

**Statement of Environmental Effects**

**Erection of Secondary Dwelling (Granny Flat).**

**Property address: 74 Moreton Street, Lakemba, NSW 2195**

Prepared for NOVA FLOW

August 2025



**Planning and Architecture Research for Sustainable Housing Integrity (PARSHI)**

**Office Address**

Office2, Level 1, 208A Beamish St, Campsie, NSW 2194

Contact: Mob: 0425834402, ph 02 80331960

[www.parshi.com.au](http://www.parshi.com.au), Email: [Info@parshi.com.au](mailto:Info@parshi.com.au)

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### 1. Executive Summary

#### 1.1 The Proposal

The subject site is consisting of a single storey brick house is known as Lot B, DP 304610 and 74 Moreton Street, Lakemba, NSW 2195. The site covers an area of approximately 499.9 sqm. The location is unrivalled with Lakemba being the central hub for multicultural diversity and 5 min walk to Lakemba Train Station.

This application seeks approval for construction of a detached secondary dwelling.

Proposed development

| Feature                          | Number    |
|----------------------------------|-----------|
| Total Site Area                  | 499.9 sqm |
| Existing House                   | 120 sqm   |
| Proposed Verandha                | 11 sq     |
| Driveway and Carport             | 26 sqm    |
| Secondary Dwelling (Granny flat) | 60 sqm    |
| Proposed total floor Area        | 180 sqm   |
| Require landscape 20%            | 99.98 sqm |
| Proposed landscape 36.56%        | 271.9 sqm |
| Storey                           | 1         |

#### 1.2 The Report

This Statement of Environmental Effects has been prepared by **Planning and Architecture Research for Sustainable Housing Integrity (PARSHI)** on behalf NOVA FLOW and applicant in support of the subject development proposal.

Accompanying reports in conformance with Council requirements will include:

1. Waste management Report
2. BAIX Certificates
3. Concept Stormwater Plan

The Report describes the site and locality, its existing condition, outlines the proposed development and assesses the suitability of the proposal having regard to the relevant environmental legislation and guidelines.

#### 1.3 Relevant Statutory Instruments

The proposal has been assessed having regard to the relevant matters for consideration under Section 4.15 of the *Environmental Planning & Assessment Act 1979* and the relevant State and Local Government planning controls summarised below (See later Sections for full details).

### 1.3.1 State Planning Controls

The relevant State Planning Controls that apply to the site include:

-State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

A BASIX Certificate is attached with this application.

### 1.3.2 Local Government Planning Controls

The relevant Local Government Planning Controls that apply to the Site are:

- **Canterbury-Bankstown Local Environmental Plan 2023**
- **Canterbury-Bankstown Development Control Plan 2023**

The Applicant has engaged the services of several specific consultants to assess the impact of the proposal. Consultant investigations include Architecture, Town planner and others.

A summary of each assessment is contained in this report and a full copy is included as part of the Development Application that has been submitted to Council.

The proposal complies with the aims and objectives of SEPP, LEP and DCP. Details are provided in the later Sections of this Report.

## 2. Site and Locality

### 2.1 Site Description & Location

The subject site is consisting of a single storey brick house is known as Lot B, DP 304610 and 74 Moreton Street, Lakemba, NSW 2195..This is on a moderate sloppy location, slightly fall the front to rea, it is going use charge system, in this way the storm water from the roof and the land discharge naturally to the street's gutter and the main storm water pipe of Council. The design has sought to respond to the topography by the implementation of a stepped slop concept to proposed building. The site is under zone R3 High Density Residential. The adjoining properties on the either side are also belonging to the same zone.

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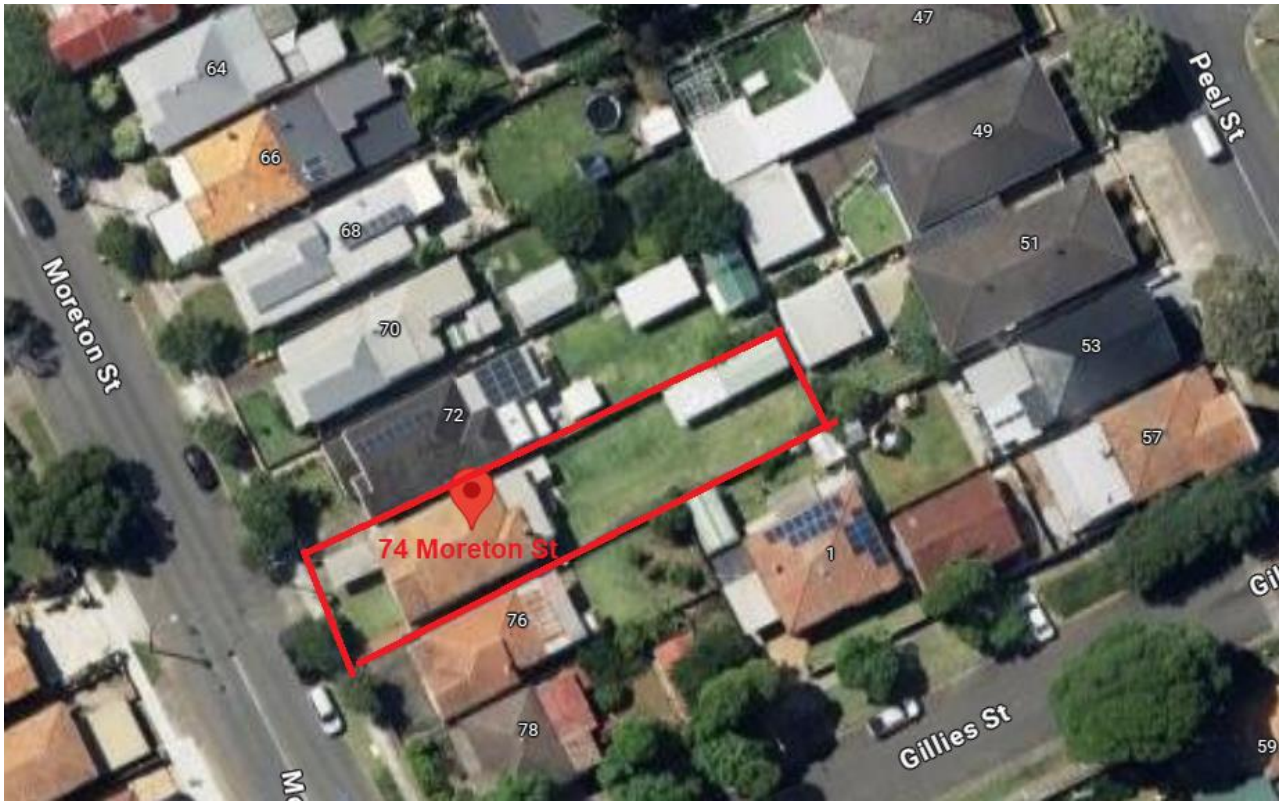


Fig 2.1a: Site Location, ref. [www.google.com.au/maps/@-34.0067577,150.8591272,18z](http://www.google.com.au/maps/@-34.0067577,150.8591272,18z)

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### 2.2 Site Area & Dimensions

The site covers an area of approximately 499.9 sqm. The site has a frontage to Moreton Street and close to Gillies Street and frontage of approximately 10.06 m.

### 2.3 Existing Site Development

A single storey is situated centrally on the site; along the south western boundary is an awning with informal parking available a carport inside of the subject site. At present the land comprises of huge landholdings and with varying amounts of vegetation cover on the site and inhabited housing development to all of Moreton 'St. The existing house is well connected with public transport system to reach the amenities like shopping centre, railway station etc.



