



STATEMENT OF ENVIRONMENTAL EFFECTS

Demolition of existing shed and swimming pool and construction of a secondary dwelling with attached garage in rear yard of site.

ADDRESS -

76 King Street, Ashbury
(Lot 43 DP 11261)

DATE -

January 2021

PLANNING & DEVELOPMENT CONSULTANTS

Phone 0457 459 852
info@sklplanning.com.au

PO Box 159
Round Corner NSW 2158

ABN 75 766 119 017
www.sklplanning.com.au

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REPORT

1 PURPOSE OF THIS REPORT

This statement provides an opinion, in addition to relevant information for the consent authority to assess and determine the subject development application including the following:

- A site analysis of the site and surrounding lands;
- Description of the proposed development;
- Evaluation of the proposed development against legislative and policy framework;
- Conclusion.

The Statement of Environmental Effects ('SEE') is prepared in accordance with Schedule 1 of the Environmental Planning and Assessment Regulation 2000 ('EPA Reg. 2000') for the purposes of demonstrating that the environmental impact of development has been considered against the relevant controls and to outline steps undertaken to protect the environment or, if necessary.

The development proposal is local development as defined by the Environmental Planning and Assessment Act 1979 ('EPAA') and as such Canterbury-Bankstown Council is the consent authority.

2 THE SITE AND ITS CONTEXT

The subject site legally defined as Lot 43 in DP 11261 (76 King Street, Ashbury) is situated within zone R2 'Low Density Residential', pursuant to the Canterbury Local Environmental Plan 2012.

The site is located on the western side of King Street between the intersections of Second Street (north) and First Street (south). The site is rectangular with a width of 12.19m and depth of 42.67m, yielding a site area of 520.1m² (by title). In respect to topography the site experiences a fall of approximately 700mm from the street (15.72AHD) down towards the rear boundary (14.95AHD).

Situated on site is a single storey dwelling which provides a face brick finish to external walls and pitched tile roof with light weight addition and timber deck also noted to the rear. Side vehicular access is provided adjacent to the southern boundary with shed and inground swimming pool located adjacent to the rear boundary. The site provides scattered planting with a mature Callistemon within the rear yard and adjacent to the southern boundary with tree forward within the Council verge.

Surrounding development is characteristic of the low-density zoning and comprised of detached dwelling houses of single and two storey construction, varying in terms of age and style. The location of the site within the Ashbury Heritage Conservation Area is also noted.



Figure 1 - Subject Site (source - NSW Planning Portal)

3 PROPOSED DEVELOPMENT IN DETAIL

The proposal seeks Council's consent for the following works:

- Demolition of existing shed and swimming pool within the rear yard of the site.
- Construction of a detached secondary dwelling with attached garage. Specifically, the structure comprises two (2) bedrooms, bathroom, laundry, open planned kitchen, dining and living room with garage incorporated to the southern elevation. With respect to finishes the structure provides rendered EPS to external walls with a traditional pitched tiled roof form.

