, resulting in the following observations:

2.1. Site Location

The site is identified as 7 Kiara St Panania NSW 2213 has a legal description of Lot 82 DP 27399. The site is located on the southwestern suburbs of Sydney within the suburb of Panania Ref image 1.

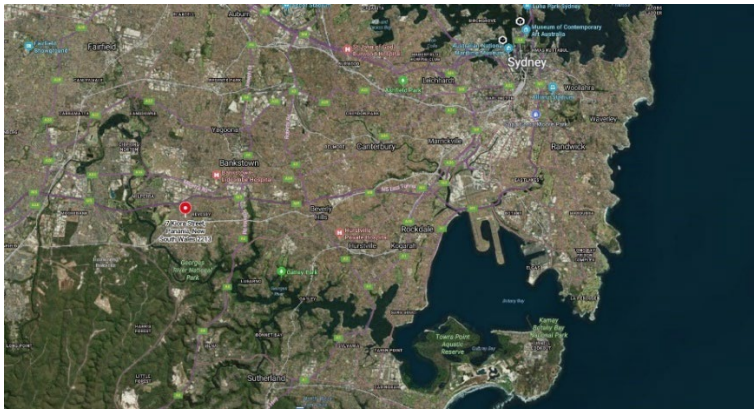
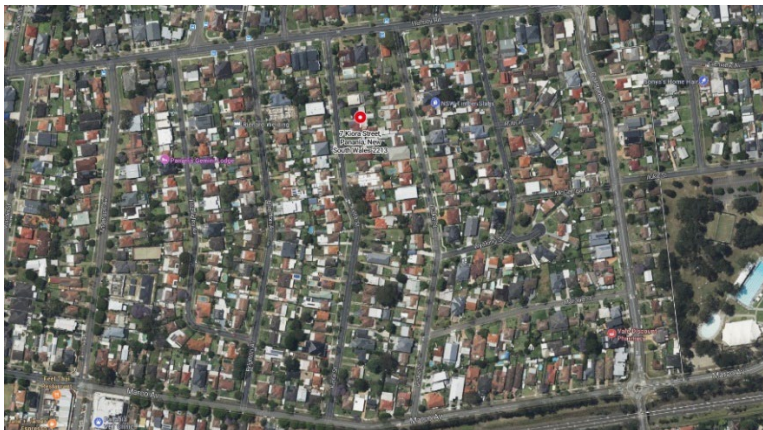


Image 1 – Location map aerial view¹

The site street address locates the dwelling off a local street towards the northern portion of the of the local street Ref image 2.



Images 2 – Subject site street aerial view²

¹ Google maps

² Google maps

2.2. Context and Streetscape

The streetscape is characterized by a mix of architectural typologies original (1900's), contemporary (mid 1900's) and most recent modern infills (2000's up to date) and House alterations to original residential developments based on similar typology interpretation. There is a mixture of single, two-storey residential dwellings along the street with a mix of car parking typologies ranging from on-site parking in the immediate vicinity to carports and single car garages located setback from the street boundary or setback to the building line Ref image 3.



Image 3 – Street architectural typologies³

³ Photo credit – Gil Architects

Kiora Street circulation would be considered a local through traffic route used mainly by local residents. Public bus transport is available within a short walking distance to Horsley Road to the North Ref image 2.

The site benefits from local public amenities for transport and recreation use. For transport, Panania Train Station is located within a moderate walking distance to the South. For recreation, the site takes advantage of Armour Park located a short walk to the East, and Kelson Park Sporting Complex to the west and Revesby Swimming Pool in the immediate vicinity, all within walking distances from the site Ref image 4.



Image 4 – Site local public amenities⁴

2.3. Existing Development

The infill rectangular shape lot site is located on 7 Kiora St Panania NSW 2213. The site is bounded to the South by adjacent property 9 Kiora Street to the East, by rear neighbouring properties 6 & 8 Drake St, and by neighbouring property 5 Kiora Street to the North Ref image 5.

⁴ Google maps



Image 5 – Aerial view of subject site existing and adjacent development⁵.

The infill rectangular shape lot site area is proportionate similar than those in the local area and has a site area of 552.3m² as surveyed. The site boundary measures 15.24m to the east (rear), 36.22m to the North and South boundaries, and 15.24m along Kiara Street frontage.

The site is occupied by an original clad facade, one-storey tiled roof, dwelling possibly mid 1900's with some minor additions to the front facade by adding a verandah and carport and an extension at the rear (not part of the scope of works). The main dwelling interior consists of an entry lounge (to be converted into a bedroom), living, kitchen, dining, bathroom, and three bedrooms and a laundry room with a bathroom accessible via an exterior timber deck located at the rear.

The site also contains a paved driveway and timber deck at the rear with a detached single garage and workshop with storage ancillary structure located behind the building line at the rear of the site. The existing structures are surrounded by grass, garden beds and semi permeable surfaces for private and open space use with one tree (proposed to be retained) at the rear of the site.

⁵ Google maps

The existing approved detached single garage and workshop ancillary structure overall wall cladding, metal roof, timber framing and concrete floor structure is in great structural and aesthetics condition. The existing detached ancillary structure proposed to be converted into a secondary dwelling contains one single garage with an area of 17m², a workshop with an area of 24m² and two storage rooms with a combined area of 7m² for a total area of 48m² refer to images 6-13⁶.