*Example of Existing House, ( pic ) and front side of the property 74 Moreton Street, Lakemba, NSW 2195.*

### 2.4 Existing Vegetation

The proposed site has no significant tree to remove. A landscape plan has been provided that ensures maximum tree preservation. Where old tree is not to be removed and to plant a new younger tree and landscaping will be provided elsewhere on the site. High quality urban design and architectural design of the fence has been achieved. The relationship of the buildings and fence with neighbouring development, public domain and landscape has been addressed.

### 2.5 Existing Access and Movement

Vehicle and pedestrian access to the site is from Moreton Street. The site is proximity to the intersection of Moreton Street and close to Gillies Street. In addition to this subject site does not generate any traffic congestion, pedestrian amenity, parking problems. It also uses existing accesses and parking facilities.

### 2.6 Surrounding Land Uses

The site is located within Canterbury-Bankstown council, with no bushfire, heritage overlays detected. It is within the catchment of Lakemba Public School, and 2 other schools. It is located at residential development. The site is surrounded by the following: Moreton Street and close to Gillies Street on the North and site to the South, west and east of the site is used for residential purposes with standard lots. The adjacent Rosemont St is zoned R3 in CBELP 2023.

## 3. The Proposal

The intension of the owner is construction detached a secondary dwelling.

The architectural drawings are attached with this report for reference.

## 4. Environmental Planning and Assessment Act 1979 No 203

### 4.1 Objectives of the Act - S 1.3

The objectives of the *Environmental Planning and Assessment Act 1979 (as amended)* are to:

*(a) to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources,*

*(b) to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,*

*(c) to promote the orderly and economic use and development of land,*

*(d) to promote the delivery and maintenance of affordable housing,*

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- (e) to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats,*
- (f) to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),*
- (g) to promote good design and amenity of the built environment,*
- (h) to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,*
- (i) to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State,*
- (j) to provide increased opportunity for community participation in environmental planning and assessment.*

This Statement of Environmental Effects supports a development application that is in accordance with the objectives of the *Environmental Planning and Assessment Act 1979 (as amended)*.

### **Comments:**

Proposed development will not affect any natural areas, water quality or the overall ecological environment. The fence development will help to enhance the quality of the local environment, promote the orderly and economic use of land and provide a positive impact on the existing land. The site has good connections with other parts of Sydney by Rail and Bus transport.



### 4.2 Matters for Consideration

The following sections of this report address the Matters of Consideration as outlined in Section 4.15 Evaluation, Clause (1) Matters for consideration (see below) of the *Environmental Planning and Assessment Act 1979*. The following matters, where relevant, are to be taken into consideration by Council when assessing a development application:

- (a) the provisions of—
  - (i) any environmental planning instrument, and
  - (ii) any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Planning Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and
  - (iii) any development control plan, and
  - (iiia) any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, and
  - (iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph),
  - (v) (Repealed)that apply to the land to which the development application relates,
- (b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,
- (c) the suitability of the site for the development,
- (d) any submissions made in accordance with this Act or the regulations,
- (e) the public interest

These matters of consideration are dealt with in the following sections including environmental planning instruments, development control plans, regulations, likely impacts of the development, suitability of the site for development, and the public interest.

#### Comments:

The proposed development satisfies the requirements under the State Environmental Planning Policy and the requirements of Council's DCPs, LEPs, and SEPPs have been carefully considered for this development

### 5. Environmental Planning Instruments [Section 4.15 (1) (a) (i) (ii)& (iii)]

#### 5.1 Local Government Environmental Planning Instruments

- 5.1.1 Canterbury-Bankstown Local Environmental Plan 2023

#### Part 2

##### Clause 2.3 Zone Objectives and Land Use Table

Provided below are the relevant provisions of the plans and details of the proposal's compliance with these development standards. Under the provisions of the Local Environmental Plan CBELP 2023, the following uses may be carried out with development consent.

##### Zone R3 Medium Density Residential

###### 1 Objectives of zone

- To provide for the housing needs of the community within a medium density residential environment.
- To provide a variety of housing types within a medium 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 allow for development that provides a suitable visual transition between high density residential areas and low density residential areas.
- To ensure suitable landscaping in the medium density residential environment.
- To minimise conflict between land uses within this zone and land uses within adjoining zones.
- To allow for increased residential density in accessible locations to maximise public transport patronage and encourage walking and cycling.
- To promote a high standard of urban design and local amenity.

###### 2 Permitted without consent

Home occupations

###### 3 Permitted with consent

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

###### 4 Prohibited

Any development not specified in item 2 or 3

### Comment:

The proposed development Secondary dwellings and it complies fully with the permissible definition with consent and accords with the zone objectives' last one.

The Act and the Interpretation Act 1987 contain definitions and other provisions that affect the interpretation and application of this Plan-

**Dual occupancy (attached)** means 2 dwellings on one lot of land that are attached to each other, but does not include a secondary dwelling.

Note—

Dual occupancies (attached) are a type of dual occupancy—see the definition of that term in this Dictionary.

**Secondary dwelling** means a self-contained dwelling that—

(a) is established in conjunction with another dwelling (the **principal dwelling**), and

(b) is on the same lot of land as the principal dwelling, and

(c) is located within, or is attached to, or is separate from, the principal dwelling.

Note—

See clauses 5.4 and 5.5 for controls relating to the total floor area of secondary dwellings.

Secondary dwellings are a type of **residential accommodation**—see the definition of that term in this Dictionary.

### Comment:

The proposed development allows dual occupancy dwelling fulfils this definition under dictionary.

## Part 4

### Clause 4.3 Height of buildings

The maximum height of buildings shown for the land on the Height of Buildings Map is 8.5 m.

**Comment:** The maximum height of the proposal is 4.68 m, and no part of the proposal will exceed 11 m.

### Clause 4.4 Floor space ratio

(2) The maximum floor space ratio for a building on any land is not to exceed the floor space ratio shown for the land on the Floor Space Ratio Map

**Comment:** The floor space ratio requirement is 0.5:1 e.i 249.95 sqm and proposed floor area 180 sqm, it has complied.

### Part 6

#### 6.2 Earthworks

- (1) The objective of this clause is to ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land.

**Comment:** There is a minor earthwork required to facilitate the construction of the proposed development as part of this application.

#### Clause 6.9 Essential services

Development consent must not be granted to development unless the consent authority is satisfied that the following services that are essential for the development are available or that adequate arrangements have been made to make them available when required—

- (a) the supply of water,
- (b) the supply of electricity,
- (c) the disposal and management of sewage,
- (d) stormwater drainage or on-site conservation,
- (e) waste management,
- (f) suitable vehicular access

**Comment:** The subject site is currently connected to all utility services including water, electricity, gas, sewage, stormwater and telecommunication services and a concept stormwater plan for proposed dwelling is attached this application.

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### 6. Development Control Plan(s) and Council Policies [Section 4.15 (1)(a) (iii)]

#### List of Development Control Plan(s) and Council Policies

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

The following table summarises the compliance of the proposed development with and CBDCP 2023.

| Development control parameters         | Development Control Standards/Objectives                                                                                                                                                                                                                                                                                                                 | Comments                                             |
|----------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------|
| <b>Chapter 2 -Site Considerations</b>  |                                                                                                                                                                                                                                                                                                                                                          |                                                      |
| <b>2.3 Tree Management</b>             |                                                                                                                                                                                                                                                                                                                                                          |                                                      |
| <b>SECTION 2–TREE MANAGEMENT</b>       | 2.1 A person must not cut down, fell, uproot, kill, poison, ringbark, burn or otherwise destroy, lop or otherwise remove a substantial part of any prescribed tree defined in clause 2.3 or carry out excavation and earthworks within the tree protection zone except with a permit from Council and subject to any conditions specified in the permit. | There is no tree need to be removed. Not applicable. |
| <b>Chapter 3- General Requirements</b> |                                                                                                                                                                                                                                                                                                                                                          |                                                      |
| <b>3.7 Landscape</b>                   |                                                                                                                                                                                                                                                                                                                                                          |                                                      |
| <b>SECTION 2–LANDSCAPE DESIGN</b>      | 2.6 Development must consider the retention of existing trees in the building design                                                                                                                                                                                                                                                                     | No tree will be removed.                             |