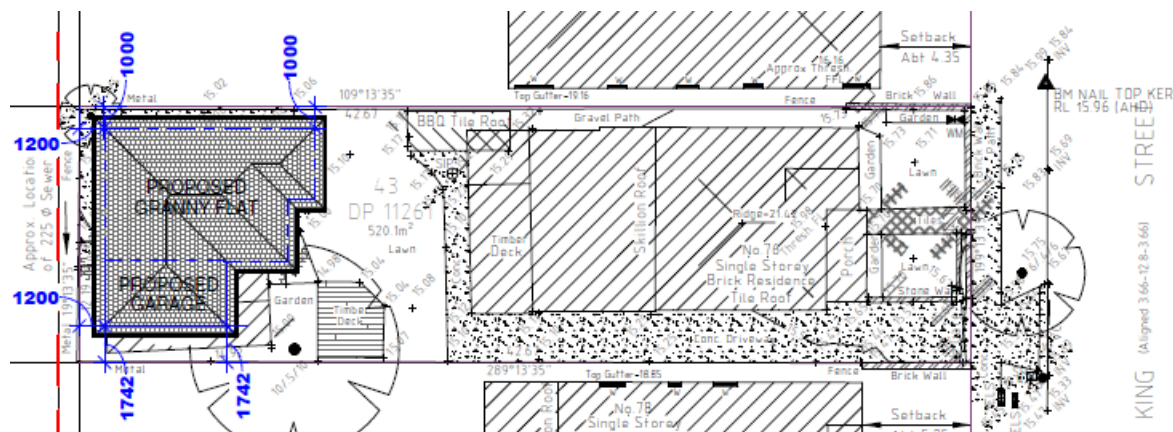


Figure 2 - Site Plan (source - RESCON Builders)

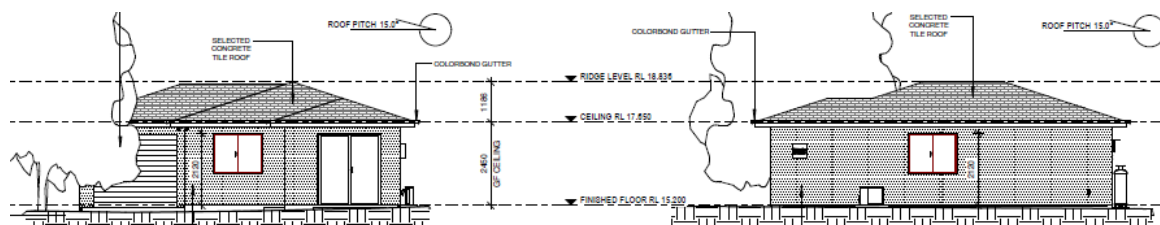


Figure 3 - Eastern (front) and Northern (side) elevation (source - RESCON Builders)

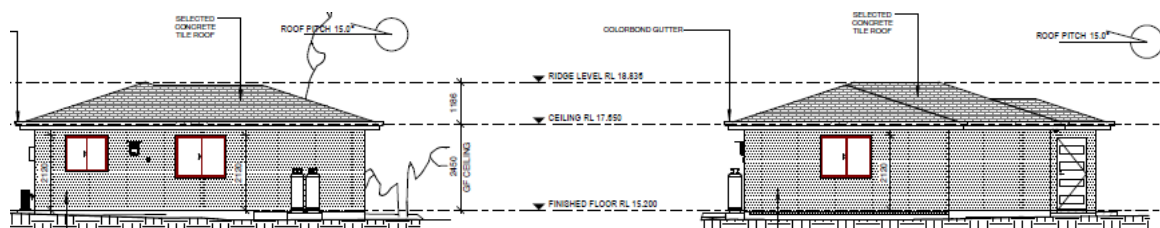


Figure 4 - Western (rear) and Southern (side) elevation (source - RESCON Builders)

4 ASSESSMENT UNDER SECTION 4.15 OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

4.1 (a) the provision of: (i) any Environmental Planning Instruments

4.1.1 State Environmental Planning Policies

State Environmental Planning Policy No. 55 (SEPP No. 55) Remediation of Land

According to the provisions of clause 7 of SEPP No. 55 Council must not consent to the carrying out of any development on land unless it has considered whether the land is contaminated, and if the land is contaminated it is satisfied that the land is suitable in its contaminated state (or will be suitable after remediation) for the purpose that development consent is sought.

Comment - In so far as the site has an extended history of residential use, Council may be satisfied that the land is not contaminated and is suitable for the use proposed.

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

State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 ("BASIX") applies to the proposed development.

Comment - In accordance with the above the application is accompanied by a BASIX Certificate which commits to environmentally sustainable measures.

State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017

State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017 applies to non-rural areas of the State inclusive of the subject local government area and aims to (a) protect the biodiversity values of trees and other vegetation in non-rural areas of the State, and (b) preserve the amenity of non-rural areas of the State through the preservation of trees and other vegetation.

Comment - Proposed works do not involve the removal of any significant vegetation. In this regard it is noted that the existing Callistemon is to be retained with appropriate setback provided, and of which are increased over that of the existing shed which is to be removed.