Image 6 – Street view of dwelling and ancillary structure behind the building line.



Image 7 – Front view of ancillary structure garage entry.



Image 8 – View of ancillary structure From rear private open space.



Image 9 – View of ancillary structure from rear covered timber deck.

⁶ Photo credit – Gil Architects



Image 10 – View of rear private open space.



Image 11 – Rear view of ancillary structure.

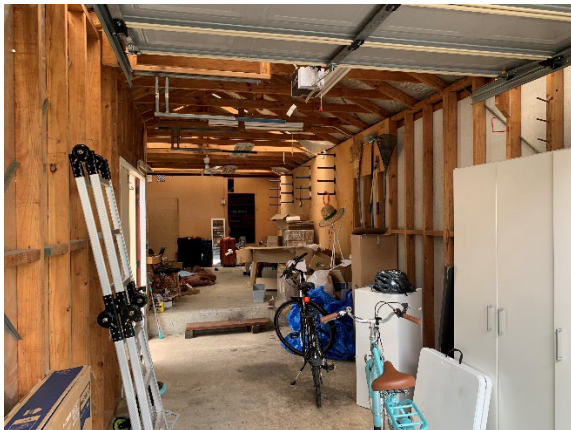


Image 12 – Interior view of ancillary structure looking towards the rear.



Image 13 – Interior view of ancillary structure looking towards the entry.



3. Proposed Development

Consent

Consent is sought for “**Internal Minor Alterations to Existing Dwelling and Conversion of Existing Detached Single Garage and Workshop Ancillary Structure into a Secondary Dwelling**” at 7 Kiora St Panania NSW 2213

This section outlines the nature of the proposal.

3.1. Proposal

The proposal involves the internal minor alterations to the existing dwelling and proposed alterations and conversion of the existing approved detached garage and workshop ancillary structure into a secondary dwelling with careful consideration to the existing ancillary structure, scale, materiality, form, floor plan layout, surrounding properties amenities and have taken into consideration all of the relevant planning controls, policies, aims and objectives as set out in this SEE.

The proposed internal minor alterations of the main dwelling seek to:

- convert an internal lounge into a bedroom.

The proposed alterations to the ancillary structure and conversion into a secondary dwelling seek to:

- replace the existing single garage small translucent roof sheeting areas (used as roof lights) with metal roof sheeting to match the existing roof.
- add a PV solar array panel system facing north.
- replace the garage door with a glazed sliding door for the new living/dining space.
- replace double swing door with a glazed sliding door for the new kitchen.
- add a new window for a new bathroom.
- add one rainwater tank at the rear and associated stormwater pipes.
- add associated storage.
- add associated air conditioning unit and;
- relocates one façade planter pod.

The proposal aims to keep the original approved ancillary structure hierarchy roof, form, and scale, and does not seek to overwhelm the surrounding landscape, adjacent



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properties or the street (located at the rear). The proposed conversion does seek a minor variation based on merit (existing approved detached ancillary structure) to the secondary dwelling side setback as specified in Section 5.1 Residential Accommodation Former Bankstown LGA under Section 3 Secondary Dwellings Development Controls 3.11 Side and rear setbacks of CBDP 2023 and has been addressed in this SEE.

There are no other amendments proposed to the existing approved main dwelling and proposed conversion of existing approved detached ancillary structure into a secondary dwelling with the exception of the alterations mentioned above.

An analysis of the potential impacts of the proposal is addressed in Section 4 of this SEE.



4. Planning Assessment

This section addresses the statutory Planning Assessment of the proposed development in accordance with the matters for consideration under Section 4.15 of the EP&A Act 1979 (as amended). This includes compliance with the relevant planning controls, impacts of the development on the natural and built environment as well as the suitability of the site and the public interest.

The state, regional and local statutory planning policies that apply to the site and the proposed development are as follows:

- State Environmental Planning Policy (Resilience and Hazards) 2021
CH 2 Coastal Management
- State Environmental Planning Policy (BASIX) 2022
- Canterbury-Bankstown Local Environmental Plan 2023
- Canterbury-Bankstown Development Control Plan 2023

An assessment of each instrument and/or planning policy is provided below.

4.1. State Environmental Planning Policy (Resilience and Hazards) 2021 Chapter 2 Coastal Management

Chapter 2 Coastal Management of SEPP (Resilience and Hazards) 2021 applies to the State of NSW and aims to manage that area of the coastal zone. However, the site is not located near a foreshore area. The proposal to refurbish by altering the existing ancillary structure does not impact on the provisions of the SEPP (Resilience and Hazards) 2021 CH2.

4.2. State Environmental Planning Policy (BASIX) 2022

The existing building is defined as (BASIX) 2022 affected development under the SEPP. The proposed alterations and ancillary structure alterations and conversion into a secondary dwelling are located within a BASIX affected building¹ site as the cost of the works proposed are more than the minimum cost required therefore the proposal requires submission of a BASIX certificate and associated plans.

