

Statement of Environmental Effects

38 HOWARD ST
CANTERBURY

04 AUGUST 2025

QUALITY ASSURANCE

PROJECT: Dual Occupancy

ADDRESS: 38 Howard Street Canterbury

LOT/DP: Lot 1 in DP723449

COUNCIL: Canterbury - Bankstown

AUTHOR: Airlie Designs Pty Ltd

Document Management

Prepared by:

Purpose of Issue:

Date:

John Steen

Co-ordination

04 August 2025

Reviewed by:

Purpose of Issue:

Date:

Eileen Arriguetti

Lodgement Issue

04 August 2025

Integrated Development (under S4.46 of the EP&A Act). Does the development require approvals under any of the following legislation?

Fisheries Management Act 1994 No

Heritage Act 1977 No

Coal Mine Subsidence Compensation Act 2017 (NSW) No

Mining Act 1992 No

National Parks and Wildlife Act 1974 No

Petroleum (Onshore) Act 1991 No

Protection of the Environment Operations Act 1997 No

Roads Act 1993 No

Rural Fires Act 1997 No

Water Management Act 2000 No

Concurrence

SEPP 64- Advertising and Signage No

SEPP (Industry and Employment) 2021 (SEPP I&E) No

SEPP (Transport and Infrastructure) 2021 (SEPP T&I 2021) No

SEPP (Planning Systems) 2021 (SEPP Planning Systems) No

SEPP (Water Catchments) 2022 (SEPP Water Catchments) No

CONTENTS

EXECUTIVE SUMMARY	5
SITE AND LOCALITY	9
LEGAL DESCRIPTION	9
SUBJECT SITE	9
LOCALITY ANALYSIS	10
BROADER LOCALITY ANALYSIS	11
PRINCIPAL PLANNING LAYERS	13
ZONING	13
FLOOR SPACE RATIO	13
HERITAGE	13
HEIGHT OF BUILDING	14
LOT SIZE	14
CBLEP 2023 - COMPLIANCE SUMMARY	14
DESCRIPTION OF THE PROPOSAL	15
DUAL OCCUPANCE ELEMENTS-38 HOWARD ST.	15
DUAL OCCUPANCY ELEMENTS-37 CANTON ST.	16
PLANNING CONTROLS	17
STATUTORY CONTROLS	17
POLICY CONTROLS	17
CONSIDERATION OF PLANNING CONTROLS	18
SEPP (SUSTAINABLE BUILDINGS) 2022	18
SEPP (RESILIENCE AND HAZARDS) 2021	18
SEPP (BIODIVERSITY AND CONSERVATION) 2021	19
CHAPTER 2 (VEGETATION IN NON-RURAL AREAS) OF THE SEPP (BIODIVERSITY AND CONSERVATION) 2021	19
CBLEP - COMPLIANCE TABLE	20
CBDCEP - COMPLIANCE TABLE	23
CONCLUSION	35

TABLE OF FIGURES

Photograph 1: Shows 38 Howard St. Canterbury	8
Photograph 2: Shows 37 Canton St. Canterbury	8
Figure 1: Aerial Map Extract of the Subject Site (Source: SDT Explorer)	9
Figure 2: Aerial Map Extract of the Subject Site (Source: SDT Explorer)	10
Photograph 3: Shows a recently constructed duplex (29 Canton St.).....	11
Photograph 4: Shows a recently constructed duplex (27 Canton St.)	11
Figure 3: Land Zoning Map Extract (Source: Canterbury-Bankstown - LEP 2023).....	12
Figure 4: Floor Space Ratio (Source: Canterbury-Bankstown - LEP 2023).....	12
Figure 5: Heritage Map Extract (Source: Canterbury-Bankstown - LEP 2023)..	12
Figure 6: Height of Building Map: (Source: Canterbury-Bankstown - LEP 2023).....	13
Figure 7: Lot Size Map Extract (Source: Canterbury-Bankstown - LEP 2023).....	13

EXECUTIVE SUMMARY

This Statement of Environmental Effects has been prepared in support of a Development Application for the demolition of existing structures, as shown on Demolition Plan NH-0325-04. The proposal involves the construction of a detached dual occupancy, comprising alterations and additions to the existing residence fronting 38 Howard Street, and the construction of a new two-storey dwelling fronting 37 Canton Street. The application also seeks approval for Torrens Title subdivision to create two separate lots: 38 Howard Street and 37 Canton Street, Canterbury.

It is proposed to undertake the development into two (2) stages:

1. Alterations and additions of existing residence. (38 Howard St Canterbury)
Construction of a two storey dwelling (37 Canton St Canterbury).
2. Torrens Title subdivision to create 2 allotments:
 - a) 38 Howard St : 365.0m²
 - b) 37 Canton St: 343.2m²

The proposed dual occupancy development has been assessed against the relevant provisions of the *Canterbury-Bankstown Local Environmental Plan 2023* (CBLEP 2023) and the *Canterbury-Bankstown Development Control Plan 2023* (CBDCP 2023), and is compliant in all key respects:

Zoning (R4 High Density Residential):

Dual occupancy (detached) development is permissible with consent in the R4 zone. The proposal represents an appropriate and desirable form of development that contributes to housing diversity within a well-served, established area.

Minimum Lot Size:

The subject site has a total area of 708.2 m², exceeding the minimum required parent lot size of 460 m² for dual occupancy development.

Minimum Lot width:

The proposed development does not comply with the minimum lot width requirement as stipulated under the relevant planning controls. To address this non-compliance, the *Clause 4.6 Variation Request* has been amended to address all subclauses of *Clause 4.6(1)–(4)*, including sufficient environmental planning grounds under subclause 3(b), and better development outcomes under *Clause 4.6(1)(b)*.”

The Clause 4.6 Variation demonstrates that strict compliance with the minimum lot width is unnecessary, with sufficient planning grounds supporting the variation. The proposal maintains design quality, complements local character, and results in no adverse impacts or conflict with the standard’s objectives.

Minimum Front & Rear Setbacks:

The development does not comply with *Control C2 of Clause 3.5*, which requires a minimum 6m front and rear setback for dual occupancy sites with frontages greater than 12.5m. In accordance with *Section 4.15(1)(a)(iii) of the EP&A Act*, and the DCP's intent, the setback control can be flexibly interpreted to permit retention of minor, low-impact structures where the overall planning objectives — visual separation, amenity, and green space — are achieved.

Floor Space Ratio (FSR):

The amended design achieves an FSR that complies with the maximum 0.5:1 control under the clauses in the CBLEP 2023,

- a. Clause 4.4(2B)(b)(iii); and
- b. Additional Permitted Use 27 in Schedule 1

Building Height:

The proposed dwellings do not exceed the 8.5 m max, height permitted in this zone.

Setbacks, Landscaping, and Open Space:

The development complies with the required setbacks, provides adequate landscaped areas, and includes sufficient private open space for each dwelling, consistent with the CBDP 2023 controls.

Maximum Wall Height:

The maximum wall height in the Zone R4 (High Density Residential) of 7m as the vertical distance between the existing ground level and the higher of the underside of the eaves at the wall line, or the top of the parapet or the flat roof has been met and is shown on the amended plans.