State Environmental Planning Policy (Affordable Rental Housing) 2009

Part 2 Division 2 of the SEPP relates specifically to development for the purposes of a secondary dwelling, which adopts the standard instrument definition, being:

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 (not being an individual lot in a strata plan or community title scheme) as the principal dwelling, and
- (c) is located within, or is attached to, or is separate from, the principal dwelling

Clause 20 states that this Division applies to land within any of the following land use zones or within a land use zone that is equivalent to any of those zones, but only if development for the purposes of a dwelling house is permissible on the land:

- (b) Zone R2 Low Density Residential,

Comment - The subject site is located within zone R2 Low Density Residential under the provisions of the Canterbury Local Environmental Plan 2012 (CLEP 2012) which permits 'dwelling houses'.

Clause 22 'Development may be carried out with consent' provides the following:

- (1) Development to which this Division applies may be carried out with consent.
- (2) A consent authority must not consent to development to which this Division applies if there is on the land, or if the development would result in there being on the land, any dwelling other than the principal dwelling and the secondary dwelling.

Comment - Proposal results in only the existing principal dwelling and proposed secondary dwelling.

- (3) A consent authority must not consent to development to which this Division applies unless:

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

Comment - The site is not subject to a floor space ratio (FSR) control. It is noted that total floor area of secondary dwelling is 59.8m² (excluding 'ancillary development', being the garage in this instance).

Subclause (4) provides that a consent authority must not refuse consent to development to which this Division applies on either of the following grounds: (a) **site area** if (i) the secondary dwelling is located within, or is attached to, the principal dwelling, or (ii) the site area is at least 450 square metres, (b) **parking** if no additional parking is to be provided on the site.

(5) A consent authority may consent to development to which this Division applies whether or not the development complies with the standards set out in subclause (4).

4.1.2 Local Environmental Planning Instruments

Canterbury Local Environmental Plan 2012

The site is zoned R2 'Low Density Residential' under the provisions of the Canterbury Local Environmental Plan 2012 (CLEP 2012). The proposed development relates to the construction of a 'secondary dwelling' with garage which is not defined within the land use table, rather as previously outlined is permissible pursuant to the provisions of State Environmental Planning Policy (Affordable Rental Housing) 2009.

The objectives of the R2 'Low Density Residential' zone are as follows:

- To provide for the housing needs of the community within a low-density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.

Comment - The proposed development relates to the construction of a secondary dwelling and a garage, of which are not considered inconsistent with stated zones objectives.

Following is a summary table indicating performance of the proposal against relevant statutory standards:

Requirement	Proposed	Compliance
Clause 4.3 - Building Height		
Site located in Area 'I' of the Building Height Map (8.5m)	3.78m	✓
Clause 5.4 - Controls relating to Miscellaneous Permissible Uses		
(9) Secondary dwellings If development for purposes of a secondary dwelling is permitted under this Plan, 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.	59.8m ² (as per SEPP)	✓
Clause 5.10 - Heritage Conservation		
Development consent is required for any of the following:	Site is within the Ashbury Conservation Area. In this	✓

<ul style="list-style-type: none"> (a) demolishing or moving a heritage item or a building, work, relic or tree within a heritage conservation area, (b) altering a heritage item that is a building by making structural changes to its interior (c) disturb or excavate an archaeological site while knowing, or having reasonable cause to suspect, that the disturbance or excavation will or is likely to result in a relic being discovered, exposed, moved, damaged or destroyed, (d) disturbing or excavating an Aboriginal place of heritage significance, (e) erecting a building on land which is a heritage item or that is within a heritage conservation area, (f) subdividing land which is listed as a heritage item or that is within a heritage conservation area. 	<p>regard a Heritage Impact Statement accompanies this submission.</p>	
Clause 6.1 - Acid Sulfate Soils		
<p>Site in Class 5 land affected by Acid Sulfate Soils. ... 'class 5 is defined as works within 500 metres of adjacent Class 1, 2, 3 or 4 land that is below 5 metres Australian Height Datum and by which the watertable is likely to be lowered below 1 metre Australian Height Datum on adjacent Class 1, 2, 3 or 4 land'.</p>	<p>Proposal is considered acceptable, noting AHD site levels of the site and limited excavation and thus further reporting is not warranted.</p>	✓

4.2 (a)(ii) any Draft Environmental Planning Instruments

There are currently no draft planning instruments and / or amendments of relevance to the proposal.

