

STATEMENT OF ENVIRONMENTAL EFFECTS



Applicant:
McDonald Jones Homes
PO Box 2092
DANGAR NSW 2309

Site Address:
Lot 16 Sec J DP 876
77 Balmoral Avenue
CROYDON PARK NSW 2133

Construction of a Two Storey Dwelling and Detached Secondary dwelling.

INTRODUCTION

This Statement of Environmental Effects is submitted to Canterbury-Bankstown Council in accordance with the Environmental Planning and Assessment Act 1979, in support of a development application for the construction of a two storey dwelling containing three (3) bedrooms and rear detached secondary dwelling.

The site is rectangular in shape, with a frontage to Balmoral Avenue, and a total land area of 459.8m². The site currently contains a dwelling to be demolished under a separate application. Some minor tree removal is required, with landscaping capable of being provided post construction to maintain suitable landscaped area.

The site has a gentle fall to the front, with drainage to be directed to an appropriate system as per the Drainage Details.

The neighbourhood generally consists of a mix of residential dwellings of one and two storey construction as anticipated within an established residential area.

The proposed dwelling will contribute positively to the surrounding area and the streetscape of Balmoral Avenue.

ENVIRONMENTAL EFFECTS

The following sections address the matters for consideration as listed in Section 4.15 of the Environmental Planning & Assessment Act 1979. A comment is provided against each relevant matter.

This Statement of Environmental Effects addresses the following relevant Environmental Planning Instruments:

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

4.15 EVALUATION

(1) Matters for Consideration – general:

(a)(i) Relevant environmental planning instruments

Canterbury-Bankstown Local Environmental Plan 2023

The LEP is divided into several Parts and the relevant provisions that apply to the subject development are listed, together with a comment with respect to compliance.

The subject site is zoned R3 Medium Density Residential pursuant to Clause 2.1 Canterbury-Bankstown Local Environmental Plan 2023.

The proposed development is defined in the plan as a ‘dwelling house’, being ‘a building containing only one dwelling’ and ‘secondary dwelling’ being ‘a self-contained dwelling that—

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

The identified zone permits the construction of a ‘dwelling house’ subject to development consent from Council.

Clause 2.3 Zone objectives and land use table

The objectives of the R3 Zone are:

- *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.*

The proposed developments are for a low-density residential development being compatible with the existing and future character of the locality. The buildings are designed to provide a high level of amenity for adjoining residents whilst considering the natural

restraints of the site. The proposed dwelling will not interrupt any non-residential compatible uses.

The proposed dwellings are considered to meet the objectives of the R3 Zone.

Clause 4.3 Height of Buildings

<i>Requirement</i>	<i>Provision</i>	<i>Compliance</i>
Building height – 9m	7.695m	Yes
Wall height – 7m	<7m	Yes

Clause 4.4 Floor Space Ratio

<i>Requirement</i>	<i>Provision</i>	<i>Compliance</i>
0.5:1	0.473:1	Yes

Clause 4.6 Exceptions to development standards

The proposed dwelling does not contravene the development standards.

Clause 5.4 Controls relating to miscellaneous permissible uses

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

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

The proposed secondary dwelling has a total floor area of 59.95m² complying with the above.

Clause 5.10 Heritage Conservation

Upon reference to Schedule 5 in relation to local, State or Regional items of heritage significance including conservation areas, it was revealed that the subject property was not identified as having heritage significance.

Clause 5.21 Flood Planning

The subject site has been identified as being within a flood planning area as per the 10.7 Certificate. The proposed dwelling has a suitable floor level to ensure minimal damage in

the event of a flood. The dwelling will not unreasonably impact upon flood functions and behaviours and will not increase affectation on other properties. The dwelling is of an intended scale and incorporates a raised floor level to reasonably minimise risk in the event of a flood.

* * *

Conclusion with respect to LEP requirements

The proposal is considered to generally satisfy the relevant objectives and development standards relating to dwelling houses as contained within BLEP 2015.

(a)(ii) Relevant draft environmental planning instruments

There are no draft EPIs that affect the subject site.