Streetscape and Built Form:

The proposal is compatible with the existing and emerging built form character of the area, providing a high-quality architectural design that contributes positively to the streetscape.

Environmental and Amenity Impacts:

The proposed development has been carefully designed to minimise potential environmental and amenity impacts on adjoining properties and the broader neighbourhood.

Overshadowing:

The proposed development complies with the solar access provisions of the Canterbury-Bankstown Development Control Plan (CBDP) 2023, which require that windows to habitable rooms in adjoining dwellings receive at least 2 hours of direct sunlight between 9:00 AM and 3:00 PM on 21 June.

Shadow analysis confirms that the affected garage and bedroom windows on the adjoining property receives direct sunlight between 9:00 AM and 11:00 AM, achieving the required minimum of 2 hours within the nominated timeframe.

Importantly, it is noted that overshadowing to this window prior to 11:00 AM is due to the overhanging eaves of the neighbouring property itself, rather than caused by the proposed development. This means that the extent of shadow attributed to the proposed building is limited and does not prevent compliance with Council's controls.

In addition to this, the design has been refined to limit the upper floor (Level 1) to 11.08 metres in depth before stepping it in, reducing building mass and potential overshadowing along the shared boundary. This 11.08-metre depth is consistent with the built form character of other two-storey dwellings in the surrounding area and supports a well-considered, contextually appropriate design.

In summary:

- * The adjoining bedroom and garage windows receives 2 hours of direct sunlight between 9:00 AM and 11:00 AM, satisfying the CBDCP requirement.
 - * Overshadowing before 11:00 AM results from the eaves of the neighbouring dwelling, not the subject development.
 - *The stepped upper level and reduced depth (11.08 metres) help to limit visual bulk and protect amenity.
 - *The development meets both the numeric standard and the objectives of the DCP's solar access provisions.
- Accordingly, the proposal is considered compliant and appropriate in relation to solar access and amenity for neighbouring properties.

Privacy:

The proposal incorporates adequate separation between dwellings and neighbouring properties. Upper-level windows have been positioned and treated to minimise overlooking into adjacent private open spaces and habitable rooms. Where necessary, privacy screens and highlight windows have been used to preserve residential amenity.

Noise and Acoustic Privacy:

The use of the site for dual occupancy purposes is consistent with the surrounding residential land use. The anticipated noise levels from the development will be consistent with typical residential activity and will not result in adverse acoustic impacts.

Visual Impact and Streetscape:

The proposed development is of a scale, form, and architectural character that is compatible with the existing and emerging streetscape. It integrates well with the surrounding context and contributes positively to the visual amenity of the area through modern design, high-quality finishes, and appropriate landscaping.

Landscaping and Open Space:

The development provides landscaped areas and private open space in accordance with Council's DCP requirements. Landscaping has been integrated along both street frontages and within the site to soften built form and enhance amenity for residents.

Stormwater and Drainage:

The stormwater plans have been revised to meet the RFI requirements noted on the document dated 4 June 2025.

Vehicle Access:

Each dwelling will have direct vehicle access , one from Howard Street and one from Canton Street , allowing for separate and independent entries. Driveway crossings are appropriately spaced and designed to maintain pedestrian safety and minimise disruption to on-street parking and existing street infrastructure.

The proposal includes a driveway and carport located on the boundary (0m setback), consistent with an established and emerging pattern of development along Howard Street, particularly at:

- 28 Howard Street
- 29 Howard Street
- 30 Howard Street
- 36 Howard Street



These properties have been approved with driveways and/or carports constructed directly on the side boundary (0-metre setback), establishing a clear precedent and consistent built form outcome in the immediate context.

Planning Justification

- The proposal maintains continuity with the existing urban form along the street, where narrow sites in the R4 zone necessitate efficient use of space, including boundary-to-boundary building arrangements.
- Canterbury Development Control Plan (DCP) and the LEP allow flexibility in setbacks where:
 - ▽ There is no adverse impact on adjoining dwellings (e.g., overshadowing, visual bulk).
 - ▽ The development is in keeping with neighbouring character and existing approved patterns.
 - ▽ Vehicle access and safety are not compromised.
 - ▽ The dual frontage nature of the subject site further mitigates potential impact, as no shared driveway is proposed between neighbours, but rather each frontage provides independent access.
- The amended proposal responds to Council's refusal reasons by removing the upper-level void in Dwelling 2, amending overshadowing impacts, and providing deep soil landscaping in all required areas.
- A valid BASIX Certificate has been submitted, and all BASIX commitments are now shown on the updated architectural plans.

The proposed 0m side setback to the driveway and carport is a practical response to the site's 12.7m width, enabling compliant on-site parking. It aligns with established local patterns, raises no precedent concerns, and will meet all fire and drainage requirements. The design is reasonable, contextually appropriate, and supported on both planning and functional merit.

Parking Provision:

The proposal complies with the minimum parking requirements under the Canterbury-Bankstown DCP 2023. Each dwelling is provided with a minimum of one garage and an additional hardstand car space within the property boundaries, meeting the requirement of at least one off-street parking space per dwelling in the R4 zone. There is no reliance on on street parking

Traffic Generation:

The additional dwelling is expected to result in a negligible increase in local traffic volumes. Dual occupancies generate low traffic demand and are consistent with residential development patterns in the locality. The surrounding road network, including Howard and Canton Streets, has sufficient capacity to accommodate the modest increase in vehicle movements.

Pedestrian Access: Safe and direct pedestrian access to each dwelling is provided via individual entries from their respective frontages. Clear sightlines and appropriately designed access paths ensure compliance with accessibility and safety standards.

SITE AND LOCALITY

LEGAL DESCRIPTION

The subject site is legal described as Lot 1 in DP723449, though more commonly 38 Howard St. Canterbury .

SUBJECT SITE

Situated within an established residential area, the subject site is a rectangular-shaped allotment with a frontage of 12.7 metres to Howard Street, 12.825 metres to Canton Street, and a total site area of 708.2 m². The site slopes towards the northern boundary, enabling stormwater drainage to Canton Street.

The subject site currently contains an older-style residential dwelling, which is proposed to be retained with alterations and additions. The site will be subdivided in a manner consistent with the two adjoining lots, as demonstrated in Photographs 1 and 1A below.

Photograph 1: Shows 38 Howard St. Canterbury.



Photograph 2: Shows 37 Canton St. Canterbury.



LOCALITY ANALYSIS

The character of the immediate locality is predominantly low-density residential, featuring a mix of older single-storey dwellings, two-storey houses, and some more recent dual occupancy developments.

Given the growing demand for housing in established Sydney suburbs and the rising value of land, it is anticipated that the locality will continue to transition towards a more contemporary built form, with larger two-storey dwellings and dual occupancy developments of a similar scale to the current proposal.

An aerial map extract is provided below demonstrating the subject site and the relationship with adjoining properties.