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|                                                                                                                                                                                                                                                                                                                                                                                                        | <p>2.7 Development must plant at least one canopy tree for every 12m of front and rear boundary width and:</p> <p>(a) Canopy trees are to be of a minimum 75 litre pot size.</p> <p>(b) Use deciduous trees in small open spaces, such as courtyards, to improve solar access and control of microclimate.</p> <p>(c) Place evergreen trees well away from the building to allow the winter sun access.</p> <p>(d) Select trees that do not inhibit airflow.</p> <p>(e) Provide shade to large hard paved areas using tree species that are tolerant of compacted/deoxygenated soils.</p> | <p>75 litre pot size two canopy trees are provided front and rear side of the subject site. Please see the landscape plan. It complies.</p> |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------|
| <b>SECTION 7–SECONDARY DWELLINGS</b>                                                                                                                                                                                                                                                                                                                                                                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                                                                                                                             |
| <p>Secondary dwelling is defined under LEP. Secondary dwellings can be carried out under State Environmental Planning Policy (Housing) 2021 and the LEP. Where a development application is required, an assessment of the relevant provisions of the Affordability SEPP and LEP will be undertaken. The following table summarises the compliance of the proposed development with and CBDP 2023.</p> |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                                                                                                                             |
| Objectives                                                                                                                                                                                                                                                                                                                                                                                             | Development Controls                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | Comments                                                                                                                                    |

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|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------|
| <p>O1 To ensure that land to be developed is of an adequate size and shape to accommodate development whilst providing adequate amenity for occupants of the site and surrounds.</p> <p>O2 To ensure there is adequate area for vehicle access and parking.</p> <p>O3 To ensure sites have sufficient dimensions to accommodate adequate landscaped open spaces.</p> | <p>C1 Where a development application to Council is made for a secondary dwelling, the minimum frontage required for secondary dwellings will be considered on merit taking into consideration compliance with Canterbury City Council's Secondary Dwelling (Granny Flat) Policy (adopted on 15 October 2009 by CDC Minute 295).</p> <p>C2 All development applications for secondary dwellings will be assessed against schedule 1 of the ARH SEPP 2009.</p> | <p>The proposed secondary dwelling is complying with all controls of SEPP (Housing) 2021. Please see the later part of this report.</p> |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------|

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### 6.1.2 State Environmental Planning Policy (SEPP) 2021, Chapter 3 Diverse housing-

| Part 1 Secondary dwellings    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                                                                                                                    |
|-------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------|
| Division 1 Preliminary        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                                                                                                                    |
| Control parameters            | Control Standards                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | Compliance/Comments (Yes/No)                                                                                                       |
| <b>49 Definition</b>          | <p>In this Part—</p> <p>development for the purposes of a secondary dwelling includes the following—</p> <p>(a) the erection of, or alterations or additions to—</p> <p>(i) a secondary dwelling, or</p> <p>(ii) an ancillary structure within the meaning of Schedule 1,</p> <p>(b) alterations or additions to a principal dwelling for the purposes of a secondary dwelling.</p> <p>residential zone means the following land use zones or an equivalent land use zone—</p> <p>(a) Zone R1 General Residential,</p> <p>(b) Zone R2 Low Density Residential,</p> <p>(c) Zone R3 Medium Density Residential,</p> <p>(d) Zone R4 High Density Residential,</p> <p>(e) Zone R5 Large Lot Residential</p> | <p>Yes. The proposed development complies with the definition of secondary dwelling under the Affordable Rental Housing, SEPP.</p> |
| <b>50 Application of Part</b> | <p>This Part applies to development for the purposes of a secondary dwelling on land in a residential zone if development for the purposes of a dwelling house is permissible on the land under another environmental planning instrument</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                           | <p>Proposed granny flat is permissible with zoned R3 in Bankstown -Canterbury Local Environmental Plan 2023.</p>                   |
| <b>51 No subdivision</b>      | <p>Development consent must not be granted for the subdivision of a lot on which development has been carried out under this Part.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | <p>Yes</p>                                                                                                                         |



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| Division 2 Secondary dwellings permitted with consent                                         |                                                                                                                                                                                                                      |     |
|-----------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----|
| <b>52</b><br><b>Development</b><br><b>may be carried</b><br><b>out with</b><br><b>consent</b> | 1) Development to which this Part applies may be carried out with consent.                                                                                                                                           | Yes |
|                                                                                               | (2) Development consent must not be granted for development to which this Part applies unless—                                                                                                                       | Yes |
|                                                                                               | (a) no dwellings, other than the principal dwelling and the secondary dwelling, will be located on the land, and                                                                                                     | Yes |
|                                                                                               | (b) the total floor area of the principal dwelling and the secondary dwelling is no more than the maximum floor area permitted for a dwelling house on the land under another environmental planning instrument, and | Yes |
|                                                                                               | (c) the total floor area of the secondary dwelling is—                                                                                                                                                               | Yes |
|                                                                                               | (i) no more than 60m <sup>2</sup> , or                                                                                                                                                                               |     |
|                                                                                               | (ii) if a greater floor area is permitted for a secondary dwelling on the land under another environmental planning instrument—the greater floor area.                                                               |     |

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**53 Non-discretionary development standards—the Act, s 4.15**

(1) The object of this section is to identify development standards for particular matters relating to development for the purposes of a secondary dwelling that, if complied with, prevent the consent authority from requiring more onerous standards for the matters.

(2) The following are non-discretionary development standards in relation to the carrying out of development to which this Part applies—

(a) for a detached secondary dwelling—a minimum site area of 450m<sup>2</sup>,

(b) the number of parking spaces provided on the site is the same as the number of parking spaces provided on the site immediately before the development is carried out.

Yes

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| Division 3 Complying development                                                        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                                                                                                  |
|-----------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------|
| <b>54 Development for purposes of secondary dwellings that is complying development</b> | <p>(1) This Division applies to development for the purposes of a secondary dwelling that—</p> <p>(a) is on land in a residential zone other than Zone R5 Large Lot Residential, and</p> <p>(b) does not involve the erection of, or alterations or additions to, a basement, and</p> <p>(c) does not involve the erection of, or alterations or additions to, a roof terrace on the topmost roof of a building.</p>                                                                                                                                                | <p>(a) Proposed Secondary Dwelling is permissible with zoned R3 in Canterbury Local Environmental Plan 2023.</p> |
|                                                                                         | <p>2) If development to which this Division applies relates to a secondary dwelling attached to or separate from the principal dwelling, the development is complying development if the development—</p> <p>(a) meets the general requirements for complying development set out in the Codes SEPP, clauses 1.17A and 1.18(1) and (2), and</p> <p>(b) is not on land referred to in the Codes SEPP, clause 1.19(1), and</p> <p>(c) is on a lot with an area of at least 450m<sup>2</sup>, and</p> <p>(d) meets the development standards set out in Schedule 1</p> | <p>(c) The land size is 499.9 sqm, it complies.</p>                                                              |