4.3. Canterbury-Bankstown Local Environmental Plan 2023

The land is zoned **R2 Low Density Residential**, under the CBLEP 2023. The following definitions⁷ are considered relevant:

⁷ EP&A Regulation 2000. (3) Definitions.



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Adjoining land land that has a boundary in common with the site on which the development is proposed or that is separated from the site by not more than a pathway, driveway, laneway, roadway or similar thoroughfare.

dwelling means a room or suite of rooms occupied or used or so constructed or adapted as to be capable of being occupied or used as a separate domicile.

Ancillary in the context of residential development, includes but is not limited to, such related facilities as a swimming pool, outbuilding, balconies, bay windows and sun shading devices.

Alteration and Addition any alteration or addition requiring a development application.

Building line or Setback the horizontal distance between the property boundary or other stated boundary (measured at 90 degrees from the boundary) and:

- (a) a building wall
- (b) the outside face of any balcony, deck or the like or
- (c) the supporting posts of a carport or verandah roof,

whichever distance is the shortest.

Garage an enclosed structure with a roof, garage door and walls used for carparking purposes only.

Minor Alterations generally, any internal alterations and additions, or external additions which only result in minor increases to the existing building envelope.

Parking Space any garage, carport or carspace or court available for use by a vehicle.

Runoff rainfall that ends up as stormwater.

Site the allotment or group of allotments of land on which a building stands or is proposed to be erected.

Table to Part 2 – Clause 2.3 of CBLEP 2023 for the **R2 Low Density Residential** zone provides that **detached secondary dwellings** are land uses allowed with the consent of Council.

Subclause 2.3(2) of CBLEP 2023 provides that Council must not grant consent for a development unless it is satisfied that the consent authority has had “regard to the



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objectives for development in a zone when determining a development application in respect of land within the zone."

The aims and objectives of the CBLEP 2023 and objectives of the **R2 Low Density Residential** zone are contained in Annexure A. The **R2 Low Density Residential zone objectives**⁸ include:

- **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 proposal is considered to be consistent with the objectives of the CBLEP 2023 and objectives of the zone for the following reasons:

The proposal enables the land user to continue to use its dwelling to meet the day to day housing needs of its family;

The proposal does not affect the ability of the building to achieve a high standard of residential design, density or pedestrian amenity;

The proposal is compatible with the existing environmental and built character of former Bankstown LGA and amenity of the surrounding neighborhood.

The conversion of an existing approved garage and workshop on the site to be use as a secondary dwelling for enjoyment by the growing family of the owner to align with modern day living, is appropriate for the locality and will not result in any adverse amenity impacts; and

The proposal does not impact on the ability of the site to allow for residential development that is well integrated with and supports the primary residential function of the zone, with no change proposed to the residential uses on the site.

⁸ https://legislation.nsw.gov.au/view/html/inforce/current/epi-2015-0134#pt-cg1.Zone_R2



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We have reviewed the proposal against the relevant Section 5.1 Residential Accommodation Former Bankstown LGA under Section 3 Secondary Dwellings Development Controls 3.1 to 3.28 of CBDCP 2023. The proposal relates to the conversion of an existing approved detached garage and workshop ancillary structure on the site to be used as a secondary dwelling and does not impact on building height, built form or increase in floor area, all well under the maximum controls with minor internal nonstructural alterations works proposed to the existing dwelling. Consequently, it is considered that the proposal has no adverse visual or amenity impacts and is consistent with these provisions and controls.

As discussed in Section 5 the proposal does not impact on existing residential amenity or detrimentally impact on the character of the locality of CBC former Bankstown LGA.

4.4. Canterbury-Bankstown Development Control Plan 2023

The proposed development is applicable to the CBDCP 2023. The key controls are discussed below:

Chapter 1 Introduction

This CBDCP 2023 applies to all land within the Canterbury-Bankstown Local Government Area ("CBLGA").

Chapter 2 Site Consideration

The proposal does not impact on any of these chapter items as the proposed works seek to convert an existing approved ancillary structure into a secondary dwelling with minor internal alterations to the existing approved main dwelling thereby complying with the controls.

Chapter 3 General Requirements

The proposal does not impact on the majority of these chapter items as the proposed works used existing approved structures, existing onsite parking, with new PV solar array, new rainwater tank to connect to existing stormwater drainage system, and new waste management plan for the proposed conversion of the ancillary structure into a secondary dwelling with minor internal alterations to the main dwelling thereby complying with the controls.

Chapter 3.2 Parking

Section 2 – Off Street Parking Rates

Table 1: Off Street Parking Schedule Compliance Table

Control Land Use	Description Car Spaces	Proposed Car spaces	Complies
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Dwelling Houses	2 car spaces	Existing 3 car spaces No changes proposed	Complies
Secondary Dwellings	1 car space	Existing (refer to above) No changes proposed	Complies

Chapter 4 Heritage

Not applicable

Chapter 5 Residential Accommodation – 5.1 Former Bankstown LGA

Section 1 – Introduction

Chapter 5.1 of this DCP applies to residential accommodation of secondary dwellings within the former Bankstown Local Government Area. The key controls are discussed in Section 3 below.

Section 3 – Secondary Dwellings

The proposal does not impact on any of the development controls in Section 3 – Secondary Dwellings with exception of the minor variation to the side and rear setback. Key controls are discussed and addressed below.