Figure 1: Aerial Map Extract of the Subject Site (Source: SDT Explorer)

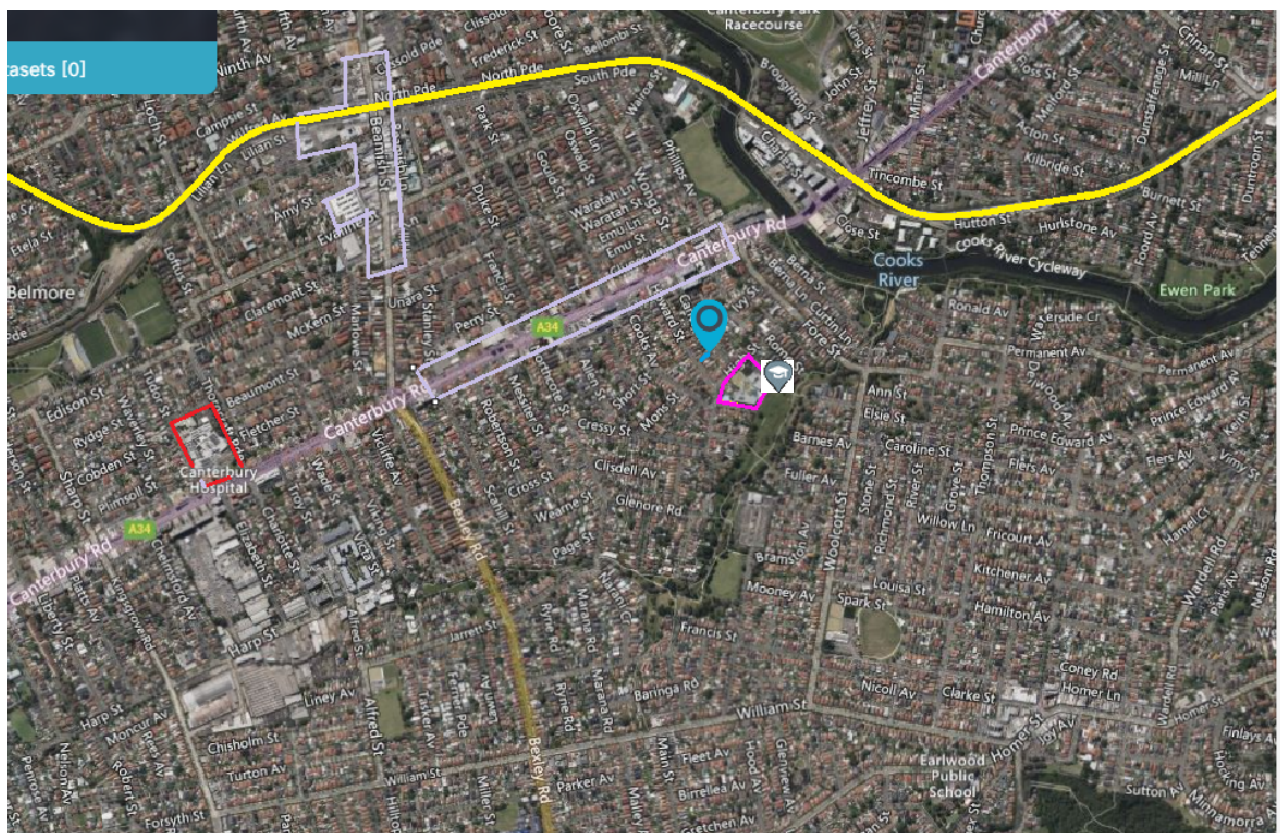


 Subject site

BROADER LOCALITY ANALYSIS

The subject land parcel is located close to employment opportunities, educational establishments, and recreational facilities, all of which are easily accessible via bus stops and train lines, including the major upgrade of the Sydney Metro City & Southwest project, which provides regular high-speed services to the CBD and Chatswood.

Figure 2: Aerial Map Extract of the Subject Site (Source: SDT Explorer)



 Subject Site
  Key Arterial Roads
  Educational Establishments
  Industrial / Retail Precinct
  Metro / Train

The extract above illustrates the locality of the property and its proximity to major roads, schools, retail and industrial precincts, as well as the metro/train line.

Photograph 3: Shows a recently constructed duplex (29 Canton St Canterbury)



Photograph 4: Shows a recently constructed duplex (27 Canton St Canterbury)



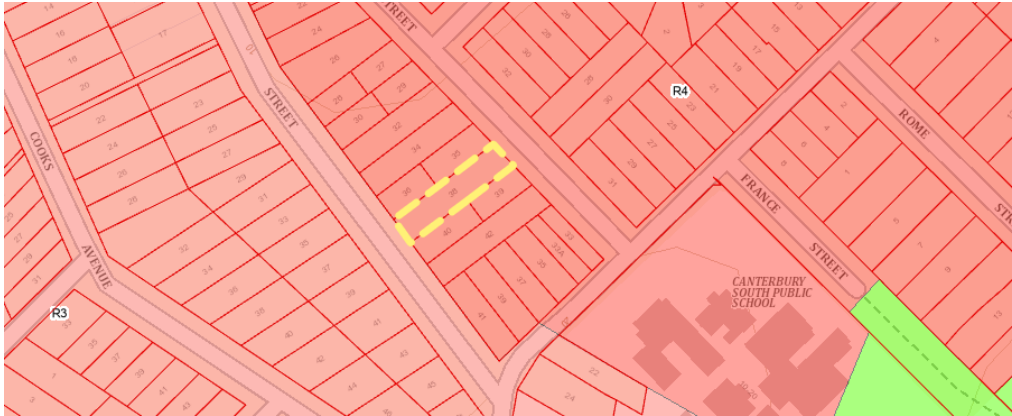
PRINCIPAL PLANNING LAYERS - CANTERBURY BANKSTOWN LEP 2023

The following planning layers are provided below and overleaf.

ZONING

The development site is zoned R4 High Density Residential.

Figure 3: Zoning Map Extract (Source: Canterbury-Bankstown LEP 2023) - R4



FLOOR SPACE RATIO:

This site has a maximum allowable Floor Space Ratio (FSR) of 0.75:1.

Figure 4: Floor Space Ratio Map (Source: Canterbury-Bankstown LEP 2023) - 0.75:1

The above floor space ratio map is superseded by the following controls in the CBDP 2023. the amended plans comply.

Floor space ratio

The proposal fails to comply with the following clauses in the CBLEP 2023, with regard to the maximum floor space ratio (FSR) on site for dual occupancy /semi-detached dwelling development of 0.5:1:

- a. Clause 4.4(2B)(b)(iii); and
- b. Additional Permitted Use 27 in Schedule 1

HERITAGE:

The site is not identified as containing a heritage item, and it is not located within a heritage conservation area as illustrated by the heritage extract map below:

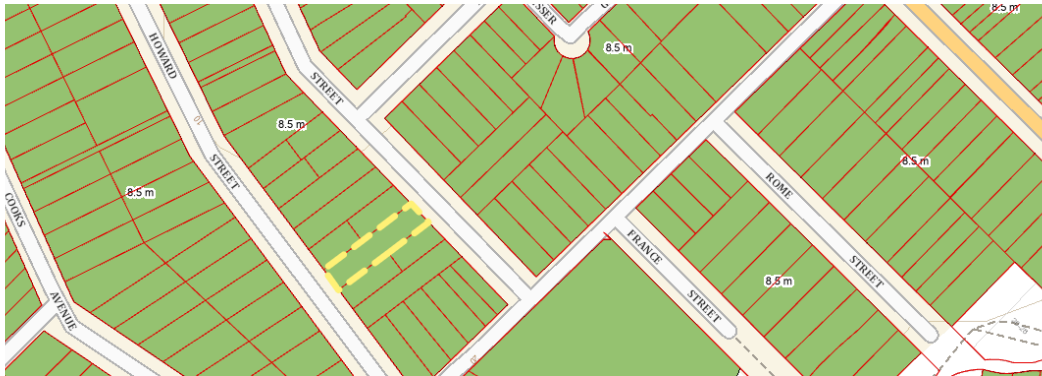
Figure 5: Heritage Map Extract (Source: Canterbury-Bankstown LEP 2023) - No Impact