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|--|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------|
|  | <p>(3) If development to which this Division applies relates to a secondary dwelling located within the principal dwelling, the development is complying development if the development—</p> <p>(a) meets the relevant provisions of the Building Code of Australia, and</p> <p>(b) is not on land that is an environmentally sensitive area within the meaning of the Codes SEPP, and</p> <p>(c) is not on land that comprises, or on which there is, a heritage item or a draft heritage item within the meaning of the Codes SEPP, and</p> <p>(d) involves no external alterations to the principal dwelling other than the provision of an additional entrance, and</p> <p>(e) will not result in a dwelling on the land, other than the principal dwelling and the secondary dwelling, and</p> <p>(f) will not result in the floor area of the secondary dwelling being—</p> <p>(i) more than 60m<sup>2</sup>, or</p> <p>(ii) if a greater floor area is permitted for a secondary dwelling on the land under another environmental planning instrument—more than the greater floor area.</p> | <p>N/A</p> <p>N/A</p> <p>N/A</p> <p>N/A</p> <p>Less than 60 sqm, it complies.</p> |
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| <p><b>55 Development carried out for secondary dwellings and principal dwellings at same time</b></p> | <p>(1) Development for the purposes of a secondary dwelling and the erection of, or alterations or additions to, a principal dwelling may be carried out as a single complying development if—</p> <p>(a) the development for the secondary dwelling will be carried out at the same time as the development for the principal dwelling, and</p> <p>(b) the erection of the secondary dwelling is complying development under this Division, and</p> <p>(c) the development for the purposes of the principal dwelling is complying development under the Codes SEPP.</p> <p>(2) In determining whether development for the purposes of a principal dwelling is complying development, the principal dwelling is taken to be a building containing only 1 dwelling, whether or not the secondary dwelling is located within or attached to it.</p> | <p>Yes</p> |
| <p><b>56 Conditions</b></p>                                                                           | <p>(1) A complying development certificate for complying development under this Division is subject to the conditions specified in State Environmental Planning Policy (Exempt and Complying Development Codes) 2008, Schedule 6.</p> <p>(2) A reference in State Environmental Planning Policy (Exempt and Complying Development Codes) 2008, Schedule 6, clauses 6 and 11(1) to a dwelling house is taken to be a reference to a principal dwelling or a secondary dwelling.</p>                                                                                                                                                                                                                                                                                                                                                                 | <p>N/A</p> |

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|----------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------|
| <b>57 Development standards for bush fire prone land</b> | <p>1) This section does not apply to the following development—</p> <ul style="list-style-type: none"><li>(a) development for the purposes of—<ul style="list-style-type: none"><li>(i) landscaping, or</li><li>(ii) a non-combustible fence, or</li><li>(iii) a swimming pool, or</li><li>(iv) another ancillary structure if it is non-habitable and more than 6m from a dwelling,</li></ul></li><li>(b) development carried out on land in—<ul style="list-style-type: none"><li>(i) bush fire attack level-40 (BAL-40), or</li><li>(ii) the flame zone (BAL-FZ).</li></ul></li></ul> <p>Note—</p> <p>More information about the categories of bush fire attack, including the flame zone, is contained in Planning for Bush Fire Protection, Table A1.7.</p> | <p>This proposed site is not bush fire prone land. N/A</p> |
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|  | <p>(2) Complying development under this Division must not be carried out on a lot that contains bush fire prone land unless—</p> <p>(a) the development conforms to the relevant specifications and requirements of Planning for Bush Fire Protection, and</p> <p>(b) any associated access way is on land that is not—</p> <p>(i) grasslands, or</p> <p>(ii) in bush fire attack level-40 (BAL-40), or</p> <p>(iii) the flame zone (BAL-FZ), and</p> <p>(c) the lot has direct access to—</p> <p>(i) a public road, or</p> <p>(ii) a road vested in or maintained by the council, and</p> <p>(d) the building or structure to which the development relates is within 200m of the road, and</p> <p>(e) there is sufficient access designed in accordance with the acceptable solutions identified in Planning for Bush Fire Protection, Table 7.4a, and</p> <p>(f) the lot has a water supply that is—</p> <p>(i) reticulated, or</p> <p>(ii) not reticulated but suitable for fire fighting, and</p> <p>(g) reticulated or bottled gas on the lot is installed and maintained in accordance with AS/NZS 1596:2014, The storage and handling of LP Gas and the requirements of relevant authorities, including the use of metal piping, and</p> <p>(h) fixed gas cylinders on the lot are located at least 10m from flammable materials and are enclosed on the hazard side of the installation, and</p> |  |
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|  | <p>(3) A non-reticulated water supply to a lot is suitable for fire fighting if—</p> <p>(a) the water supply has a 65mm metal Storz outlet with a gate or ball valve, and</p> <p>(b) the gate or ball valve, pipes and tank penetrations are metal and designed to allow for a full 50mm inner diameter water flow through the Storz fitting, and</p> <p>(c) the size of the non-reticulated water supply is—</p> <p>(i) for a lot with an area up to 10,000m<sup>2</sup>—10,000L, and</p> <p>(ii) for a lot with an area of more than 10,000m<sup>2</sup>—20,000L, and</p> |  |
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|  | <p>(4) Land is not in bush fire attack level-40 (BAL-40) or the flame zone (BAL-FZ) if—</p> <p>(a) the council or a person recognised by the NSW Rural Fire Service as a suitably qualified consultant in bush fire risk assessment determines, in accordance with the methodology specified in Planning for Bush Fire Protection, the land is not in bush fire attack level-40 (BAL-40) or the flame zone (BAL-FZ), or</p> <p>(b) for development carried out on grasslands—the development conforms to the relevant specifications and requirements of Planning for Bush Fire Protection, Table 7.9a.</p> <p>(5) In this section—<i>bush fire attack level-40 (BAL-40)</i> has the same meaning as in AS 3959:2018, Construction of buildings in bushfire-prone areas.</p> <p><i>flame zone (BAL-FZ)</i> has the same meaning as in AS 3959:2018, Construction of buildings in bushfire-prone areas. grasslands has the same meaning as in Planning for Bush Fire Protection.</p> <p><i>Planning for Bush Fire Protection</i> means the document titled Planning for Bush Fire Protection (ISBN 978 0 646 99126 9) prepared by the NSW Rural Fire Service in co-operation with the Department of Planning, Industry and Environment, dated November 2019.</p> | N/A |
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| <p><b>58</b><br/><b>Development standards for flood control lots</b></p> | <p>(1) Complying development under this Division must not be carried out on the following parts of a flood control lot, as certified by the council or a professional engineer who specialises in hydraulic engineering—</p> <ul style="list-style-type: none"> <li>(a) a flood storage area,</li> <li>(b) a floodway area,</li> <li>(c) a flow path,</li> <li>(d) a high hazard area,</li> <li>(e) a high risk area.</li> </ul> <p>(2) Complying development carried out under this Division on a flood control lot must comply with the following development standards—</p> <ul style="list-style-type: none"> <li>(a) if there is a minimum floor level adopted in a development control plan by the relevant council for the lot, the development must not cause a habitable room in the dwelling to have a floor level lower than the minimum floor level,</li> <li>(b) if a part of the principal dwelling or secondary dwelling or an ancillary structure is erected at or below the flood planning level, it must be constructed of flood compatible material,</li> <li>(c) the principal dwelling or secondary dwelling and ancillary structures, if any, must be able to withstand the forces exerted during a flood by water, debris and buoyancy up to— <ul style="list-style-type: none"> <li>(i) the flood planning level, or</li> <li>(ii) if an on-site refuge is provided on the lot, the probable maximum flood level,</li> </ul> </li> <li>(d) the development must not result in increased flooding elsewhere in the floodplain,</li> <li>(e) the lot must have pedestrian and vehicular access to a readily accessible refuge above the probable maximum flood level,</li> <li>(f) vehicular access to the dwelling must not be inundated by water to a level of more than 0.3m during a 1:100 ARI flood event,</li> <li>(g) the lot must not have any open car parking spaces or carports lower than the level of a 1:20 ARI flood event.</li> </ul> <p>(3) The requirements in subsection (2)(c) and (d) are satisfied if a flood and risk impact assessment prepared by a professional engineer specialising in hydraulic engineering or civil engineering states the requirements are satisfied.</p> <p>(4) Words used in this section have the same meanings as in the Floodplain Development Manual.</p> | <p>This proposed site is not flood control land. N/A</p> |
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| <b>59 Development standards for land near Siding Spring Observatory</b> | <p>(1) This section applies to complying development carried out under this Division on land in the following local government areas—</p> <ul style="list-style-type: none"> <li>(a) Coonamble,</li> <li>(b) Gilgandra,</li> <li>(c) Warrumbungle Shire,</li> <li>(d) the part of the local government area of Dubbo Regional formerly in the City of Dubbo.</li> </ul> <p>(2) Development to which this section applies must not be carried out unless the development will not result in—</p> <ul style="list-style-type: none"> <li>(a) a secondary dwelling with an outside light fitting, other than a shielded light fitting, or</li> <li>(b) for land in the local government areas of Coonamble, Gilgandra or Warrumbungle Shire—a secondary dwelling with more than— <ul style="list-style-type: none"> <li>(i) 7 shielded outside light fittings, or</li> <li>(ii) 5 shielded outside light fittings that are not automatic light fittings.</li> </ul> </li> </ul> <p>(3) Words used in this section have the same meanings as in the Standard Instrument, clause 5.14.</p> | N/A                                                                                                                                                   |
| <b>Schedule 1 Complying Development-- secondary dwellings</b>           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                                                                                                                       |
| <b>Part 2 Site requirements</b>                                         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                                                                                                                       |
| <b>2 Lot requirements</b>                                               | <p>(1) Development for the purposes of a secondary dwelling or an ancillary structure may only be carried out on a lot that—</p> <ul style="list-style-type: none"> <li>(a) at the completion of the development will have only 1 principal dwelling and 1 secondary dwelling, and</li> <li>(b) for a lot other than a battle-axe lot—has a boundary with a primary road, measured at the building line, of at least the following— <ul style="list-style-type: none"> <li>(i) if the lot has an area of at least 450m<sup>2</sup> but not more than 900m<sup>2</sup>—12m,</li> <li>(ii) if the lot has an area of more than 900m<sup>2</sup> but not more than 1500m<sup>2</sup>—15m,</li> <li>(iii) if the lot has an area of more than 1500m<sup>2</sup>—18m, and</li> </ul> </li> <li>(c) for a battle-axe lot—has an access laneway of at least 3m in width and measuring at least 12m by 12m, excluding the access laneway.</li> </ul>                                                                                                                                          | <p>(a) Yes, the development has one principal and secondary dwelling.</p> <p>(i) The lot has 499.9 square metres but width is 10.06. It complies.</p> |
|                                                                         | <p>(2) A lot on which a new secondary dwelling is erected must have lawful access to a public road.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | <p>Yes, secondary dwelling has access to a public road is Moreton Street.</p>                                                                         |
|                                                                         | <p>(3) Nothing in this Schedule requires the provision of additional parking spaces for development for the purposes of a secondary dwelling.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                                                                                                                                       |