4.3 (a)(iii) any Development Control Plan

Canterbury Development Control Plan 2015

The site is ordinarily subject to the provision of the Canterbury Development Control Plan 2015 (CDCP), though given the nature of the proposed secondary dwelling use, contains no numerical standards. The proposal does involve demolition of the shed which appears to have been a former garage and incorporation of a new garage attached to the secondary dwelling, providing covered parking for one (1) vehicle.

The former Canterbury Council resolved that provisions of SEPP (Affordable Rental Housing) 2009, inclusive of Schedule 1 which ordinarily applies to Complying Development be used as a Policy document and the basis for assessment and determination of any development applications received for secondary dwellings (53-349). In this regard compliance with the proposed development against provisions of the Policy is outlined below:

Clause	Proposed	Compliance
Schedule 1 Development Standards for Secondary Dwellings		
Part 2 Site Requirements		
2 Lot Requirements		
<p>(1) Development for the purposes of a secondary dwelling may only be carried out on a lot that:</p> <ul style="list-style-type: none"> (a) at the completion of the development will have only one principal dwelling and one secondary dwelling, and (b) if it is not a battle-axe lot, has a boundary with a primary road, measured at the building line, of at least the following: 	<p>One principal and one secondary dwelling.</p>	✓

(i) 12 metres, if the lot has an area of at least 450 square metres but less than 900 square metres,	12.19m (520.1m ²).	✓
(2) A lot on which a new secondary dwelling is erected must have lawful access to a public road.	Site has lawful access to a public road frontage.	✓
3 Maximum Site Coverage of all Development		
(1) Site coverage of the principal dwelling, secondary dwelling and all ancillary development on a lot must not be more than:		
(a) 50% of the area of the lot, if the lot has an area of at least 450 square metres but < 900 square metres	207.7m ² (39.9%)	✓
4 Maximum Floor Area for Principal and Secondary Dwelling		
(1) The floor area of a secondary dwelling must not be more than 60 square metres or, if a greater floor area is permitted in respect of a secondary dwelling on the land under another environmental planning instrument, that greater floor area.	Floor area of secondary dwelling is 59.8m ² , excluding garage.	✓
(2) The floor area of a principal dwelling, secondary dwelling and any carport, garage, balcony, deck, patio, pergola, terrace or verandah attached to either dwelling and enclosed by a wall (other than external wall of a dwelling) higher than 1.4m above the floor level on a lot must not be more than the following:		
(a) 330 square metres, if the lot has an area of at least 450 square metres but less than 600 square metres,	207.7m ²	✓
5 Maximum floor area for balconies, decks, patios, pergolas, terraces and verandahs		
(1) The maximum floor area of a balcony, deck, patio, pergola, terrace or verandah attached to a principal dwelling or secondary dwelling with a floor level of more than 3 metres above ground level (existing) is 12 square metres.	Not proposed noting that patio to front facade is not elevated.	✓
Part 3 Building Heights and Setbacks		
6 Building Height		
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 building height above ground level (existing) of more than 8.5m.	3.78m	✓
9 Setbacks from side boundaries		
(1) Development for the purposes of a secondary dwelling must not result in a new building or a new part of an existing building or any new carport, garage, balcony, deck, patio, pergola, terrace or verandah that is attached to such a building having a setback from a side boundary of less than the following:	Side (North) - 1m Side (South) - 1.742m	✓ ✓
(a) 0.9 metres, if the lot has an area of at least 450 square metres but less than 900 square metres,		
(2) Development for the purposes of a secondary dwelling that involves the construction of a new building or additions to an existing building where the new or existing building will, at the end of the development, have a building height at any part of more than 3.8 metres must not result in the new building or any new part of the existing building or any new carport, garage, balcony, deck, patio, pergola, terrace or verandah that is	Maximum building height measures 3.78m.	N/A