HEIGHT OF BUILDING

This subject site has a maximum building height of 8.5m as shown in the extract below:

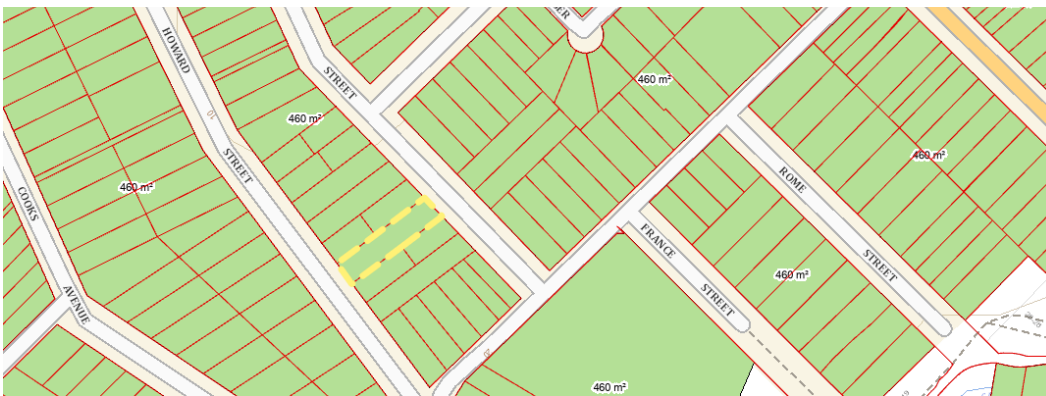
Figure 6: Height of Building Map (Source: Canterbury-Bankstown LEP 2023)



LOT SIZE

This subject site has a maximum building height of 8.5m as shown in the extract below:

Figure 7: Lot Size Map Map (Source: Canterbury-Bankstown LEP 2023)



CANTERBURY-BANKSTOWN LEP 2023 – COMPLIANCE SUMMARY

Dual occupancies are permissible with consent within the R4 High Density Residential Zone, subject to compliance with the applicable development standards. The subject site has a parent lot size of 708.2 m², satisfying the minimum lot size requirement for dual occupancies under the LEP.

The site is located within an established residential area, characterised by a mix of built forms, including older single-storey dwellings, newer two-storey residences, and existing dual occupancy developments, contributing to a diverse and evolving streetscape.

The proposed development complies with the maximum building height of 8.5 metres and the maximum Floor Space Ratio (FSR) of 0.5:1, as confirmed in the architectural plans and summarised in the compliance tables in the architectural drawings.

DESCRIPTION OF THE PROPOSAL

This Development Application seeks approval for a proposed detached dual occupancy, comprising alterations and additions to existing structures fronting Howard Street, and the construction of a new detached two-storey dwelling fronting Canton Street. The proposal also includes a subsequent Torrens Title subdivision into two lots.

It is proposed to undertake the development into two (2) stages:

1. Alterations, additions and construction of a two storey dwelling (detached).
2. Torrens Title subdivision to create 2 allotments:
 - a) 38 Howard St : 365.0m²
 - b) 37 Canton St: 343.2m²

Dual Occupancy Elements - 38 Howard St. Canterbury

The proposal involves alterations and additions to an existing single-storey residence.

Ground Floor:

The ground floor comprises the active living areas, including a living room, dining room, study, laundry, and kitchen, with direct access to the alfresco area and rear courtyard from the living area. It also includes passive areas consisting of four bedrooms and two shared bathrooms. Bedroom 1 features a walk-in robe. The existing pergola to the rear of Howard St residence has been reduced in size. While it partially encroaches into the 6m rear setback and deep soil zone, it is lightweight and open, does not impact soil permeability, and does not create any adverse environmental or amenity impacts.

Parking

- We propose to incorporate two off-street car parking spaces, one of which is covered as part of this submission, along with an application for a proposed driveway to access this car space.

The relevant architectural plans for the proposal have been prepared by Airlie Designs, with supporting reports provided by specialist sub-consultants. The proposal also includes ancillary elements such as the provision of drainage infrastructure for stormwater management, installation of rainwater tanks, and landscape enhancement works.

The application proposes the retention of the existing Californian Bungalow, with alterations and additions to the ground floor to accommodate the evolving needs of the community.

Dual Occupancy Elements - 37 Canton St. Canterbury

The proposal has been designed with 2 distinct levels:

Ground Floor:

The ground floor comprises the active living areas, including a living room, dining room, study, laundry, drying area and kitchen, with direct access to the alfresco area and rear courtyard via the living area.

First Floor:

The first floor contains the more passive areas, including three bedrooms and a shared bathroom. Bedroom 1 features an ensuite, a walk-in robe, and a balcony overlooking Canton Street.

Parking

- The dwelling includes two covered car parking spaces, along with two additional off-street parking spaces located in front of the garage.

The modern two-storey detached dwelling fronting 37 Canton Street incorporates contemporary architectural elements to present an attractive and cohesive façade to the street. The proposed dwelling has been designed to align with the evolving two-storey built form character along Canton Street and within the broader locality.

Consideration has been given to the scale, massing, and form of the development in relation to the site's unique characteristics, adjoining properties, and the changing urban context. The design also addresses key aspects of residential amenity, including privacy and solar access, ensuring these are maintained for both future occupants and surrounding residents.

Overall, the proposal will make a positive contribution to housing diversity and increase the overall housing stock within Canterbury.

PLANNING CONTROLS

STATUTORY CONTROLS

The relevant statutory planning controls include:

- State Environmental Planning Policy (Sustainable Buildings) 2022.
- State Environmental Planning Policy (Resilience and Hazards) 2021
- State Environmental Planning Policy (Biodiversity and Conservation) 2021,
- Chapter 2 (Vegetation in Non-Rural Areas) of the State Environmental Planning Policy (Biodiversity and Conservation) 2021
- Canterbury-Bankstown Local Environmental Plan 2023

POLICY CONTROLS

The applicable policy control document is:

- Canterbury - Bankstown Development Control Plan 2023.

CONSIDERATION OF PLANNING CONTROLS

The following summarises the relevant planning controls in relation to the proposal and the compliance of each.

State Environmental Planning Policy (Sustainable Buildings) 2022

Matter for consideration	Yes	No
New residential development	X	
BASIX Requirements (Part 2)	X	
Design and Performance Standards (Part 3 & 4)	X	
Embodied Emissions and Operational Performance	X	
Urban Heat Mitigation (Clause 3.6)	X	

A valid BASIX Certificate has been submitted with this Development Application, confirming that the proposed development complies with the updated sustainability standards introduced under the amended policy. This includes achieving a minimum 7-star thermal performance rating under the Nationwide House Energy Rating Scheme (NatHERS), as well as contributing to a projected reduction in greenhouse gas emissions of 7–11%, consistent with the policy objectives.