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| <b>3 Maximum site coverage of all development</b> | <p>(1) The site coverage of the principal dwelling, secondary dwelling and all ancillary structures on a lot must be no more than the following—</p> <p>(a) if the lot has an area of at least 450m<sup>2</sup> but not more than 900m<sup>2</sup>—50% of the area of the lot,</p> <p>(b) if the lot has an area of more than 900m<sup>2</sup> but not more than 1500m<sup>2</sup>—40% of the area of the lot,</p>                                                                                                                                                                                                                                                       | <p>(b) It complies; the coverage is less than 45.6%.</p> |
|                                                   | <p>(2) For the purposes of calculating the site coverage, the area of the following is not included—</p> <p>(a) an access ramp,</p> <p>(b) the part of an awning, blind or canopy outside the outer wall of a building,</p> <p>(c) a balcony, deck, patio, pergola, terrace or verandah attached to the principal or secondary dwelling and not enclosed by a wall higher than 1.4m above the floor level,</p> <p>(d) an eave,</p> <p>(e) a driveway,</p> <p>(f) a farm building,</p> <p>(g) a fence or screen,</p> <p>(h) a pathway or paving,</p> <p>(i) a rainwater tank attached to the principal or secondary dwelling,</p> <p>(j) a swimming pool or spa pool.</p> | <p>All this parameters are considered.</p>               |

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| <b>4 Maximum floor area for principal and secondary dwelling</b>                              | <p>(1) The floor area of a secondary dwelling, excluding an attached ancillary structure, must not be more than—</p> <p>(a) 60m<sup>2</sup>, or</p> <p>(b) if a larger floor area is permitted for a secondary dwelling on the land under another environmental planning instrument—the larger floor area.</p>                                                                                                                                                                          | <p>(1) Yes, the proposed floor area is 60 square metres. It has complied.</p> |
|                                                                                               | <p>(2) The floor area of a principal dwelling must not be more than the following—</p> <p>(a) if the lot has an area of at least 450m<sup>2</sup> but not more than 600m<sup>2</sup>—330m<sup>2</sup>,</p> <p>(b) if the lot has an area of more than 600m<sup>2</sup> but not more than 900m<sup>2</sup>—380m<sup>2</sup>,</p> <p>(c) if the lot has an area of more than 900m<sup>2</sup>—430m<sup>2</sup>.</p>                                                                       | <p>(a) Yes, the total floor area is 120 square metres.</p>                    |
| <b>5 Setbacks and maximum floor area for balconies, decks, patios, terraces and verandahs</b> | <p>(1) The total floor area of all balconies, decks, patios, terraces and verandahs on a lot must be no more than 12m<sup>2</sup> if—</p> <p>(a) a part of the structure is within 6m from a side or rear boundary, and</p> <p>(b) the structure has a point of its finished floor level at more than 2m above ground level (existing).</p>                                                                                                                                             | <p>N/A</p>                                                                    |
|                                                                                               | <p>(2) The balcony, deck, patio, terrace or verandah must not have a point of its finished floor level—</p> <p>(a) if it is located within 3m of a side or rear boundary—more than 2m above ground level (existing), or</p> <p>(b) if it is located more than 3m but not more than 6m from a side or rear boundary—more than 3m above ground level (existing), or</p> <p>(c) if it is located more than 6m from a side or rear boundary—more than 4m above ground level (existing).</p> | <p>N/A</p>                                                                    |
|                                                                                               | <p>(3) A detached deck, patio or terrace, including alterations or additions to the deck, patio or terrace, must not have a floor level of more than 600mm above ground level (existing).</p> <p><b>Note—</b></p> <p>Development identified in this section may require privacy screens under this Schedule, section 15.</p>                                                                                                                                                            | <p>N/A</p>                                                                    |

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| <b>Part 3 Building heights and setbacks</b>               |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                                                                                           |
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| <b>6 Building height</b>                                  | <p>(1) Development for the purposes of a secondary dwelling or an ancillary structure must not result in a new building or a new part of an existing building having a building height above ground level (existing) of more than 8.5m.</p> <p>(2) Development for the purposes of an ancillary structure must not result in a new building or a new part of an existing building having a building height above ground level (existing) of more than—</p> <p>(a) if an outbuilding—4.8m, or</p> <p>(b) if a fence—1.8m.</p>                                                                                                                                                                                                                                                                                                                                                  | It complies; the proposed secondary dwelling height is up to 4.68 mm. (please see North West elevations). |
| <b>7 Setbacks from roads, other than classified roads</b> | <p>(1) Development for the purposes of a secondary dwelling or an ancillary structure on a lot must result in a new building or a new part of an existing building having a setback from a primary road, other than a classified road, of at least—</p> <p>(a) the average distance of the setbacks of the 2 nearest dwelling houses on the same side of the primary road and located within 40m of the lot on which the principal dwelling is erected, or</p> <p>(b) if 2 dwelling houses are not located within 40m of the lot on the same side of the primary road—</p> <p>(i) for a lot with an area of at least 450m<sup>2</sup> but not more than 900m<sup>2</sup>—4.5m, or</p> <p>(ii) for a lot with an area of more than 900m<sup>2</sup> but not more than 1,500m<sup>2</sup>—6.5m, or</p> <p>(iii) for a lot with an area of more than 1,500m<sup>2</sup>—10m.</p> | N/A                                                                                                       |
|                                                           | <p>(2) Development for the purposes of a secondary dwelling or an ancillary structure on a lot must result in a new building or a new part of an existing building having a setback from a boundary of the lot with a parallel road that is not a classified road of at least 3m.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | N/A                                                                                                       |