(a)(iii) Relevant development control plans

Canterbury-Bankstown Development Control Plan 2023

Chapter 2 – Site Considerations

2.2 Flood Risk Management

The subject site has been identified as being within a flood planning area as per the 10.7 Certificate. The proposed dwelling has a suitable floor level to ensure minimal damage in the event of a flood. The dwelling will not unreasonably impact upon flood functions and behaviours and will not increase affectation on other properties. The dwelling is of an intended scale and incorporates a raised floor level to reasonably minimise risk in the event of a flood.

Chapter 3 – General Requirements

3.2 – Parking

Dwelling houses are required to provide 2 spaces per dwelling. The proposed dwelling provides a single space within the garage and one within the hardstand driveway.

Chapter 4 - Heritage

8.4.3 – Heritage Conservation Areas

Subject site is not within any heritage conservation area, is not identified as a heritage item and is not within the vicinity of any heritage items.

Chapter 5 – Residential Accommodation

5.2 Former Canterbury LGA

<i>Requirement</i>	<i>Provision</i>	<i>Compliance</i>
<u>2.1 Min Lot Size and Frontage</u> Min. width – 15m	Existing allotment.	Yes

Rectangular in shape		
<u>2.2 Site Coverage</u> Floor area: Sites <450m ² - 300m ² <i>Sites 450-599m² - 330m²</i> Sites 600-899m ² - 380m ² Sites >900m ² - 430m ² Site Coverage: Sites <450m ² - 60% <i>Sites 450-599m² - 50%</i> Sites 600-899m ² - 40% Sites >900m ² - 40%	323.09m ² 47.26%	Yes Yes
<u>2.4 Landscaping</u> Deep soils area: Sites <450m ² - 15% <i>Sites 450-599m² - 20%</i> Sites >600m ² - 25% Min. dimension – 2.5m At least half located within rear setback	>20% Min. 2.5m Appropriate allocation of deep soil areas provided within rear setback area.	Yes Yes Yes
<u>2.4 Layout and Orientation</u> Orientate new development to maximise solar access and natural lighting. Site dwelling to avoid casting shadows onto neighbouring dwellings POS, living areas and solar cells. Provide natural ventilation. Site POS to avoid existing shadows cast by nearby developments.	North to side, reasonable level solar access and natural lighting provided given the orientation of the site. Shadows cast as a result of the development considered to be at levels anticipated for the area, particularly given the orientation of the sites. Shadows cast will move throughout the day and will provide suitable solar access to POS. Any northern facing windows are unlikely to be detrimentally impacted. Provided. Suitable location of POS area.	Yes Yes Yes Yes

<u>2.5 Height</u> Max. 2 Storeys Max. Wall height – 7m where LEP indicates 8.5m height Max. Wall height – 8m where LEP indicates 9.5m height. Max. FGL 1m Retaining walls Max. 3m on steep sites Max. 1m all other sites Cut and Fill Max 1m cut Max. 0.6m fill Engineers details required where cut / fill >1m.	Two storey dwelling. <7m at highest point. N/A <1m N/A – no retaining walls proposed. <1m cut <0.6m fill proposed. Capable of complying.	Yes Yes N/A Yes N/A Yes Yes Yes
<u>2.6 Setbacks</u> Lots <12.5m wide Front – Min. 5.5m from building line. Side – 0.9m Rear – 6.0m <i>Lots >12.5m wide</i> Front – 6.0m or average of streetscape. Side – 1m Secondary Frontage – 2m Rear – 6m <i>Outbuildings</i> External wall Height >2.7m min. 450mm setback. Wall height <2.7m may encroach. <i>Exceptions</i> Articulation elements permitted to encroach 1.5m into front setback	5.535m Min. 200mm setback to garage, min. 1.165m to dwelling. >6m to principal dwelling, N/A N/A – no outbuildings. <1.5m from building line.	Yes No* N/A N/A Yes

*Side Setback –The proposed variation to the side setback control is minor and arises from the constrained width of the allotment, which measures only 10.06m. Strict compliance with the prescribed side setback would unnecessarily limit the practical width and functionality of the dwelling, resulting in a compromised internal layout and reduced design efficiency. The variation is confined to the garage component of the dwelling only, with the garage wall setback reduced to 200mm for a length of 5.98m. The remainder of the dwelling maintains compliant setbacks.