State Environmental Planning Policy (Resilience and Hazards) 2021

Matter for consideration	Yes	No
Flood Planning (Part 3)		X
Bushfire Resilience (Part 4)		X
Contaminated Land (Part 5)		X
Mine Subsidence (Part 6)		X
Hazardous Industries and Storage (Part 7)		X
Coastal Management (Part 2, if relevant)		X

There is no evidence to suggest that the site is contaminated. Based on a review of available information, there are no known current or historical uses that would warrant further investigation into potential contamination at this stage.

State Environmental Planning Policy (Biodiversity and Conservation) 2021

The site is not located within a coastal zone or area mapped as containing significant biodiversity values. No native vegetation will be removed, and the proposal does not trigger the Biodiversity Offset Scheme thresholds. As such, SEPP (Biodiversity and Conservation) 2021 has been considered, and no further assessment is required at this stage.

Chapter 2 (Vegetation in Non-Rural Areas) of the State Environmental Planning Policy (Biodiversity and Conservation) 2021

The proposal has been assessed in accordance with Chapter 2 of the SEPP (Biodiversity and Conservation) 2021, which regulates the clearing of vegetation in non-rural zones, including residential zones.

The subject site is located within a non-rural zone, and the proposed development does not involve the clearing of native vegetation beyond what is permissible under the Canterbury-Bankstown Development Control Plan and Council's Tree Management Policy.

A review of the site indicates that no vegetation removal requiring development consent under this Chapter is proposed. We have proposed the removal of three trees with this DA.

The development is considered to be compliant with the provisions of Chapter 2, and no additional vegetation or biodiversity assessment is required under this part of the SEPP.

Dual Occupancy (dettached) are permissible with consent within the subject site and the proposal is consistent with the definition contained within the Local Environmental Plan:

- To provide for the housing needs of the community within a high-density residential environment.
- To provide a range of residential and other uses that complement the residential environment.

The proposed development provides a dual occupancy (dettached) development that is not only located in a suitable location but will increase housing stock along St. Canton Street.

The proposed dwelling is compatible with the evolving character of the surrounding locality towards larger architectural designed contemporary two storey dwellings and dual occupancies. The site is well located with appropriate access to an established centre, public transportation, community infrastructure, hospital and recreation opportunities.

The table below provides detail on the development standards relevant to the current proposal as well as other relevant LEP provisions.

Canterbury-Bankstown Local Environmental Plan 2023			
Clause	Controls	Comment	Complies
Zoning	R4 High Density Residential	Torrens title subdivision and dual occupancies (dettached)are permissible with Council consent in the R4 – High Residential Density Zone.	Yes
Part 2 Permitted or Prohibited Development			
2.3	Zone Objectives and Land Use Table	The proposal is consistent with the zone objectives of the R4 Low High Density Residential. The proposal will contribute towards increasing housing opportunity within Canterbury.	Yes
2.6	Subdivision – Consent Requirements	Council consent is sought for the subdivision of the dual occupancy in accordance with Clause 4.1A	Yes

2.7	Demolition Requires Consent	Council consent is sought for the demolition of existing structures.	Yes
Part 4 Principal Development Standards			
4.1	Minimum Subdivision Lot Size	A minimum lot size of 460m² is identified for the site under the CBLEP 2023 Lot Size Map. The subject site has a total site area of 708.2m².	Yes
4.3	Height of Buildings: 8.5m	The maximum building height of 8.5m is identified for the site under CBLEP 2023 No part of the proposal exceeds 8.5m in height and as such is compliant with this control.	Yes
4.4	Floor Space Ratio: 0.5:1	A maximum floor space ratio of 0.5:1 is identified for the site under CBLEP 2023 The proposal incorporates an FSR of 0.5:1 and as such the proposal complies with the FSR controls. See attached plans for detail. FSR calculations have been undertaken in accordance with Clause 4.5.	Yes
Part 5 Miscellaneous Provisions			
5.10	Heritage Conservation	The subject site is not identified as being located within a heritage conservation area, it does not contain any heritage items and it is not in the vicinity of any heritage listed items. Not applicable.	N/A
Part 6 Additional Local provisions			
6.1	Acid Sulfate Soils	The subject site is not identified as being affected Acid Sulfate Soils. Not applicable. Class 5	N/A
6.2	Earthworks	This application seeks Council consent for the excavation of the site as per the attached plans. It is considered that the proposed excavation, will have minimal adverse environmental or amenity impact.	Yes

		The proposal results in an appropriate outcome when considering the nature of the development, the unique characteristics of the site and compliance with relevant Council controls. The proposal will not adversely affect or disrupt drainage and flood patterns, flood storage or soil stability in the area. It is considered unlikely due to the location of the site as well as previous development that excavation will lead to the disturbance of relics.	
6.3	Stormwater management and water sensitive urban design	There is no adverse impacts on urban stormwater and adjoining properties, native bushland, waterways and ground water systems.	Yes
6.4	Biodiversity	The subject site is not identified as containing Biodiversity Land under CBLEP 2023. Not applicable.	N/A
6.5	Riparian Land and Watercourses	The subject site is not identified as containing Riparian Land and Waterways under CBLEP 2023. Not applicable.	N/A
6.6	Limited development on foreshore area	The subject site is not located within the Foreshore Building Line.	N/A
6.7	Development in areas subject to aircraft noise	the Development site is not located within an area of aircraft noise	N/A
6.9	Essential services	The subject site has provisions for water, gas, sewer, disposal of sewer, electricity, stormwater drainage, waste management and vehicular access.	Yes
6.10	Active street frontage	The subject site has active street Street frontage to each residence	Yes

CANTERBURY - BANKSTOWN DEVELOPMENT CONTROL PLAN 2023

SECTION 3–DUAL OCCUPANCIES AND SEMI-DETACHED DWELLINGS

The table below provides detail on the development standards relevant to the current proposal.