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|                                         | <p>(3) Development for the purposes of a secondary dwelling or an ancillary structure on a corner lot must result in a new building or a new part of an existing building on the lot having a setback from the boundary with a secondary road that is not a classified road of at least—</p> <p>(a) for a lot with an area of at least 450m<sup>2</sup> but not more than 600m<sup>2</sup>—2m, or</p> <p>(b) for a lot with an area of more than 600m<sup>2</sup> but not more than 1,500m<sup>2</sup>—3m, or</p> <p>(c) for a lot with an area of more than 1,500m<sup>2</sup>—5m.</p> | N/A |
|                                         | <p>(4) For the purposes of this section, if a lot is a corner lot—</p> <p>(a) a boundary that is at least 6m in length is taken to be a boundary with a primary road, and</p> <p>(b) the other boundaries are taken to be boundaries with a secondary road.</p>                                                                                                                                                                                                                                                                                                                         | N/A |
|                                         | <p>(5) For the purposes of this section, if a lot has contiguous boundaries with a road or roads but is not a corner lot, the lot is taken to have a boundary only with a primary road.</p>                                                                                                                                                                                                                                                                                                                                                                                             | N/A |
| <b>8 Setbacks from classified roads</b> | <p>Development for the purposes of a secondary dwelling or an ancillary structure must not result in a new building or a new part of an existing building having a setback from a boundary with a classified road of less than—</p> <p>(a) if another environmental planning instrument applying to the lot establishes a setback for a dwelling house having a boundary with a classified road—the setback specified in the environmental planning instrument, or</p> <p>(b) otherwise—9m.</p>                                                                                         | N/A |

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| <b>9 Setbacks from side boundaries</b>  | <p>(1) Development for the purposes of a secondary dwelling or an ancillary structure must not result in a new building or a new part of an existing building or a new carport, garage, balcony, deck, patio, pergola, terrace or verandah having a setback from a side boundary of less than the following—</p> <p>(a) for a lot with an area of at least 450m<sup>2</sup> but not more than 900m<sup>2</sup>—0.9m,</p> <p>(b) for a lot with an area of more than 900m<sup>2</sup> but not more than 1,500m<sup>2</sup>—1.5m,</p> <p>(c) for a lot with an area of more than 1,500m<sup>2</sup>—2.5m.</p>              | <p>(a) Yes, the proposed secondary dwelling south east side setback is 1110 mm and north west side setback is more than 1890 mm.</p> |
|                                         | <p>(2) Development for the purposes of a secondary dwelling or an ancillary structure must not result in a new building or ancillary structure having a setback from a side boundary of less than the sum of—</p> <p>(a) the amount of the setback specified for the relevant sized lot in subsection (1), and</p> <p>(b) an amount equal to 25% of the additional building height above 3.8m.</p>                                                                                                                                                                                                                       | N/A                                                                                                                                  |
|                                         | <p>(3) In this section—</p> <p>new building or ancillary structure means—</p> <p>(a) a new building or a new part of an existing building with a height of more than 3.8m, and</p> <p>(b) a new carport, garage, balcony, deck, patio, pergola, terrace or verandah.</p>                                                                                                                                                                                                                                                                                                                                                 | N/A                                                                                                                                  |
| <b>10 Setbacks from rear boundaries</b> | <p>(1) Development for the purposes of a secondary dwelling or an ancillary structure must not result in a new building, a new part of an existing building or a new carport, garage, balcony, deck, patio, pergola, terrace or verandah having a setback from a rear boundary of less than the following—</p> <p>(a) for a lot with an area of at least 450m<sup>2</sup> but not more than 900m<sup>2</sup>—</p> <p>(i) 3m, and</p> <p>(ii) if the development results in a new or existing building with a height of more than 3.8m—an additional amount, no more than 8m, equal to 3 times the height above 3.8m,</p> | <p>N/A</p> <p>(a) Yes. The proposed secondary dwelling is setback 4.6 m from the rear boundary.</p>                                  |



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|                                  | <p>(b) for a lot with an area of more than 900m<sup>2</sup> but not more than 1,500m<sup>2</sup>—</p> <p>(i) 5m, and</p> <p>(ii) if the development results in a new or existing building with a height of more than 3.8m—an additional amount, no more than 12m, equal to 3 times the height above 3.8m,</p> <p>(c) for a lot with an area of more than 1,500m<sup>2</sup>—</p> <p>(i) 10m, and</p> <p>(ii) if the development results in a new or existing building with a height of more than 3.8m—an additional amount, no more than 15m, equal to 3 times the height above 3.8m.</p> |     |
|                                  | (2) A dwelling on a lot with a rear boundary with a laneway may have a building line that abuts the boundary for up to 50% of the length of the boundary.                                                                                                                                                                                                                                                                                                                                                                                                                                 | N/A |
| <b>11 Exceptions to setbacks</b> | (1) Development for the purposes of a secondary dwelling must not result in a new building or a new part of an existing building having a setback of less than 3m from a boundary with a public reserve.                                                                                                                                                                                                                                                                                                                                                                                  | N/A |
|                                  | <p>(2) Side and rear setbacks do not apply to the following—</p> <p>(a) an aerial, antenna, awning or eave,</p> <p>(b) a flue, chimney, pipe or cooling or heating appliance,</p> <p>(c) a rainwater tank with a height of more than 1.8m,</p> <p>(d) another structure associated with the</p>                                                                                                                                                                                                                                                                                           | N/A |
|                                  | <p>(3) The setback from a road does not apply to—</p> <p>(a) a driveway, fence, pathway, paving or retaining wall, or</p> <p>(b) the articulation zone and a building element permitted within the zone.</p>                                                                                                                                                                                                                                                                                                                                                                              | N/A |
|                                  | (4) The setback from a rear boundary required by this Schedule, section 10 does not apply to a lot that has only 3 boundaries, disregarding a boundary of an access lane if the lot is a battle-axe lot.                                                                                                                                                                                                                                                                                                                                                                                  | N/A |

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| <b>12 Calculating setbacks</b>  | (1) For the purposes of determining the 2 nearest dwelling houses in this Schedule, section 7, a dwelling house located on a battle-axe lot must be disregarded.                                                                                                                  | N/A |
|                                 | (2) For the purposes of calculating the setback of the 2 nearest dwelling houses in this Schedule, section 7—<br>(a) an ancillary structure must not be included, and<br>(b) a building element within the articulation zone must not be included.                                | N/A |
|                                 | (3) For the purposes of calculating the setbacks for a battle-axe lot, the setback on the opposite side of the lot to the rear setback is taken to be a side setback.                                                                                                             | N/A |
|                                 | (4) For the purposes of calculating the setbacks for an attached secondary dwelling, the height of the secondary dwelling is the vertical distance from ground level (existing) to the highest point of the secondary dwelling.                                                   | N/A |
|                                 | (5) For the purposes of calculating a side or rear setback, the maximum building height of a dwelling on a sloping lot must be used                                                                                                                                               | N/A |
|                                 | (6) A setback must be calculated at the closest point to the boundary from the building line                                                                                                                                                                                      | N/A |
| <b>13 Building articulation</b> | (1) Development for the purposes of a secondary dwelling, other than development on a battle-axe lot, must result in either the principal dwelling or the secondary dwelling having a front door and a window to a habitable room in the building wall that faces a primary road. | N/A |
|                                 | (2) Development for the purposes of a secondary dwelling, other than development on a battle-axe lot, must result in either the principal dwelling or the secondary dwelling having a window to a habitable room in the building wall that faces a parallel road.                 | N/A |
|                                 | (3) A secondary dwelling, other than a secondary dwelling that has a setback from a primary road of less than 3m, may incorporate an articulation zone that extends from the building line to a distance of 1.5m into the required setback from the primary road.                 | N/A |