Lot size

3.1 A secondary dwelling is permissible on a site with a minimum lot size of 450m².

Since the subject site lot size is 558.3m² as surveyed, the proposed development is permissible thereby complying with the controls.

Site Cover

3.2 Council must not consent to development for the purpose of secondary dwellings unless:

- (a) the total floor area of the principal dwelling and the secondary dwelling is no more than the maximum floor area allowed for a dwelling house on the land under an environmental planning instrument; and**
- (b) the total floor area of the secondary dwelling is no more than 60m² or, if a greater floor area is permitted in respect of a secondary dwelling on the land under an environmental planning instrument, that greater floor area.**

The existing and proposed development floor area is less than the maximum floor area allowed on the land under the CBLEP and the total floor area for the secondary dwelling is less than the 60m² thereby complying with the controls.



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Storey limit (detached)

3.4 The storey limit for detached secondary dwellings is single storey and the maximum wall height is 3m.

The proposed development existing wall height is within the limits (wall height under 3m approx. 2.6m) thereby complying with the controls.

Street Setbacks

3.9 The minimum setback for a building wall to the primary street frontage is:

(a) 5.5m for the first storey (i.e. the ground floor); and

(b) 6.5m for the second storey.

The existing approved ancillary structure proposed to be converted into a secondary dwelling is behind the building line located approximately 21m thereby complying with the controls.

Side and Rear Setbacks

Table 2: Side and Rear Setbacks Variation Table

Control	Description	Proposed	Complies
3.11	For the portion of the building wall that has a wall height less than or equal to 7m, the minimum setback to the side and rear boundaries of the site is 0.9m.	Existing approved detached ancillary structure (single garage and workshop with storage) proposed to be converted into a secondary dwelling has the following existing wall height and side and rear setbacks. Existing Wall Height: Less than 3m as surveyed Existing Side Setback: Variable as surveyed 480mm – 610mm Note: Proposed FRL 60/60/60 to meet NCC Vol 2 H3D2 fire rated construction for walls located less than 900mm from the boundary. Existing Rear Setback: Variable as surveyed 880mm – 890mm Note: Proposed FRL 60/60/60 to meet NCC Vol 2 H3D2 fire rated construction for walls located less than 900mm from the boundary.	Complies on merit



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		<i>No windows proposed to the side and rear setbacks.</i> <i>No change proposed to its current location, shape or form.</i>	
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Private Open Space

3.13 Secondary dwellings must not result in the principal dwelling on the site having less than the required landscaped area and private open space.

The proposed development is existing approved structures thereby complying with the private open space controls.

Access to Sunlight

3.14 At least one living area must receive a minimum three hours of sunlight between 8.00am and 4.00pm at the mid-winter solstice. Council may allow light wells and skylights to supplement this access to sunlight provided these building elements are not the primary source of sunlight to the living areas..

The proposed development has two window openings facing north thereby complying with the controls

3.15 At least one living area of a dwelling on an adjoining site must receive a minimum three hours of sunlight between 8.00am and 4.00pm at the mid-winter solstice. Where this requirement cannot be met, the development must not result with additional overshadowing on the affected living areas of the dwelling.

The proposed development is existing approved structures with no modifications to existing structure roof or form thus not resulting in additional overshadowing thereby complying with the controls.

3.16 A minimum 50% of the private open space required for the principal dwelling on the site 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.



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The proposed development is existing approved structures with no modifications to existing structure, roof or form thus not resulting in additional overshadowing on the adjoining site private open space thereby complying with the controls.

Note: the adjoining site to the south has a swimming pool located immediately adjacent to the subject site side and fenced boundary.

Visual Privacy

3.17 Where development proposes a window that directly looks into the living area or bedroom window of an existing dwelling, the development must:

- (a) offset the windows between dwellings to minimise overlooking; or**
- (b) provide the window with a minimum sill height of 1.5m above floor level; or**
- (c) ensure the window cannot open and has obscure glazing to a minimum height of 1.5m above floor level; or**
- (d) use another form of screening to the satisfaction of Council.**

The proposed development does not propose any of the above window locations thereby complying with the controls.

3.18 Where development proposes a window that directly looks into the private open space of an existing dwelling, the window does not require screening where:

- (a) the window is to a bedroom, bathroom, toilet, laundry, storage room, or other non-habitable room; or**
- (b) the window has a minimum sill height of 1.5m above floor level; or**
- (c) the window has translucent glazing to a minimum height of 1.5m above floor level; or**
- (d) the window is designed to prevent overlooking of more than 50% of the private open space of a lower-level or adjoining dwelling.**

The proposed development proposes one new high window for a bathroom and replaces one window for a new bedroom that directly looks into the existing dwelling's private open space. Since the replaced window is for a bedroom, it does not require screening thereby complying with the controls.

Building Design

3.24 The maximum roof pitch for detached secondary dwellings is 25 degrees. An attic or basement is not permitted as part of the dwelling.



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The existing approved detached ancillary structure proposed conversion into a secondary dwelling has a roof pitch of approx. 25 degrees thereby complying with the controls.