CANTERBURY - BANKSTOWN –General Controls Compliance Table		
Clause	Control	Complies
3.1 Minimum lot size and frontage		
C1	Dual occupancy and semi-detached must have street frontage.	Yes
C2	Minimum 15m width, measured at the street boundary. On corner lots, this means the short boundary.	No. Amended 4.6 variation request attached
C3	Each dwelling is required to have a minimum frontage width of 7.5m.	Yes
C4	On irregular blocks, the site width is measured at the required front setback.	NA
C5	Dual occupancy (detached) is acceptable only where each dwelling can face and have frontage to the street, such as on a corner site.	Yes
3.2 Private open space		
C1	Semi-detached dwellings with a frontage of less than 7.5m must provide a minimum of 40m ² of private open space.	NA
C2	Dual occupancy and semi-detached dwellings with a frontage of 7.5m or greater must provide a minimum of 50m ² of private open space.	Yes
C3	Dual occupancy and semi-detached dwellings must provide one area of private open space with a minimum dimension in any direction of 4m.	Yes
C4	Dual occupancy and semi-detached dwellings must provide one area at least 2.5m x 2.5m suitable for outdoor dining facilities.	Yes
C5	The design of private open space must satisfy the following criteria:	
	(a) Be located at ground level to the rear of an allotment behind the dual occupancy.	Yes
	(b) Be located adjacent to the main living areas, such as a living room.	Yes
	(c) Have a maximum gradient of 1:50.	Yes
	(d) The principal area of open space for each dwelling may comprise a combination of privacy screens, sun-shading devices and landscaped areas.	Yes
	(e) Be designed to prevent direct overlooking from a public place or from neighbouring buildings.	Yes

Clause	Control	Complies
3.2 Private open space (Continued)		
C5	(f) Be designed to accommodate both recreation and service activities.	Yes
	(g) Include a suitably screened area for clothes drying facilities.	Yes
	(h) Be oriented to provide maximum exposure to midwinter sunlight whilst optimising privacy.	Yes
C6	Ensure that balconies, verandas or pergolas do not encroach upon any required deep soil area.	No. See SECTION 8.3 Review Request – DA-512/2025
3.3 Layout and orientation		
C1	Orientate development to maximise solar access and natural lighting, without unduly increasing the building's heat load.	Yes
C2	Site the development to avoid casting shadows onto neighbouring dwelling's primary living area, private open space and solar cells.	Yes
C3	Coordinate design for natural ventilation with passive solar design techniques.	Yes
C4	Site new development and private open space to avoid existing shadows cast from nearby buildings.	Yes
C5	Site a building to take maximum benefit from cross-breezes and prevailing winds.	Yes
C6	Do not compromise the creation of casual surveillance of the street, communal space and parking areas, through the required orientation.	Yes
3.4 BUILDING ENVELOPE		
Height		
C1	Development for the purposes of dual occupancy and semi-detached dwellings must not exceed the following numerical requirements:	
	(a) A maximum two storey built form.	Yes
	(b) A maximum external wall height of 7m where the maximum height of buildings standard under the LEP is 8.5m.	Yes
	(c) A maximum external wall height of 8m where the maximum height of building standard under the LEP is 9.5m.	N/A
	(d) Finished ground floor level is not to exceed 1m above the natural ground level.	Yes

Clause	Control	Complies
3.4 BUILDING ENVELOPE (continued)		
Attics and roof terrace		
C2	Attics and mezzanine floors do not comprise a storey.	N/A
C3	Roof top terraces are not acceptable on any building or outbuilding in any residential zone.	N/A
Retaining Walls		
C4	Walls that would enclose a sub-floor area: (a) Maximum 2m for steeply sloping land; and (b) Maximum 1m for all other land.	N/A N/A
C5	Retaining walls that would be located along, or immediately adjacent to, any boundary: (a) Maximum 3m for steeply sloping land, but only to accommodate a garage that would be located at street level; and (b) Maximum 1m for all other land.	Yes Yes
Cut and fill		
C6	Maximum 1m cut below ground level where it will extend beyond an exterior wall of the building.	Yes
C7	No limit to cut below ground level where it will be contained entirely within the exterior walls of a building, however, excavated area is not to accommodate any habitable room that would be located substantially below ground level.	Yes
C8	Maximum 600mm fill above ground level where it would extend beyond an exterior wall of a building.	Yes
C9	If proposed cut and fill, or a retaining wall, would be deeper or higher than 1m, structural viability must be confirmed by suitably qualified engineers' reports.	Yes
3.5 SETBACKS		
<u>Front, side and rear setbacks</u>		
C1	Development, including basement and sub-floor areas, fronting a major road must have a minimum front setback of 9m.	N/A
C2	Development must comply with the minimum front, side and rear setbacks in Table 8 applies:	
Front Setback	• Minimum setback of 6m from the front boundary. • Maximum 2m recess for the main entrance from the front building line.	Yes 38 Howard St is exist. Yes
Side Setbacks	• Minimum setback of 1.2m from side boundaries. • Corner lots: minimum setback of 3.5m from the secondary street frontage (the longer street boundary).	Yes N/A
Rear Setbacks	• Minimum setback of 6m from the rear boundary.	No. See SECTION 8.3 Review Request – DA-512/2025
Table 8: Dual occupancy and semi-detached 12.5m or greater		

Clause	Control	Complies
3.5 SETBACKS (Continued)		
<u>Front, side and rear setbacks</u>		
C3	Front and rear setbacks are to be provided as deep soil areas. Driveways and footpaths may cross deep soil areas.	No. See SECTION 8.3 Review Request – DA-512/2025
<u>Exceptions and other requirements</u>		
C4	Minimum setback of 1m from any side or rear boundary for swimming pools and associated terraces. Landscaping shall be provided in the setback area to screen the pool from neighbours.	N/A
C5	Swimming pools must not be located within any front setback.	N/A
C6	One garage or carport may be constructed with a nil rear setback for sites that adjoin a rear laneway. The garage or carport must not comprise more than 50% of the rear boundary frontage to a lane and not be wider than 6m.	N/A
C7	Car parking structures must satisfy the Building Code of Australia requirements.	Yes
C8	For existing dwellings one single space carport may encroach beyond the minimum front setback, where it can be demonstrated that vehicular access cannot be provided behind the building line given that side driveway access is less than 2.7m. Carports must not be wider than 3m.	Yes
C9	On land identified as having a height of 9.5m on the Map, the following parking structures may encroach beyond the minimum front or side setback: (a) One carport that is not wider than 6m. (b) On sites that rise from the street frontage, one garage that is not wider than 6m and no higher than 3m above street level.	N/A
C10	The following minor building elements may project up to 1m into the minimum side setback area: (a) Roof eaves, awnings, pergolas and patios; (b) Stair or ramp access to the ground floor; (c) Rainwater tanks.	Yes
3.6 Building Depth		
C1	Dual occupancy housing and semi-detached dwellings must not exceed a building depth of 25m.	Yes
C2	An exception to C1 above applies where a dual occupancy (attached) is proposed on a corner site and where one of the dwellings face the secondary (longest) street frontage. In that circumstance, a building depth requirement of 35m from the primary street frontage must not be exceeded.	N/A

Clause	Control	Complies
3.7 Building Separation		
C1	Where a detached dual occupancy is proposed and with each dwelling having a primary street frontage, a minimum building separation of 2.4m must be provided between the two dwellings (measured from the outer faces of the exterior wall of each dwelling). The 2.4m building separation must be shared equally in distance (i.e. 1.2m for each dwelling) between the two dwellings	Yes
C2	Garages or carports may be located in the separation area.	N/A
3.8 Building Design		
<u>Contemporary built form</u>		
Contemporary architectural designs may be acceptable if:		
C1	(a) A heritage listing does not apply to the existing dwelling or to its immediate neighbours.	Yes
	(b) The proposed addition is not visually prominent from the street or from a public space.	Yes
	(c) Extensive remodelling of existing facades is proposed in accordance with controls of this DCP.	Yes
C2	New building forms and design features shall not mimic traditional features, but should reflect these in a contemporary design.	Yes
C3	Access to upper storeys must not be via external stairs.	N/A
C4	All dwellings must contain one kitchen and laundry facility.	Yes
C5	Retain and extend prominent elements of the existing roof (such as gables, hips or longitudinal ridges that run parallel to a street boundary).	Yes
C6	Contemporary roof forms may be acceptable on additions at ground floor level if concealed substantially behind the existing dwelling, and not visible from the street or other public space.	Yes
<u>Building entries</u>		
C7	Entries to residential buildings must be clearly identifiable.	Yes
C8	A minimum of one habitable room must be oriented towards the street to promote positive social interaction and community safety.	Yes
C9	Sight lines to the street from habitable rooms or entrances must not be obscured by ancillary structures.	Yes
<u>Internal dwelling layout</u>		
C10	Design interiors to be capable of accommodating the range of furniture that is typical for the purpose of each room.	Yes
C11	The primary living area and principal bedroom must have a minimum width of 3.5m.	Yes
C12	Secondary bedrooms must have a minimum width of 3m.	Yes
C13	Provide general storage in addition to bedroom wardrobes and kitchen cupboards.	Yes