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|                                                                            | <p>(4) Development for the purposes of a secondary dwelling on a corner lot must result in either the principal dwelling or the secondary dwelling having a window in a habitable room—</p> <p>(a) with an area of at least 1m<sup>2</sup>, and</p> <p>(b) that faces and is visible from a secondary road.</p>                                                                                    | N/A |
| <b>14 Building elements within the articulation zone to a primary road</b> | <p>(1) The following building elements are permitted in an articulation zone in the setback from a primary road—</p> <p>(a) an entry feature or portico,</p> <p>(b) a balcony, deck, patio, pergola, terrace or verandah,</p> <p>(c) a window box treatment,</p> <p>(d) a bay window or similar feature,</p> <p>(e) an awning or other feature over a window,</p> <p>(f) a sun shading feature</p> | N/A |
|                                                                            | <p>(2) A building element must not extend above the eave gutter line, other than a pitched roof to an entry feature or portico that has the same pitch as the roof on the building.</p>                                                                                                                                                                                                            | N/A |
|                                                                            | <p>(3) The maximum total area of all building elements within the articulation zone, other than a building element specified in subsection (1)(e) or (f), must be no more than 25% of the area of the articulation zone.</p>                                                                                                                                                                       | N/A |

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| <b>15 Privacy</b> | <p>(1) A window in a new secondary dwelling, or a new window in an alteration or addition to an existing principal dwelling for the purposes of a new secondary dwelling, must have a privacy screen for a part of the window less than 1.5m above the finished floor level if—</p> <p>(a) the window—</p> <p>(i) is in a habitable room that has a finished floor level of more than 1m above ground level (existing), and</p> <p>(ii) has a sill height less than 1.5m above that floor level, and</p> <p>(iii) faces a side or rear boundary and is less than 3m from that boundary, or</p> <p>(b) the window—</p> <p>(i) is in a habitable room that has a finished floor level of more than 3m above ground level (existing), and</p> <p>(ii) has a sill height less than 1.5m above that floor level, and</p> <p>(iii) faces a side or rear boundary and is at least 3m, but no more than 6m, from that boundary.</p> | <p>The orientations of proposed secondary dwelling in relation to windows are considered to overlook privacy of surrounding neighbour dwelling. Please see elevations.</p> |
|                   | <p>(2) Subsection (1) does not apply to a window located in a bedroom where the window has an area of no more than 2m<sup>2</sup>.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | <p>N/A</p>                                                                                                                                                                 |
|                   | <p>(3) A new balcony, deck, patio, terrace or verandah for the purposes of a new secondary dwelling and any alteration to an existing balcony, deck, patio, terrace or verandah of a secondary dwelling that has a floor area of more than 3m<sup>2</sup> must have a privacy screen if the balcony, deck, patio, terrace or verandah is—</p> <p>(a) within 3m of a side or rear boundary and has a floor level of more than 1m above ground level (existing), or</p> <p>(b) between 3m and 6m of a side or rear boundary and has a floor level of more than 2m above ground level (existing).</p>                                                                                                                                                                                                                                                                                                                          | <p>N/A</p>                                                                                                                                                                 |
|                   | <p>(4) A privacy screen required under subsection (3) must be installed—</p> <p>(a) to a height of at least 1.7m, but not more than 2.2m, above the finished floor level of the balcony, deck, patio, terrace or verandah, and</p> <p>(b) at the edge of the part of the development within the areas specified in subsection (3)(a) or (b) and is parallel to or faces towards the relevant side or rear boundary.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | <p>N/A</p>                                                                                                                                                                 |

## Statement of Environmental Effects

| <b>Part 4 Landscaping</b> |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                                                                                            |
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| <b>16 Landscaped area</b> | <p>(1) A lot on which development for the purposes of a secondary dwelling or an ancillary structure is carried out must have a landscaped area of at least the following—</p> <p>(a) for a lot with an area of at least 450m<sup>2</sup> but not more than 600m<sup>2</sup>—20%,</p> <p>(b) for a lot with an area of more than 600m<sup>2</sup> but not more than 900m<sup>2</sup>—25%,</p> <p>(c) for a lot with an area of more than 900m<sup>2</sup> but not more than 1500m<sup>2</sup>—35%,</p> <p>(d) for a lot with an area of more than 1500m<sup>2</sup>—45%.</p> | <p>(a) Yes, it has more than 20% of landscaped area. Please see the landscape drawing.</p> |
|                           | <p>(2) At least 50% of the landscaped area must be located behind the building line to the primary road boundary.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                        | <p>Yes it complies.</p>                                                                    |
|                           | <p>(3) The minimum dimensions of the landscaped area must be more than 2.5m.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | <p>It complies.</p>                                                                        |

## Statement of Environmental Effects

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| <b>17 Principal private open space</b>                       | (1) A lot on which development for the purposes of a secondary dwelling is carried out must have more than 24m <sup>2</sup> of principal private open space.                                                                                                                                                                                                                          | It complies; the principal private open space is located on the South west side of the proposed secondary dwelling and is more than 24sqm. |
|                                                              | (2) The principal private open space may be shared by both the principal dwelling and secondary dwelling and may be in the form of a balcony or deck.                                                                                                                                                                                                                                 | Complies                                                                                                                                   |
|                                                              | (3) In this section—<br><br><i>principal private open space means an area—</i><br><br>(a) directly accessible from, and adjacent to, a habitable room, other than a bedroom, and<br><br>(b) more than 4m wide, and<br><br>(c) not steeper than a 1:50 gradient.                                                                                                                       | Complies                                                                                                                                   |
| <b>Part 5 Earthworks and drainage</b>                        |                                                                                                                                                                                                                                                                                                                                                                                       |                                                                                                                                            |
| <b>18 Earthworks, retaining walls and structural support</b> | (1) Excavation for the purposes of a secondary dwelling or an ancillary structure must not be deeper than a maximum depth, measured from ground level (existing), of—<br><br>(a) if located no more than 1m from any boundary—1m, or<br><br>(b) if located more than 1m but not more than 1.5m from any boundary—2m, or<br><br>(c) if located more than 1.5m from any boundary—3m, or | It will be followed according to structural design and certification.                                                                      |
|                                                              | (2) Fill must not have more than a maximum height, measured from ground level (existing), of—<br><br>(a) if the fill is for the purposes of a secondary dwelling—1m, or<br><br>(b) if the fill is for the purposes of an ancillary structure—600mm.                                                                                                                                   |                                                                                                                                            |
|                                                              | (3) The height of fill contained wholly within the footprint of a secondary dwelling or an ancillary structure is not limited.                                                                                                                                                                                                                                                        |                                                                                                                                            |

## Statement of Environmental Effects

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|  | <p>(4) Fill that is higher than 150mm above ground level (existing) and is not contained wholly within the footprint of a secondary dwelling or an ancillary structure is limited to 50% of the landscaped area of the lot.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |  |
|  | <p>(5) The ground level (finished) of the fill must not be used to measure the height of any secondary dwelling or an ancillary structure under this code.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |  |
|  | <p>(6) Support for earthworks more than 600mm above or below ground level (existing) must take the form of a retaining wall or other structural support that—</p> <p>(a) a professional engineer has certified is structurally sound, including the ability to withstand the forces of lateral soil load, and</p> <p>(b) has been designed so as not to redirect the flow of any surface water or ground water, or cause sediment to be transported, onto an adjoining property, and</p> <p>(c) has adequate drainage lines connected to the stormwater drainage system for the site, and</p> <p>(d) does not result in a retaining wall or structural support with a total height measured vertically from the base of the retaining wall or structural support to its uppermost portion that is more than the height of the associated excavation or fill, and</p> <p>(e) is separated from any other retaining wall or structural support on the site by at least 2m, measured horizontally, and</p> <p>(f) has been installed in accordance with any manufacturer's specifications, and</p> <p>(g) if it is an embankment or batter—must have its toe or top more than 1m from any side or rear boundary. Note—</p> <p>Fill and excavation not associated with a building may be exempt development under the Codes SEPP, clauses 2.29 and 2.30.</p> |  |