3.26 The change of use of outbuildings to secondary dwellings must comply with the National Construction Code.

The proposed development complies with the NCC, and all applicable codes and standards as noted in the BCA and Fire Safety Statement Measures. The existing walls located less than 900mm from the boundary will be upgraded to meet NCC Vol 2 H3D2 fire rated construction, with a min Fire Resistance Level ("FRL") 60/60/60. This upgrade will include the installation of associated fire safety equipment such as smoke detectors, thereby ensuring compliance with the relevant control measures.

Building design (car parking)

3.27 Secondary dwellings must not result in the principal dwelling on the site having less than the required car parking spaces.

The proposed conversion of the existing approved detached ancillary structure into a secondary dwelling is existing and does not result in the principal dwelling on site having less than the required car parking spaces thereby complying with the control.

Landscape

3.28 Development must retain and protect any significant trees on the site and adjoining sites. To achieve this clause, the development may require a design alteration or a reduction in the size of the secondary dwelling.

The proposed development is existing and does not remove or impact any trees on the site and adjoining sites thereby complying with the control.

5. Statutory Assessment

This section provides an assessment of the proposal against the relevant matters for consideration pursuant to Section 4.15(1) of the EP&A Act 1979.

5.1. The Provisions of any Environmental Planning Instrument

Section 4.15(1)(a)(i)



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The proposal is permissible with the consent of Council and complies with the relevant provisions of CBLEP 2023 as outlined in Section 4 of this SEE. It is considered that the application is satisfactory in this regard.

5.2.The provisions of any Draft Environmental Planning Instrument

Section 4.15(1)(a)(ii)

There is no draft applicable.

5.3.The Provisions of any Development Control Plan

Section 4.15(1)(a)(iii)

An assessment of the proposal in terms of compliance with CBDCP 2023 has been undertaken in Section 4.4 of this SEE. It is considered that the application is satisfactory in this regard.

5.4.Planning Agreement or Draft Planning Agreement

Section 4.15(1)(a)(iiiia)

There is no planning agreement applicable.

5.5.Matters Prescribed by the Regulations

Section 4.15(1)(a)(iv)

Pursuant to Clause 61 of the Environmental Planning and Assessment Regulation 2021 (**EP&A Regulation**), very minor demolition work is proposed to be carried out. The NSW Coastal Policy 1997 applies to the land (Clause 61 EP&A Regulation), however, no proposed works impact on the application of the policy.

The proposal does not involve major alterations of an existing building or a temporary structure that involves additional fire safety measures (Clause 62, 63 & 64A EP&A Regulation).

Having regard to these matters it is considered that the application is satisfactory.

5.6.Any Coastal Zone Management Plan

Section 4.15(1)(a)(v)

The proposal does not impact on any coastal management plan that applies to the land.

5.7.The likely Impacts of the Development



Section 4.15(1)(b)

5.7.1. Natural Environmental Impact

The site is located within a developed residential area consequently there is no natural vegetation on the property or surrounding properties. We do not consider that the proposal results in any adverse impacts in terms of the natural environment as the proposal aims to undertake very minor internal alterations to the existing dwelling and convert an existing approved ancillary structure into a secondary dwelling and improves on stormwater design.

In our opinion the natural environmental impacts are manageable and there will be no long-term adverse impacts as a consequence of the proposal in respect of;

Soils

The proposal will have no effect on soil quality, including for example. Erosion, instability, salinity, acidity, or contamination.

Air Quality

No likelihood of pollution through the emission of dust, odors, and other airborne pollutants.

Flora and Fauna

No effect upon the maintenance of biodiversity or impact upon critical habitats, threatened species, populations, ecological communities or their habitats.

5.7.2. Built Environmental Impact

The proposal involves the conversion an existing approved ancillary structure into a secondary dwelling. Minor internal nonstructural alterations are proposed to the existing approved dwelling. In our opinion the proposal is appropriate for the locality as it has no long-term adverse impacts in respect of:

Overshadowing

The built form exists and is proposed to be converted, and no building works are proposed higher than the current built form.

Visual

The building is existing, with minor changes proposed to the metal roof (maintains same height), existing doors and windows type and finish, to align with the existing proportions and scale of the ancillary structure and main dwelling façade finish and trims to minimize any visual impacts.



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Acoustic Privacy

It is considered that any potential acoustic impacts are minimal and if raised, can be managed through appropriate acoustic material specification for the development.

Noise and Vibration

The proposal will not generate offensive noise vibration.

Heritage

The site or building is not identified as Heritage under the Heritage Map and there is no heritage listed items immediately and or adjacent to the site.

Waste

Little likelihood of pollution through waste generation, storage and disposal of waste and litter.

Energy Efficiency

The building provides, where appropriate, energy-saving measures such as the use of a new rainwater tank and new PV solar array panel system.

5.7.3. Social and Economic Impact

Our review does not identify any adverse risk assessments in respect of:

Public safety and Security

It is considered that converting the existing approved garage and workshop ancillary structure has the ability to provide extra security to the property and the public via passive monitoring. The proposed garage and carport conversion into a secondary dwelling which includes the replacement of a solid garage roller door and solid double swing door with new glazed sliding doors and new windows will provide an added layer of security to the existing dwelling, new secondary dwelling and outdoors, crime prevention and public safety.