<p>attached to such a building, 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 subclause (1), and</p> <p>(b) an amount that is equal to one-quarter of the additional building height above 3.8 metres.</p>		
<p>10 Setbacks from rear boundaries</p> <p>(1) Development for the purposes of a secondary dwelling must not result in a new building or a new part of an existing building or any new carport, garage, balcony, deck, patio, pergola, terrace or verandah that is attached to such a building having a setback from a rear boundary of less than the following:</p> <p>(a) 3 metres, if the lot has an area of at least 450 square metres but less than 900 square metres,</p> <p>(2) Development for the purposes of a secondary dwelling that involves the construction of a new building or additions to an existing building where the new or existing building will, at the end of the development, have a building height at any part of more than 3.8 metres must not result in the new building or any new part of the existing building or any new carport, garage, balcony, deck, patio, pergola, terrace or verandah that is attached to such a building, having a setback from a rear boundary of less than the sum of:</p> <p>(a) 3 metres, plus an amount that is equal to three times the additional building height above 3.8 metres, up to a maximum setback of 8 metres, if the lot has an area of at least 450 square metres but less than 900 square metres, or</p> <p>(3) Despite subclauses (1) and (2), a dwelling on a lot that has a rear boundary with a laneway may have a building line that abuts that boundary for up to 50 per cent of the length of boundary.</p>	<p>1.2m - Given the limited height of the building, containment at natural ground and presence of a structure with a similar setback that adjoins the subject boundary, no adverse or unreasonable impacts are foreseen. In addition the reduced setback increases the separation from the primary dwelling, thus providing a greater consolidated area of open space and greater curtilage with respect to heritage significance.</p> <p>Maximum building height measures 3.78m</p> <p>N/A</p>	<p>Acceptable</p> <p>N/A</p> <p>N/A</p>
<p>15 Privacy</p> <p>(1) Development for the purposes of a secondary dwelling must not result in a new window in the principal or secondary dwelling without a privacy screen if:</p>	<p>Finished floor levels are contained close to natural ground (< 1m), thus no overlooking</p>	<p>✓</p>

<p>(a) it is a window in a habitable room, other than a bedroom, that has a floor level of more than 1 metre above ground level (existing), and</p> <p>(b) the wall in which the window is located has a setback of less than 3 metres from a side or rear boundary, and</p> <p>(c) the window has a sill height of less than 1.5 metres.</p>	<p>results and privacy screens are not required.</p>	
<p>(2) Development for the purposes of a secondary dwelling must not result in a new or altered balcony, deck, patio, pergola, terrace or verandah without a privacy screen if it:</p> <p>(a) has a setback of less than 3 metres from a side or rear boundary, and</p> <p>(b) has a floor area more than 3 square metres, and</p> <p>(c) has a floor level more than 1m above ground level (existing).</p>	<p>A small patio is provided to front façade though is at natural ground.</p>	✓
<p>(3) Development for the purposes of a secondary dwelling must not result in a new or altered detached deck, patio, pergola or terrace having a floor level that is more than 0.6 metres above ground level (existing).</p>	<p>Not proposed.</p>	✓
Part 4 Landscaping		
16 Landscaped Area		
<p>(1) A lot on which development for the purposes of a secondary dwelling is carried out must have a landscaped area of at least:</p> <p>(a) 20 per cent, if the lot has an area of at least 450 square metres but less than 600 square metres,</p>	<p>109.9m² (21.1%)</p>	✓
<p>(2) At least 50 per cent of the landscaped area must be located behind the building line to the primary road boundary.</p>	<p>< 50% of landscaped area behind building line</p>	✓
<p>(3) The landscaped area must be at least 2.5 metres wide.</p>	<p>A small component of landscaped area adjacent to southern boundary has a width of 1.742m though as it provides a consolidated area which can sustain meaningful landscape it is considered acceptable.</p>	Acceptable
17 Principal Private Open Space		
<p>(1) A lot on which development for the purposes of a secondary dwelling is carried out must have at least 24 square metres of principal private open space.</p>	<p>Stated area provided.</p>	✓
<p>(2) In this clause, principal private open space means:</p> <p>(a) an area that is directly accessible from, and adjacent to, a habitable room, other than a bedroom, and</p> <p>(b) is at least 4 metres wide, and</p> <p>(c) is not steeper than 1:50 gradient.</p>	<p>Complies with (a) - (c)</p>	✓