The alternative setback arrangement is limited in both scale and extent, being confined to a non-habitable garage wall, and represents a practical design response to the site's narrow width, allowing a functional dwelling design to be achieved without giving rise to material streetscape, landscape or amenity impacts.

Notwithstanding the variation, the proposal remains consistent with the objectives of the control. The development maintains the established streetscape character, the minor reduction to the side setback will still maintain spatial separation and will not be highly noticeable from the street. Adequate landscaped area is retained elsewhere on the site, ensuring the scale and bulk of the development remains appropriately balanced by open space and planting opportunities. The limited extent of the encroachment does not prejudice the potential for landscaping across the site nor does it affect the retention or establishment of meaningful vegetation.

Importantly, the reduced setback relates to a non-habitable garage wall and will not result in unreasonable visual bulk, overlooking, overshadowing or other amenity impacts upon adjoining properties. Sufficient separation between the primary living areas of neighbouring development and the dwelling is maintained, ensuring the objectives relating to building separation and residential amenity continue to be achieved. Accordingly, the variation is considered reasonable, site-responsive and consistent with the underlying intent of the setback control.

<u>2.8 General Design</u> Contemporary design acceptable where subject site or adjoining lots are not heritage listed.	Suitable design of the façade is provided to ensure streetscape character is maintained.	Yes
Entry and front door to be clearly identifiable from street.	Entry and front door within front façade and clearly identifiable from the street.	Yes
At least 1 habitable room within front façade.	Habitable room located within front façade.	Yes
Principal living area and bedroom Min. dimension 3.5m.	Proposed living room 3.78m dimension. Primary Bed 3.74m min.	Yes
Secondary bedrooms min. dimension 3m.	Bedroom 2 min. dimension 3.865m, Bed 3 min. dimension 2.915m	Yes No*

Address street frontage(s)	Proposed dwelling is considered to suitably address the street frontage through the location of the front portico and entry door.	Yes
Max wall length: Street façade – 4-6m Side elevations – 10-15m	Appropriate wall lengths and articulation provided to break up the walls.	Yes

*Minimum Room Dimensions – Secondary bedrooms are required to have a minimum dimension of 3m, bedroom 3 has a minimum dimension of 2.915m, requiring a variation to Councils controls. The minor non-compliance for the room dimensions is not anticipated to have any detrimental impact on the suitability or intended use of the room within the dwelling.

The non-compliance will not create any detrimental impact upon the amenity of the dwelling as the rooms can suitably accommodate furnishing with all necessary items typical of a bedroom, capable of accommodating their intended use. The dwelling is designed with the site dimensions in mind to ensure suitable amenity and maintain areas that can readily accommodate bedroom furniture. The proposed dwelling design is considered to achieve the objectives of the control and it is therefore requested that a variation be supported in this instance.

<u>2.9 Roof Design and Features</u> Simple pitched roof in keeping with surrounding developments.	Pitch roof design.	Yes
Max. roof pitch – 30°	22.5 degree roof pitch proposed.	Yes
<u>2.10 Solar Access and Overshadowing</u> Primary living areas to receive min. 2hrs sunlight between 9am and 3pm on June 21 st .	North is located to the side of the site, reasonable northern solar access to upper floor and lounge and dining rooms, with reasonable solar access to rear POS area given orientation.	Yes
POS areas to receive min. 2hrs sunlight between 9am and 3pm on June 21 st to 50% of the area.	The POS areas are able to receive suitable solar access throughout the year.	Yes
Min 2hrs solar access to adjoining properties between 9am and 3pm on June 21 st .	Suitable dwelling design ensure suitable solar access to rear yards maintained.	Yes.