Social Impacts

The development provides for residential use in a zone that allows for residential building uses. There is no evidence of antisocial impacts or adverse effects within the locality caused by the conversion of an existing approved detached garage and workshop ancillary structure. It is our view that it should therefore be supported.

5.7.4. Cumulative Impact



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A decision to permit the conversion of the existing and approved garage and workshop ancillary structure into a secondary dwelling and the associated cosmetic alterations to replace existing polycarbonate roof sheeting to match existing metal roof, new glazed access doors and windows to be used for residential use does not create any adverse cumulative impacts as there is no intention to relocate the built form or expand to the boundary. In our opinion the proposal is satisfactory.

5.8. The Suitability of the Site for the Development

Section 4.15(1)(c)

The site and general locality is zoned R2 Low Density Residential and the use is permissible within the zone. The site contains an approved one-storey dwelling with an approved detached single garage and workshop ancillary structure that provides residential use. In our opinion the site is suitable for this type of development.

5.9. Any Submissions Received

Section 4.15(1)(d)

The proposal will be subject to notification by Council in accordance with Council's adopted policy. Any submissions received will be duly considered by Council prior to determination of the proposal.

5.10. The Public Interest

Section 4.15(1)(e)

The proposal is the result of a review of client growing family requirements to align with modern day living and will be subject to public comment. The zoning allows for residential dwellings with detached secondary dwellings and carports. The proposed use is permissible with development consent, is consistent with zone objectives and complies with all relevant aspects of the CBLEP 2023 and CBDP 2023 unless identified and justified in this statement.

The small minor variation sought to the CBDP 2023 Chapter 5.1 Section 3 controls (3.11) relates to the existing approved location of the single garage and workshop ancillary structure minor encroachment of the ancillary structure min side and rear setback. The proposal seeks to retain the existing structure's approved location, shape, bulk, roof form and scale, to prevent impact on amenity, view corridors and overshadowing to surrounding properties open space and living spaces. Minor modifications are proposed to the walls located less than 900mm from the boundary to meet NCC Vol2 H3D2 FRL 60/60/60 fire rated construction. The provisions of a CBDP 2023 variation have been applied to the minor non-compliance departure detailing the environmental planning grounds that support the proposal and noting that the proposal is in the public interest. Accordingly, the proposed development is in the public interest and worthy of Council's support.

6. Conclusion

The site is known as Lot 82 DP 27399 7 Kiora Street Panania NSW 2213. It is occupied by an approved one-storey clad dwelling with tiled roof with an approved detached single garage and workshop with storage ancillary structure accessed via a paved driveway off Kiora Street.

This proposal seeks approval for minor internal nonstructural alterations to the existing approved dwelling and the proposed conversion of the existing and approved garage and workshop ancillary structure into a secondary dwelling and the associated cosmetic alterations to meet NCC Vol2 H3D2 FRL 60/60/60 construction compliance to walls located less than 900mm to the boundary, to replace existing polycarbonate roof sheeting to match existing metal roof, new glazed access doors and windows to be used for residential use to align with the existing location of the ancillary structure. There have been alterations and additions done to the existing dwelling and ancillary structure roof. The proposed ancillary structure conversion into a secondary dwelling front elevation is visible from the street (setback approx. 21m) and this form of secondary dwelling can be visible in the immediate vicinity of the site as noted in this SEE. In our opinion there are no adverse cumulative impacts as a result of this proposal.

The site land is zoned R2 Low Density Residential under the CBLEP 2023 and contains land use allowed with the consent of Council.

The application has been assessed in accordance with the matters for consideration pursuant to Section 4.15 of the EP&A A 1979 (As Amended) and relevant documentation. The proposal is demonstrated to be permissible with consent from Council and consistent with all CBLEP 2023 requirements and CBDP 2023 provisions except in relation to the very minor variation noted in this SEE. In this respect a variation request with compliance based on merit has been provided for each detailing sufficient environmental planning grounds and that the application of flexibility to convert an existing approved detached single garage and workshop ancillary structure located behind of the building line towards the rear of the site with a variable (as surveyed) encroachment to the side and very minor encroachment to the rear setback for the approved ancillary structure to be converted into a secondary dwelling is in the public interest as well as being consistent with the objectives of Chapter 5.1 Section 3 development controls 3.11 of CBDP 2023.

The proposal has also been designed to generally comply with the applicable CBDP 2023 provisions except in relation to the minor and acceptable departures as detailed within this statement.



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Accordingly, the assessment of the proposal demonstrates that the proposal has merit and is suitable for the site and in the interest of the public and it is therefore requested that Council determine the DA application favorably.

