

22 February 2021

Fayrose Iali  
56 Talbot Rd  
YAGOONA NSW 2199

<b>Application Number:</b>	<b>DA-1170/2020</b>
<b>Proposal:</b>	<b>Demolition of existing dwelling and construction of a two-storey attached dual occupancy with Torrens title subdivision, and construction of an outbuilding on Proposed Lot A and a secondary dwelling on Proposed Lot B.</b>
<b>Property:</b>	<b>Lot 5 DP 200837, No. 7 Solomon Court, GREENACRE NSW 2190</b>

Dear Sir/Madam,

In reference to your application on the subject property, Council has completed an assessment and identified the following matter(s) for your attention:

1. The proposal fails to comply with Clause 4.4 of the BLEP 2015 with regard to the maximum permitted FSR within the R2 Low Density Residential Zone. FSR is calculated as the GFA of all areas inside of external walls (including party walls) less the garage space and the stairwell void on the first floor divided by the lot areas (both pre and post subdivision).

Please note, where double-height voids are proposed, these are to be accommodated for within FSR calculations, or reduced in scale to be no more than 1.5 storeys tall so as not to appear as a second level.

2. The proposal is considered to be an overdevelopment of the site for the following reasons:
  - a. The dwellings are not attached as per the definition of a dwelling within the BLEP 2015. In order to be considered as an attached dual occupancy, the dwellings must be attached by a common wall between habitable rooms. The property is not sufficiently wide enough to accommodate for a detached dual occupancy.
  - b. The site is not large enough to accommodate for a secondary dwelling. BDCP 2015 Clause 4.3 requires that for a dual occupancy with a secondary dwelling to be permitted, both lots of the dual occupancy are required to have 450.0m<sup>2</sup> in lot area.

Additionally, the proposed irregular subdivision line is not supported as it does not allow for the orderly and economic development of the land in accordance with the EP&A Act 1979.

Accordingly, the proposal is to be amended to propose an even subdivision of land, with an attached dual occupancy with either outbuildings, or no structures at the rear.

3. The proposal fails to comply with Clause 4.14 of BDCP 2015 with regard to the provision of 80m<sup>2</sup> of private open space per dual occupancy dwelling.
4. The proposal fails to demonstrate compliance with Clause 4.15 of BDCP 2015 with regard to the provision of 3 hours solar access to the western unit. It is recommended the proposal be amended to provide for a front-facing living area with a minimum dimension of 3 metres by 4 metres.
5. The proposal fails to comply with Clause 4.17 of BDCP 2015 with regard to the provision of solar access to the private open spaces of the development.
6. The proposal fails to comply with Clause 4.19 of BDCP 2015 as the courtyard and stairwell side elevation windows provide opportunities for direct overlooking into neighbouring properties.
7. The proposal fails to comply with Clause 4.21(b) of BDCP 2015 with regard to the maximum permitted depth of a rear first-floor balcony.
8. The proposal fails to comply with Clause 4.30(b) of BDCP 2015 with regard to a 6.0 metre depth for a stacked parking space.
9. The proposal fails to comply with Clause 13.4 of BDCP 2015 with regard to the maximum permitted wall height of an outbuilding, as measured to the top of a parapet wall as per the definition of a *wall* in the BLEP 2015.
10. The proposal fails to comply with Clause 13.8 of BDCP 2015 with regard to the minimum setback to a proposed boundary of an outbuilding.
11. The outbuilding has not been demonstrated to serve an ancillary purpose the dwelling.
12. The proposal fails to comply with the Bankstown Development Engineering Standards with regard to a maximum 66% impervious site cover for a dual occupancy development.
13. If outbuildings are proposed, all four elevations are to be shown on architectural plans.

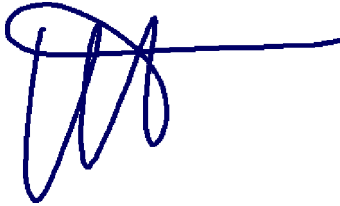
The purpose of this letter is to clearly identify the concerns Council has with your application and explain why we require amended plans or additional information in order to finalise the assessment of your proposal. This information should be provided to Council within 14 days from the date of this correspondence.

Any response, including amended plans/additional information, can only be submitted to Council via the NSW Planning Portal. You will be able to upload your response to the Portal once this letter is published to the Portal in the coming days. Any amended plans or

additional information provided in your email must reflect the Naming Convention in Council's [Planning and Building Application Lodgement Guide](#).

If you have any questions concerning the content of this correspondence, please contact Warren Terry in Development on 9707 9469 and please quote Council's application number.

Yours sincerely,

A handwritten signature in blue ink, consisting of a series of loops and a long horizontal stroke extending to the right.

Warren Terry  
**TOWN PLANNER**

PAN-56707