Clause	Control	Complies						
3.8 Building Design (Continued)								
<u>Facade</u>								
<u>treatment</u> C14	Development on corner lots must address both street frontages through facade treatment and articulation of elevations.	N/A						
C15	Use non-reflective materials, do not randomly mix light and dark coloured bricks, and treat publicly accessible wall surfaces with anti-graffiti coating.	Yes						
C16	Facade design should reflect the orientation of the site using elements such as sun shading devices, light shelves and bay windows.	Yes						
C17	Facades visible from the street should be designed as a series of articulating panels or elements.	Yes						
C18	The width of articulating panels should be consistent with the scale and rhythm characteristic of bungalows.	Yes						
C19	The width of articulating panels shall be in accordance with the numerical requirements below:	Yes						
<table border="1"> <thead> <tr> <th>Façade</th><th>Street elevation</th><th>Side elevation</th></tr> </thead> <tbody> <tr> <td>Width of articulating panels</td><td>4m to 6m</td><td>10m to 15m</td></tr> </tbody> </table> Table 9: Width of articulating panels			Façade	Street elevation	Side elevation	Width of articulating panels	4m to 6m	10m to 15m
Façade	Street elevation	Side elevation						
Width of articulating panels	4m to 6m	10m to 15m						
C20	Avoid long flat walls along street frontages - stagger the wall alignment with a step (not a fin wall or other protruding feature) of at least 0.5m for residential buildings.	Yes						
C21	Vary the height of modules so they are not read as a continuous line on any one street between 2 - 4 storeys, step-back to the middle component and again at the top.	Yes						
C22	Incorporate contrasting elements in the facade - use a harmonious range of high quality materials, finishes and detailing.	Yes						
C23	Screen prominent corners with awnings, balconies, terraces or verandas that project at least 1 m from the general wall alignment.	N/A						
<u>Pavilions</u>								
C24	The top storey of any two-storey dwelling should be designed as a series of connected pavilion elements to minimise scale and bulk.	Yes						
C25	Facades that exceed 25m in length shall be indented to create the appearance of multiple pavilion elements.	N/A						
C26	Pavilion elements shall have a depth between 10-15m.	Yes						
C27	Articulate upper storey pavilions with an additional side boundary setback, and identify by separate roofs	Yes						

Clause	Control	Complies
3.8 Building Design (Continued)		
<u>Windows</u>		
C28	Large windows should be located at the corners of a building and may be designed as projecting bay-windows.	Yes
C29	Large windows should be screened with blinds, louvres, awnings or pergolas.	Yes
C30	Windows must be rectangular.	See Below
C31	Square, circle and semi-circle windows are acceptable in moderation.	Yes
C32	Vertical proportioned window openings can include multi-panel windows or multipanel doors.	Yes
C33	Windows and openings shall be appropriately located and shaded to reduce summer heat load and maximise sunlight in winter.	Yes
C34	Dormer windows on buildings in the residential zone must comply with the following design requirements: (a) Should not appear as an additional storey; (b) Are no wider than 1.5m in width; (c) Provide a minimum 2.5m separation between dormers; and (d) Do not extend above the ridgeline of the building.	N/A
<u>Ventilation</u>		
C35	Incorporate features to facilitate natural ventilation and convective currents - such as opening windows, high vents and grills, high level ventilation (ridge and roof vents) in conjunction with low-level air intake (windows or vents).	Yes
C36	Where natural ventilation is not possible, energy efficient ventilation devices such as ceiling fans should be considered as an alternative to air conditioning. Explore innovative technologies to naturally ventilate internal building areas or rooms.	Yes
3.9 Roof design and features		
C1	Use a simple pitched roof that accentuates the shape of exterior walls, and minimises bulk and scale.	Yes
C2	Avoid complex roof forms with multiple gables, hips and valleys, or turrets.	Yes
C3	Roof pitches are to be compatible and sympathetic to nearby buildings.	Yes
C4	Parapet roofs that increase the height of exterior walls are to be minimised.	Yes
C5	Use minor gables only to emphasise rooms or balconies that project from the body of a building.	Yes

Clause	Control	Complies
3.9 Roof design and features (continued)		
C6	Mansard roofs (or similar) are not permitted.	Yes
C7	Pitched roofs should not exceed a pitch of 30 degrees.	Yes
C8	Relate roof design to the desired built form and context.	Yes
C9	Roofs with greater pitches will be considered on merit taking into account matters such as streetscape, heritage value and design integrity.	Yes
C10	Relate roof design to the desired built form and context.	Yes
3.10 Fencing		
C1	Provide boundary definition by construction of an open fence or low hedge to the front street boundary.	Yes
C2	Front fences within the front boundary setback are to be no higher than 1.2m.	Yes
C3	Side fences may be 1.8m high to the predominant building line. Forward of the building line, side fences must taper down to the height of the front fence at a height no greater than 1.2m.	Yes
C4	On corner sites where the facade of a building presents to two street frontages, fences are to be no higher than 1.2m.	N/A
C5	Screen walls around private open spaces shall not be taller than 1.2m, although screens with 50% transparency may be up to 1.8m in height.	Yes
3.11 Building Services		
C1	All letterboxes be installed to meet Australia Post standards.	Yes
C2	Design and provide discretely located mailboxes at the front of the property.	Yes
C3	Integrate systems, services and utility areas with the design of the whole development – coordinate materials with those of the building and integrate with landscaping.	Yes
C4	Facilities should not be visually obtrusive and should not detract from soft-landscaped areas that are located within the required setbacks or building separations.	Yes
C5	Appliances that are fitted to the exterior of a building, and enclosures for service meters, do not detract from the desired architectural quality of new building, or the desired green character of streetscapes.	Yes
C6	Unscreened appliances and meters should not be attached to any facade that would be visible from a street or driveway within the site: (a) Screen air conditioning units behind balcony balustrades; (b) Provide screened recesses for water heaters rather than surface - mounting them on exterior walls; and (c) Locate meters in service cabinets.	Yes