<u>2.11 Visual Privacy</u> Locate and orient new development to maximise visual privacy between buildings, on and adjacent to the site, and to minimise direct overlooking of rooms and private open space Narrow windows or raised sill heights to be used to limit overlooking.	Privacy between the dwellings and the adjoining sites is able to be achieved as living areas are orientated largely to the rear. Windows to the side elevations, have been suitably designed and setback to ensure minimal impact upon privacy of surrounding dwellings. Suitable setbacks and locations of the windows ensure the privacy between the dwellings and the POS areas will be maintained. Upper floor windows to the side are minimised, with childrens activity and bedrooms windows provided with raised sill height and suitably setback and offset.	Yes
<u>2.12 Acoustic Privacy</u> Protect sensitive rooms from likely noise sources such as major roads or neighbouring living areas. Address all requirements in 'Development Near Rail Corridors and Busy Roads (Interim Guideline')	Living areas and bedrooms have a suitable building separation distance to ensure acoustic privacy is maintained. N/A	Yes N/A
<u>2.13 Fences</u> Front fence max. 1.2m high. Side fencing max. 1.8m, but must taper between building line to front boundary to 1.2m.	Fencing not proposed as part of this application.	N/A
<u>2.14 Outbuildings and Swimming Pools</u> Outbuildings Max. height 4.8m Wall height 3.5m <i>Swimming Pools</i> Not to be located in front yard. Min. setback of 1m from side/rear boundaries.	No swimming pools or outbuildings.	N/A

Per the DCP, the secondary dwelling controls will be assessed under the SEPP (Housing) 2021 Controls. See below extract of relevant controls.

The State Environmental Planning Policy (Housing) 2021
Schedule 1 – Complying Development Secondary Dwellings

Requirement	Provision	Compliance
<u>Part 2 – Site Requirements</u> <i>Lot Requirements</i> (1) Development for the purposes of a secondary dwelling or an ancillary structure may only be carried out on a lot that— (a) at the completion of the development will have only 1 principal dwelling and 1 secondary dwelling, and (b) for a lot other than a battle-axe lot—has a boundary with a primary road, measured at the building line, of at least the following— (i) if the lot has an area of at least 450m² but not more than 900m²—12m, ... (2) A lot on which a new secondary dwelling is erected must have lawful access to a public road. (3) Nothing in this Schedule requires the provision of additional parking spaces for development for the purposes of a secondary dwelling. <i>3 Maximum site coverage of all development</i> (1) The site coverage of the principal dwelling, secondary dwelling and all ancillary structures on a lot must be no more than the following— (a) if the lot has an area of at	1 principal dwelling and 1 secondary dwelling proposed. Considered on merit per the DCP – the secondary dwelling is suitably located and sited on the allotment to maintain privacy and amenity of adjoining properties. Access provided. No additional parking proposed. 47.26%	Yes For Councils Consideration Yes Yes Yes

(b) otherwise—9m. <i>9 Setbacks from side boundaries</i> (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— (a) for a lot with an area of at least 450m² but not more than 900m²—0.9m, (b) an amount equal to 25% of the additional building height above 3.8m. (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— (a) the amount of the setback specified for the relevant sized lot in subsection (1), and (b) an amount equal to 25% of the additional building height above 3.8m. (3) In this section— <i>10 Setbacks from rear boundaries</i> (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— (a) for a lot with an area of at least 450m² but not more than 900m²—	Min. 1.465m side setbacks. N/A N/A – single storey	Yes N/A N/A
---	---	----------------------------------

<u>Part 4 Landscaping</u> <i>16 Landscaped area</i> (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— (a) for a lot with an area of at least 450m² but not more than 600m²—20%, ... (2) At least 50% of the landscaped area must be located behind the building line to the primary road boundary. (3) The minimum dimensions of the landscaped area must be more than 2.5m. <i>17 Principal private open space</i> (1) A lot on which development for the purposes of a secondary dwelling is carried out must have more than 24m² of principal private open space. (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.	>20% of site landscaped. Provided. Provided. Provided. Separate POS areas capable of being provided.	Yes Yes Yes Yes Yes
<u>Part 5 Earthworks and drainage</u> <i>18 Earthworks, retaining walls and structural support</i> (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— (a) if located no more than 1m from any boundary—1m, or ... (2) Fill must not have more than a maximum height, measured from ground level (existing), of—	<1m cut proposed. <1m fill contained within a drop edge beam.	Yes Yes