Part 5 Earthworks and Drainage		
18 Excavation of sloping sites (1) Excavation associated with development for the purposes of a secondary dwelling must: (a) be not more than 1m below ground level (existing), and (b) be constructed using a retaining wall or unprotected embankment that meets the standards of subclause (2) or (3)	Excavation < 1m.	✓
20 Run-off and Erosion Controls Run-off and erosion controls must be implemented to prevent soil erosion, water pollution or the discharge of loose sediment on the surrounding land by: (a) diverting uncontaminated run-off around cleared or disturbed areas, and (b) erecting a silt fence to prevent debris escaping into drainage systems and waterways, and (c) preventing tracking of sediment by vehicles onto roads, (d) stockpiling top soil, excavated materials, construction and landscaping supplies and debris within the lot.	An Erosion and Sediment Control Plan has been prepared and accompanies the DA.	✓
21 Drainage (1) All stormwater collecting as a result of development for the purposes of a secondary dwelling must be conveyed by a gravity fed or charged system to: (a) a public drainage system, or (b) an inter-allotment drainage system, or (c) on-site disposal system.	A Stormwater Concept Plan accompanies DA.	✓

4.4 (a)(iv) any matter prescribed by the regulations that apply to the land to which the development relates

The application has been considered in terms of the regulations and there are no matters that are applicable to this application.

4.5 (b) likely Impacts of the Development

(i) Impact on the natural environment:

The proposed development will not have any adverse impact on the natural environment. The site has been previously developed for residential use and is located within an established residential area.

(ii) Impact on the built environment:

The proposed development has been assessed against design provisions contained in Canterbury Local Environmental Plan 2012 and adopted secondary dwelling policy and provides reasonable compliance.

From a streetscape perspective the structure is contained within the rear yard and thus will have a limited presence towards the public domain. In respect to bulk and scale it is considered reasonable with building footprint not dissimilar to adjoining structures, maximum 3.78m height with appropriate setbacks provided to side and rear boundaries. Form and finishes consist of rendered EPS to external walls of medium grey tone with traditional pitched tile roof which are considered appropriate and similar to other outbuildings that are present in the immediate vicinity.

Furthermore, the proposal is not considered to result in any unreasonable amenity impacts in the form of overshadowing, privacy or views loss towards surrounding properties.

(iii) Social and Economic impacts in the locality:

No social/economic impacts are foreseen noting location of the site in an established residential area.

4.6 (c) suitability of the site for the development

The proposed development has been assessed against applicable planning provisions. Having regard to the assessment contained in this report, the site is considered to remain suitable.

4.7 (d) any submissions made in accordance with the Act or the regulations

It is anticipated that the development application would be notified to surrounding properties. Should any submissions be received these will be considered by Council within any assessment.

4.8 (e) the public interest

The proposed development is considered consistent with objectives of the Environmental Planning and Assessment Act in so far as it promotes the co-ordinated and orderly, and economic use and development of the land. Accordingly, it is deemed to be consistent with the public interest.

5 CONCLUSION

The proposed development has been assessed in accordance with Section 4.15 of the Environmental Planning and Assessment Act 1979, with works permissible, and consistent with relevant controls

Further, the development performs adequately in terms of its relationship to surrounding built and natural environment, particularly in relation to likely impacts upon surrounding properties.

Consequently, the proposal is considered acceptable from an environmental planning perspective and should be supported by Council, subject to appropriate conditions of consent.