7. Reference

Planning and Statutory Documents

- _Environmental Planning and Assessment Act, 1979.
- _State Environmental Planning Policy
- _State Environmental Planning Policy (Building Sustainability Index: BASIX) 2022
- _Canterbury-Bankstown Local Environmental Plan 2023
- _Canterbury-Bankstown Development Control Plan 2023
- _Section 10.7(s) Planning Certificate No. 20252271 2 April 2025

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- Image 1 – Location map aerial view
- Image 2 – Subject site street aerial view
- Image 3 – Street architectural typologies
- Image 4 – Site local public amenities
- Image 5 – Aerial view of subject site existing and adjacent development
- Image 6 – Street view of dwelling and ancillary structure behind the building line
- Image 7 – Front view of ancillary structure garage entry
- Image 8 – View of ancillary structure from rear private open space
- Image 9 – View of ancillary structure from rear covered timber deck
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- Image 11 – Rear view of ancillary structure
- Image 12 – Interior view of ancillary structure looking towards the rear
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Table 1 – Off Street Parking Schedule – Dwelling Houses⁹

Land use	Car spaces	Bicycle spaces
Depots/transport depots	1 car space per 2 staff; and 1 space per transport vehicle present at the time of peak vehicle accumulation on the site. Under no circumstances is the parking of vehicles on a public street acceptable. Note 1: On-site overnight truck parking should be provided as required. Note 2: An area of 50m ² (including 20m length) per vehicle is to be provided for vehicles held or queued on the site.	1 space per 5 staff
Dual occupancies/semi-detached dwellings	1 car space per 2 or less bedrooms; or 2 car spaces per 3 or more bedrooms	Not applicable
Dwelling houses	2 car spaces	Not applicable
Educational establishments	1 car space per employee or classroom, whichever is the greater; and 1 car space per 8 students in year 12.	1 space per 10 staff; and adequate provision of bicycle parking for students
Entertainment facilities	A parking study with a survey of similar development is required.	10% of the total number of car spaces
Freight transport terminals	Sufficient off-street employee and visitor parking to satisfy peak demand; and 1 truck space for each vehicle present at the time of peak vehicle accumulation on the site for both fleet and contract-operator vehicles. Note 1: On-site overnight truck parking should be provided. Note 2: Provision of parking is to be supported by a parking survey.	Not applicable
Garden centres	0.75 car space per 100m ² of site area	Not applicable
Group homes	2 car spaces	Not applicable
Hardware and building supplies	1 car space per 50m ² gross floor area	1 space per 10 staff
Health consulting rooms	3 car spaces for the consulting rooms; and 2 car spaces for the associated dwelling	1 space per 2 staff
Home businesses	Additional car parking may be required for the proposed home business and must be made available on-site. All loading and unloading are to be conducted on-site and an area is to be made available for this activity behind the front building line.	Not applicable

⁹ DCP 2023–Chapter 3.2 (Amended August 2024)

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Table 1 – Off Street Parking Schedule – Secondary Dwellings¹⁰

Land use	Car spaces	Bicycle spaces
	<p><u>Other locations in the former Bankstown LGA</u> 1 car space per 40m² gross floor area.</p> <p>Note: Visitor parking for shops in centres are to be provided at the following rate:</p> <ul style="list-style-type: none"> 80% of parking rate to be allocated for visitors and short-stay parking. 20% of the parking rate is to be allocated for staff and long-stay parking. 	
Roadside stalls	4 car spaces per stall	Not applicable
Secondary dwellings	1 car space	Not applicable
Seniors housing	<p><u>Residential care facilities</u></p> <p>1 car space for each 10 beds in the residential care facility (or 1 car space for each 15 beds if the facility provides care only for persons with dementia);</p> <p>1 car space for each 2 persons to be employed in connection with the development and on duty at any one time;</p> <p>1 parking space suitable for an ambulance.</p> <p><u>Self-contained dwellings</u></p> <p>0.5 car space for each bedroom where the application is made by a person other than a social housing provider; or</p> <p>1 car space for each 5 dwellings where the application is made by, or is made by a person jointly with a social housing provider.</p>	<p>Staff: 1 space per 15 beds</p> <p>Visitors: 1 space per 30 beds</p>
Service stations	<p>6 car spaces for each work bay; or if no work bay is provided, 1 car space for each employee.</p> <p>Where a convenience store is provided, 1 car space per 20m² gross floor area.</p> <p>Where restaurant with greater than 100m² of total dining/bar area is provided, 0.15 car space per square metre in excess of 100m².</p> <p>Note: For combinations of the above uses, the total requirement may be reduced if it can be proven that the times of peak demand for the various uses do not coincide.</p>	1 space per 5 staff
Sex services premises	1.5 car space per service room.	Not applicable

¹⁰ CBDP 2023–Chapter 3.2 (Amended August 2024)