(a) if the fill is for the purposes of a secondary dwelling—1m, or ... (3) The height of fill contained wholly within the footprint of a secondary dwelling or an ancillary structure is not limited. ... (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— (a) a professional engineer has certified is structurally sound, including the ability to withstand the forces of lateral soil load, and (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 (c) has adequate drainage lines connected to the stormwater drainage system for the site, and (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 (e) is separated from any other retaining wall or structural support on the site by at least 2m, measured horizontally, and (f) has been installed in accordance with any manufacturer's specifications, and (g) if it is an embankment or batter—must have its toe or top more than 1m from any side or rear boundary. 19 Drainage	N/A Capable of complying.	N/A Yes
---	---	-----------------------

(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— ... 20 <i>Setbacks of secondary dwellings and ancillary structures from protected trees</i>	Suitable drainage system provided. No protected trees.	Yes N/A
---	---	--

Rear Setback – The proposed rear setback to the secondary dwelling, while reduced relative to the 3m CDC control, represents an appropriate and site-responsive outcome. The siting has been carefully considered to maintain functional and well-proportioned private open space areas for both the principal and secondary dwellings, each achieving high levels of solar access and usability.

A compliant 3m setback would result in a disproportionate reduction to the principal dwelling's rear yard, compromising its amenity and usability, whereas the proposed siting achieves a more equitable distribution of outdoor space across both dwellings.

The established character of the locality demonstrates a consistent pattern of detached ancillary structures and secondary dwellings located within rear yard areas, including examples with reduced setbacks, such that the proposal remains visually recessive and consistent with the prevailing streetscape and rear yard built form pattern.

Furthermore, the reduced setback does not give rise to any unreasonable amenity impacts, with appropriate separation maintained to adjoining development, no adverse overshadowing beyond what would reasonably be expected, and no material privacy concerns arising from the proposed configuration.

* * *

Conclusion with respect to DCP requirements

The proposal is considered to reasonably satisfy the objectives of the relevant design provisions relating to dwellings as contained within the Canterbury-Bankstown Development Control Plan 2023.

(b) Likely impacts of the development, including environmental impacts on both the natural and built environment of the locality.

The following matters are considered relevant when considering onsite impacts.

Siting and Design

The proposed two storey dwelling and secondary dwelling will be compatible in terms of height, bulk and scale with surrounding developments within the area.

The siting of the dwelling provides generous boundary setbacks, contributing to spatial separation and openness between the dwellings. The articulated design of the dwelling will limit the impact on the adjacent properties in terms of bulk, privacy and overshadowing and will not dominate any perceived views enjoyed by others.

The front façade is appropriately articulated and contains a variety of roof forms and elements and a central entry feature. In this way, the proposal provides a clear definition of the entry and provides varied shadow lines due to the different construction elements and finishes.

Sedimentation Control

Due to the topography of the site, excavation will be required for the construction of a level building platform, as shown on the development plans. All disturbed areas will be provided with sedimentation controls in the form of geofabric fencing and/or stacked hay bales. Soil erosion control measures can easily be provided in accordance with Council's policy with compliance required as a condition of consent.

Waste Minimisation

All waste will be deposited within the waste receptacle in accordance with the waste management plan attached to this application.

Noise and Vibration

All work will be undertaken during hours specified within the development consent. No vibration damage is envisaged occur during construction.

(c) The suitability of the site for the development

The subject site is within an existing area designed for medium density housing. The site is within reasonable driving distance to local commercial, retail and transport facilities. The existing road network provides easy access to all locations.

The two storey dwelling and attached secondary dwelling, can be constructed with all services necessary and has been designed to suit site constraints and the character of the surrounding residential setting.

The dwelling is permissible with development consent under the provisions Canterbury-Bankstown LEP 2023, and generally satisfies the objectives of the relevant development control plans as discussed above.

(d) Any submissions made in accordance with this Act or the regulations

Council will consider any submissions received during the relevant notification period for this development application.

(e) Public interest

As this proposal can reasonably satisfy the objectives of all relevant planning instruments and development control plans, approval of the subject development is considered to be in the public interest.

CONCLUSION

The residential use of the site is permissible with development consent under the provisions of Canterbury-Bankstown Local Environmental Plan 2023 and can satisfy the objectives of the relevant development control plan.

It is considered that the construction of a new two storey dwelling and secondary dwelling will complement and blend with the existing residential character of Croydon Park. The proposal is not expected to have an adverse impact on the surrounding natural or built environment.

Local Consultancy Services Pty Ltd
July 2026