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| <b>19 Drainage</b>                                                                      | <p>(1) All stormwater collecting as a result of development for the purposes of a secondary dwelling or an ancillary structure must be conveyed by a gravity fed or charged system to—</p> <ul style="list-style-type: none"> <li>(a) a public drainage system, or</li> <li>(b) an inter-allotment drainage system, or</li> <li>(c) an on-site disposal system.</li> </ul> <p>(2) All stormwater drainage systems within a lot and the connection to a public or an inter-allotment drainage system must—</p> <ul style="list-style-type: none"> <li>(a) if an approval is required under the Local Government Act 1993, section 68—be approved under the Act, or</li> <li>(b) otherwise—comply with requirements for the disposal of stormwater drainage contained in a development control plan applicable to the land.</li> </ul> | <p>A concept stormwater plan is attached to this application and it will be done by a hydraulic engineer at the CC stage.</p> |
| <b>20 Setbacks of secondary dwellings and ancillary structures from protected trees</b> | <p>(1) Development for the purposes of a secondary dwelling, all ancillary structures and associated excavation on a lot, must have a setback from a protected tree on the lot of at least 3m.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | <p>N/A</p>                                                                                                                    |
|                                                                                         | <p>(2) The following ancillary structures are permitted within the setback if the development does not require a cut or fill of more than 0.15m below or above ground level (existing)—</p> <ul style="list-style-type: none"> <li>(a) an access ramp,</li> <li>(b) a driveway, pathway or paving,</li> <li>(c) an awning, blind or canopy,</li> <li>(d) a fence, screen or child-resistant barrier associated with a swimming pool or spa pool.</li> </ul>                                                                                                                                                                                                                                                                                                                                                                          |                                                                                                                               |



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|  | (3) In this section—protected tree means a tree that requires a separate permit or development consent for pruning or removal, but does not include a tree that may be removed without development consent under Chapter 3. |  |
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### 6. Justification/variation of the minimum width requirements Part 2: Site requirements, clause 2, (b)(i) of SEPP (Housing) 2021

The provisions of Clause 4.6 of CanterburyBankstown Local Environmental Plan 2023,

in this regard it is requested Council support a variation with respect to compliance with the minimum 12m frontage as described in Part 2: **Lot requirements, clause (b)(i)** 12 metres, if the lot has an area of at least 450 square metres but not more than 900 square metres of the **State Environmental Planning Policy (Housing) 2021**.

This proposed development complies all requirements of secondary dwelling of BCLEP 2023, EPA Act 1979, EPAR 2000 and SEPP (Housing) 2021 and except only lot width 10.06 metre of non-comply with SEPP (Housing) 2021. However, this non comply does not harm anything to environment, neighbour, privacy or functional activities, it also provides benefit to society and public in this following ways:-

- Any accommodation also generates economic benefit of this area.
- Distance from Sydney CBD to Lakemba is 11 km so that it is very convenience to do job or business that's why people want to live here willingly and helps to improve soci-economic in this area.
- In future, state government is constructing Metro Rail service and it will be open end of the 2025 that also will be increased local population.
- Suitability of the Site for the Development and Public Interest are discussed in detail letter on this report.
- Access to the granny flat using proposed driveway that means it does not have problem with width of the site.
- Moreover, the width of the proposed development is not only negative impact functional activities but also the environmental impacts of the proposal will generally be positive.
- The application does not seek approval to establish urban development in an ecologically sensitive area. The land does not comprise critical habitat and is not within a conservation area.
- It is submitted that the proposal will provide a net benefit to the Lakemba local community and is an example of positive investment adding density to an area with

## **Statement of Environmental Effects**

good access to the rest of the Sydney region via the M4, M5 Free way, bus service and in future Metro Rail service.

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- It is not only enhancing built environment in this area but also it utilise extra abandon land on this site to granny flat, because the site area is almost 499.9 sqm.

Moreover, the consideration a variation to the minimum frontage and particular provisions for secondary dwelling can be supported on merit for the following reasons:

- ☐ The proposal provides dwellings that are considered to be compatible with the existing surrounding development.
- ☐ The proposal will not have any detrimental environmental impact to adjoining neighbours and continues to maintain reasonable solar access and privacy to the adjoining properties.
- ☐ The proposal meets the objectives of the Medium Density Residential zone.
- ☐ The proposal facilitates provision of housing to assure the needs of the community by allowing an sufficiently sized allotment to be development for low density residential purposes.
- ☐ The proposal sustains a high level of residential amenity through suitable design.
- ☐ The proposal maintains a high level of residential amenity through suitable design.

The subject site can support Secondary dwelling which fulfils the objectives and controls of Councils LEP Controls and will give an architectural designed development which will be suitable for the site and locality and is not likely to effect in any adverse impacts on the existing amenity, privacy of neighbouring properties. It deserves of council's favourable consideration

### **7. Construction and Waste Management.**

A waste management plan is attached with this proposal containing information on how to reduce and manage wastes during the construction phases of development. This is consistent with clause 2.15 waste management of Development Control Plan 2023.

### **8. Regulations [Section 4.15 (1)(a)(iv)]**

There are no additional regulations that are relevant to the proposal and impact upon its permissibility.

### **9. Potential Local Area and Site Environmental Impacts [Section 4.15 (1) (b)]**

#### **9.1 Waste Management Plan**

A Waste Management Plan attached to this application..

#### **9.2 Concept Storm Water Management Plan**

Concept Stormwater Management Plan attached to this application.

#### **9.3 BASIX**

A BASIX is attached this application.

#### **9.4 Survey Plan**

Survey Plan attached to this application

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### **10. Suitability of the Site for the Development [Section 4.15 (1)(c)]**

The following provides a summary of the suitability of the site for the proposed development:

- The site is zoned R3 in CELP 2023 which allows for the development of secondary dwelling with Council consent.
- Site constraints are moderate and provide the opportunity for an innovative land development to enhance the built and natural character of the immediate neighbourhood.
- The site has access to public transport road and utility infrastructure and community services.
- The site does not contain any endangered species or critical habitats. The increased densities proposed are unlikely to result in any significant environmental impacts.

### **11. Public Interest [Section 4.15 (1)(e)]**

This report is submitted in support of the development application for construction of detached secondary dwelling. The proposal represents the optimum utilisation of a presently developed site zoned for R3. The site is located within close proximity to services including schools, shopping, public transport and public parkland. As such the development application is in the public interest as it will provide for:

- An increase in community facilities to meet the changing demographic in Lakemba local community.
- An opportunity to provide higher architectural aesthetic view and environmental and close proximity to public transport infrastructure and facilities, reducing the use of the private car and improving air qualities / reducing congestion;
- An opportunity to improve Ingleburn location by community facilitating the development of well modern designed within an attractive landscape setting close to support services and infrastructure;

Moreover, the environmental impacts of the proposal will generally be positive. The application does not seek approval to establish urban development in an ecologically sensitive area. The land does not comprise critical habitat and is not within a conservation area.

It is submitted that the proposal will provide a net benefit to the Lakemba community.

### **12. Conclusion**

The development proposed for demolition of existing structures and construction of a detached secondary dwelling meets the functional requirement complying with Canterbury-Bankstown City Council in general.

Accordingly, this Development Application is submitted in the belief that it deserves of council's favourable consideration.