Annexure A

Canterbury-Bankstown LEP 2023 Aims¹¹

1.2 Aims of Plan

- ((1) This Plan aims to make local environmental planning provisions for land in Canterbury-Bankstown in accordance with the relevant standard environmental planning instrument under section 3.20 of the Act.
- (2) The particular aims of this Plan are as follows—
- (aa) to protect and promote the use and development of land for arts and cultural activity, including music and other performance arts,
 - (a) to manage growth in a way that contributes to the sustainability of Canterbury-Bankstown,
 - (b) to protect landforms and enhance vegetation, especially foreshores and bushland, in a way that maintains the biodiversity values and landscape amenity of Canterbury-Bankstown,
 - (c) to identify, conserve and protect the Aboriginal, natural, cultural and built heritage of Canterbury-Bankstown,
 - (d) to provide development opportunities that are compatible with the desired future character and amenity of Canterbury-Bankstown,
 - (e) to restrict development on land that is sensitive to urban and natural hazards,
 - (f) to provide a range of residential accommodation to meet the changing needs of the population,
 - (g) to provide a range of business and industrial opportunities to encourage local employment and economic growth and retain industrial areas,
 - (h) to create vibrant town centres by focusing employment and residential uses around existing centres and public transport,
 - (i) to provide a range of recreational and community service opportunities and open spaces to meet the needs of residents of and visitors to Canterbury-Bankstown,
 - (j) to achieve good urban design in terms of site layouts, building form, streetscape, architectural roof features and public and private safety,
 - (k) to ensure activities that may generate intensive car usage and traffic are located near public transport that runs frequently to reduce dependence on cars and road traffic,
 - (l) to consider the cumulative impact of development on the health of the natural environment and waterways and on the capacity of infrastructure and the road network,
 - (m) to support healthy living and enhance the quality of life and the social well-being and amenity of the community,
 - (n) to ensure development is accompanied by appropriate infrastructure,
 - (o) to promote ecologically sustainable development.

¹¹ Canterbury-Bankstown Local Environmental Plan 2023 - NSW Legislation



Annexure A

Canterbury-Bankstown LEP 2023 Zone Objectives¹²

Zone R2 Low Density Residential

1 Objectives of zone

- To provide for the housing needs of the community within a low density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To allow for certain non-residential uses that are compatible with residential uses and do not adversely affect the living environment or amenity of the area.
- To ensure suitable landscaping in the low density residential environment.
- To minimise and manage traffic and parking impacts.
- To minimise conflict between land uses within this zone and land uses within adjoining zones.
- To promote a high standard of urban design and local amenity.


¹² Canterbury-Bankstown Local Environmental Plan 2023 - NSW Legislation





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Annexure B

Canterbury-Bankstown approved applications (extract) at subject site:¹³

CANTERBURY  BANKSTOWN		Property Search	Application Search
DA's Submitted	Application Details		
Today	Application Number:	CD-262/2005	
Yesterday	Description:	Carport and Verandah	
This Week	Address:	7 Kiora Street, PANANIA NSW 2213	
Last Week	Lodged:	03/11/2005	
This Month	Status:	Approved	
	Officer Recommendation:		
	Determined:	Approved Delegated 11/11/2005	
	Determining Authority:		

CANTERBURY  BANKSTOWN		Property Search	Application Search
DA's Submitted	Application Details		
Today	Application Number:	DA-1053/2001	
Yesterday	Description:	Additions and Alterations to existing Garage	
This Week	Address:	7 Kiora Street, PANANIA NSW 2213	
Last Week	Lodged:	11/07/2001	
This Month	Status:	Approved	
	Officer Recommendation:		
	Determined:	Approved Delegated 06/08/2001	
	Determining Authority:		

CANTERBURY  BANKSTOWN		Property Search	Application Search
DA's Submitted	Application Details		
Today	Application Number:	BA-1413/1997	
Yesterday	Description:	ADDITION AT REAR OF DWELLING	
This Week	Address:	7 Kiora Street, PANANIA NSW 2213	
Last Week	Lodged:	18/09/1997	
This Month	Status:	Approved	
	Officer Recommendation:		
	Determined:	Approved 15/10/1997	
	Determining Authority:		

¹³ <https://eplanning.cbcity.nsw.gov.au/>



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Annexure C

SSR - 7 Kiara Street, Panania - WP-SIAONL-1036-2025 (extract) at subject site:



Level 1, 66 - 72 Rickard Road, Bankstown NSW
PO Box 8, Bankstown NSW 1885
Tel: (02) 9707 9010 - Fax: (02) 9707 9408
DX 11220 BANKSTOWN
council@cbc.city.nsw.gov.au

CITY OF CANTERBURY BANKSTOWN

To: Gil Architects Pty Ltd
87B Talara Rd, GYMEA NSW 2227

STORMWATER SYSTEM REPORT

Property Address: 7 Kiara Street Panania 2213
Lot/Section/Deposited Plan: Lot 82 DP 27399
Date Prepared: 29/05/2025
Ref: WP-SIAONL-1036/2025
Prepared By: Amin Haddad
Development Type: Secondary Dwelling
(garage conversion to granny flat)

FLOOD STUDY REQUIRED

No

This Stormwater System Report (SSR) provides flood and stormwater information about the property.

The information in this report should be reviewed by those who are knowledgeable in flooding or have a technical requirement to understand more about Council's building development controls (such as surveyors, builders, certifiers, architects and engineers).

Stormwater Infrastructure

The site is not affected by Council / Sydney Water / Private stormwater system components.

Property Levels

Description	Minimum (m AHD)	Maximum (m AHD)
Approximate Ground Level	14.38	14.64

Flooding Levels

Stormwater Catchment Flooding from Kelso Stormwater Catchment
Flood Study (Bewsher & BMT WBM, 2009)

Flood Event	Minimum Level (m AHD)	Maximum Level (m AHD)
5% AEP (20 year ARI)	-	-
1% AEP (100 year ARI)	14.47	14.72
PMF (Probable Maximum Flood)	14.53	15.62

Annexure C

SSR - 7 Kiara Street, Panania - WP-SIAONL-1036-2025 (extract) at
subject site:



1% AEP (100 year ARI) Flood Extent