Clause	Control	Complies
3.11 Building Services (Continued)		
C7	Screen or treat air conditioning units, TV antennae, satellite dishes, ventilation ducts and other like structures so they are not visible on the street elevation.	Yes
C8	Coordinate and integrate building services, such as drainage pipes, with overall facade and balcony design.	Yes
C9	Location and design of service areas should include: (a) Screening of clothes drying areas from public places; and (b) Space for storage that is screened or integrated with the building design	Yes
C10	Minimise visual impact of solar hot water systems by: (a) Placing the system as unobtrusively as possible, both to the street and neighbouring properties; (b) Using a colour that is consistent with the colour of roof materials; (c) Designing solar panels, where possible, as part of the roof; (d) Setting the solar panels back from the street frontage and position below the ridgeline; and (e) Separate the water storage tank from the solar collectors and place on a less visually obtrusive part of the roof, or within the building (for example, the roof space or laundry).	Yes
3.12 Solar access and overshadowing		
<u>Solar access to proposed development</u>		
C1	Where site orientation permits at least primary living areas of dwellings must receive a minimum of 3 hours of sunlight between 8.00am and 4.00pm on 21 June. Where existing overshadowing by buildings and fences is already greater than this control, sunlight is not to be reduced by more than 20%.	Yes. See SECTION 8.3 Review Request – DA-512/2025
C2	Principle areas of private open space must receive a minimum of 3 hours of sunlight between 8.00am and 4.00pm on 21 June to at least 50% of the open space surface area. Where existing overshadowing by buildings and fences is already greater than this control, sunlight is not to be reduced by more than 20%.	Yes. See SECTION 8.3 Review Request – DA-512/2025
<u>Solar access to neighbouring development</u>		
C3	Proposed development must retain a minimum of 3 hours of sunlight between 8.00am and 4.00pm on 21 June for existing primary living areas and to 50% of the principal private open space.	Yes
C4	If a neighbouring dwelling currently receives less than 3 hours of sunlight, then the proposed development must not reduce the existing level of solar access to that property.	Yes
C5	Sunlight to solar hot water or photovoltaic systems on adjoining properties must comply with the following: (a) Systems must receive at least 3 hours of direct sunlight between 8.00am and 4.00pm on 21 June. (b) If a system currently receives less than 3 hours sunlight, then proposed development must not reduce the existing level of sunlight.	Yes
C6	Clothes drying areas on adjoining residential properties must receive a minimum of 3 hours of sunlight on 21 June.	Yes. See SECTION 8.3 Review Request – DA-512/2025

Clause	Control	Complies
3.12 Solar access and overshadowing (Continued)		
<u>Shading devices</u>		
C7	Windows and openings shall be appropriately located and shaded to reduce summer heat load and maximise sunlight in winter.	Yes
C8	Use shading devices to allow direct sunlight to enter and heat a building in winter and prevent direct sunlight entering and heating the building in summer. Devices include eaves, awnings, shutters, louvres, pergolas, balconies, colonnades or external planting.	Yes
C9	Provide horizontal shading to north-facing windows and vertical shading to east or west windows.	Yes
C10	Use moveable shading devices on large windows facing east and west that are capable of covering 100% of glazed areas. Eaves shall be a minimum of 350mm wide and allow for an overhang of approximately 65 degrees above the horizontal.	Yes
C11	Avoid reducing internal natural daylight or interrupting views with shading devices.	Yes
C12	Use double-glazing, solar coated windows, curtains, or internal shutters to prevent heat loss and provide extra summer protection.	Yes
C13	Use high performance glass with a reflectivity below 20%.	Yes
C14	Minimise external glare by avoiding reflective films and use of tint glass.	Yes
3.13 Visual privacy		
C1	Locate and orient new development to maximise visual privacy between buildings, on and adjacent to the site.	Yes
C2	Minimise direct overlooking of rooms and private open space through the following: (a) Provide adequate building separation, and rear and side setbacks; and (b) Orient living room windows and private open space towards the street and/or rear of the lot to avoid direct overlooking between neighbouring residential properties.	Yes
C3	If living room windows or private open spaces would directly overlook a neighbouring dwelling: (a) Provide effective screening with louvres, shutters, blinds or pergolas; and/or (b) Use windows that are less than 600mm wide or have a minimum sill height of at least 1.5m above the associated floor level.	N/A
C4	If living room windows or private open spaces would directly overlook a neighbouring dwelling: (c) Provide effective screening with louvres, shutters, blinds or pergolas; and/or (d) Use windows that are less than 600mm wide or have a minimum sill height of at least 1.5m above the associated floor level.	N/A
C5	Screening of bedroom windows is optional and dimensions are not restricted.	Yes

Clause	Control	Complies
3.14 Acoustic privacy		
C1	Protect sensitive rooms, such as bedrooms, from likely sources of noise such as major roads and neighbouring' living areas.	Yes
C2	Bedroom windows in new dwellings that would be located at or close to ground level are be raised above, or screened from, any shared pedestrian pathway.	Yes
C3	Screen balconies or windows in living rooms or bedrooms that would face a driveway or basement ramp.	N/A
C4	Address all requirements in 'Development Near Rail Corridors and Busy Roads - Interim Guideline (2008)' published by the NSW Department of Planning.	N/A
3.15 Torrens Title subdivision		
C1	Torrens Title subdivision of any dual occupancy approved by the former Canterbury City Council prior to 1 November 2005 are to be considered on its individual merits and subject to the following criteria: (a) an objection under clause 4.6 of the Canterbury-Bankstown Local Environmental Plan 2023 being submitted with the application objecting to the minimum frontage requirements applied to subdivision of lots containing an existing dwelling contained in the Canterbury-Bankstown Local Environmental Plan 2023, if necessary; and (b) the proposed subdivision would have been permitted at the time the original consent for the dual occupancy was issued; and (C) the proposed subdivision complies with a minimum 230m² lot size; and (d) the proposal does not include dual occupancies involving the conversion of existing garages or outbuildings, granny flats or the like as it was never the intention of Council that these types of dual occupancies should be subdivided.	Yes

CONCLUSION

The proposed development represents a well-considered and compliant response to the planning controls applicable to the site under the *Canterbury-Bankstown Local Environmental Plan 2023* and the *Canterbury-Bankstown Development Control Plan 2023*. The dual occupancy (detached) proposal is permissible within the R4 High Density Residential zone and demonstrates full compliance with key development standards, including building height, floor space ratio, setbacks, parking, and landscaping. The application has been amended in response to Council's refusal, including changes to the building design, a revised *Clause 4.6 variation*, updated BASIX compliance, adjusted alfresco encroachments and justifications included, and confirmation of solar access.

Additionally, in accordance with *Section 4.15(1) of the Environmental Planning and Assessment Act 1979*, the proposal has been assessed with respect to its environmental impacts, site suitability, public interest, and relevant planning policies. The amended design responds to all of Council's prior concerns and achieves compliance with key LEP and DCP controls, either numerically or through demonstrated merit.

The design responds appropriately to the site's context, enhances the streetscape, and aligns with the evolving residential character of the locality. Environmental and amenity impacts have been carefully assessed and addressed through thoughtful design and adherence to planning requirements.

The development will make a positive contribution to housing supply in a well-serviced and accessible location, without resulting in any unreasonable impacts on the surrounding environment or neighbouring properties.

Accordingly, it is recommended that Council supports and approves the application, subject to appropriate conditions of consent.