

STATEMENT OF ENVIRONMENTAL EFFECTS

**Demolition, two attached
dwellings, two secondary
dwellings, and land
subdivision**

**22 Nicoll Street,
Roselands**

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1 Introduction

1.1 Description of the proposed development

This report is a Statement of Environmental Effects (SEE), pursuant to Section 4.15 of the Environmental Planning and Assessment Act 1979.

The development application seeks consent for demolition of the existing structures, two semi-detached dwellings, two secondary dwellings and Torrens Title land subdivision, at 22 Nicoll Street, Roselands.

The proposed dwellings are similar in composition as depicted in the accompanying architectural plans by Tailored House Designs (building designers). A summary of the key aspects of the proposal are noted as follows:

Ground floor plan -

- Garage for 1 car; second space in tandem
- Entry, laundry, bathroom, study, and bedroom
- Open plan kitchen, living, dining, rear patio

First floor plan -

- 4 bedrooms
- bathroom and ensuite
- Front balcony

Secondary dwellings -

- Open plan kitchen, living, dining room
- 2 bedrooms
- 1 Bathroom

Garden areas -

- Retaining walls as shown
- Driveway
- Landscape planting as shown
- Stormwater management as shown

The proposal provides:

- A characteristic 2-storey housing form within a landscaped setting.
- Enhanced landscaping regime and improved streetscape presentation.
- A highly compliant design which will provide increased diversity of housing and increased affordable rental housing.

1.2 Statement of Environmental Effects

This Statement of Environmental Effects (SEE) is prepared in response to Section 4.15 of the Environmental Planning and Assessment Act 1979. The proposal has been considered under the relevant provisions of Section 4.15 of the Environmental Planning and Assessment Act 1979.

In preparation of this document, consideration has been given to the following:

- Environmental Planning and Assessment Act, 1979
- Local Environmental Plan
- Relevant State Environmental Planning Policies
- Development Control Plan

The proposal is permissible and generally in conformity with the relevant provisions of the above planning considerations.

Overall, it is assessed that the proposed development is satisfactory, and the development application may be approved by Council.

2 Site Analysis

2.1 Site and location description

The site is located at 22 Nicoll Street, Roselands and legally described as Lot 9 Section 6 in Deposited Plan 4494. The site has an area approximately of 1,011.7m².

The site is irregular in shape with western frontage of 15.85m to Nicoll Street and rear, eastern boundary of 24.385m. The northern side boundary is 51.16m and southern side boundary 50.30m.

The land has a moderate slope comprising a 3.8m fall, from northern side of the lot (top left corner - RL 57.82), diagonally to southern side of the lot (bottom right corner - RL54.40) near the street frontage.

The land contains a one storey clad dwelling with a fibrous garage located along the south eastern side boundary.

There are several trees located alright on and within proximity to the allotment.

The location is an established residential neighbourhood containing a diverse mix of residential housing styles and built-form character within an irregular subdivision pattern.

Water infrastructure (land and heritage building) is to the south west of the site.

The figures on the following pages depict the character of the property/location and its existing development.



Figure 1 – Location of the site within its local context (courtesy NSW Planning)



Figure 2 – Alignment, orientation and spatial layout of the subject site and adjoining properties (courtesy Google Maps)



Figure 3 – streetscape character to the north west of the site



Figure 4 – streetscape character to the south west of the site



Figure 5 – examples of different residential housing forms to the north west of the site



Figure 6 – infrastructure and heritage item to the to the north west of the site

EXAMPLES OF THE LOCAL DEVELOPMENT CHARACTER



32/a Ridgewell Street, ROSELANDS



32/a Ludgate Street, ROSELANDS



1 Nicoll Street, ROSELANDS



19/a Ridgewell Street, ROSELANDS



24/a Ridgewell Street, ROSELANDS



15/a Ridgewell Street, ROSELANDS

Figure 7 – examples of developments containing attached dwellings within the suburb

3 Environmental Assessment

3.1 Section 4.15 of the Environmental Planning & Assessment Act, 1979

The following section of the report assesses the proposed development having regard to the statutory planning framework and matters for consideration pursuant to Section 4.15 of the Environmental Planning & Assessment Act, 1979 as amended.

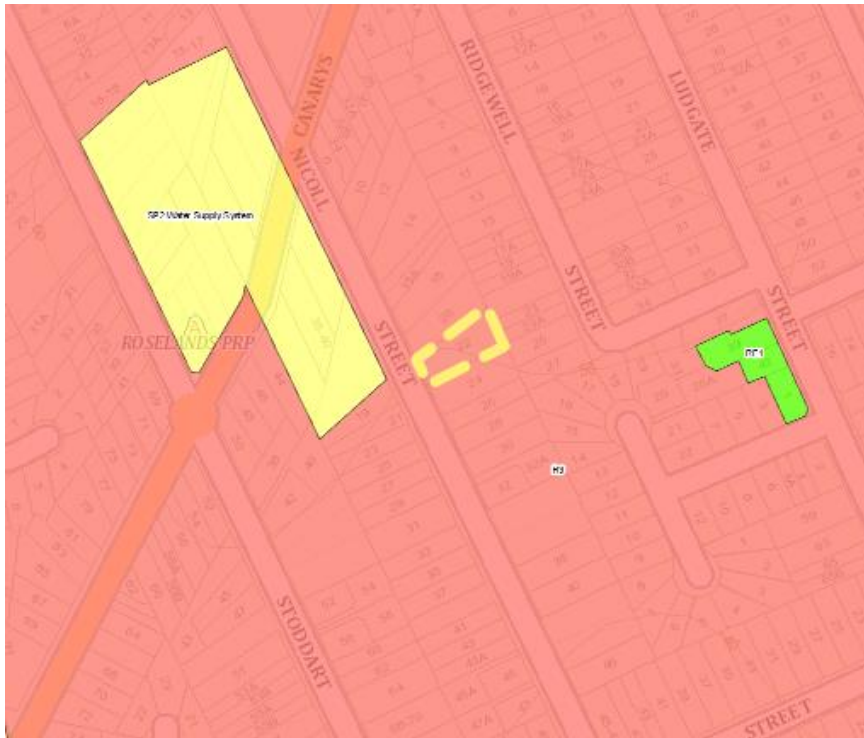
Under the provisions of the Environmental Planning and Assessment Act 1979 (the Act), the key applicable planning considerations, relevant to the assessment of the application are:

- Canterbury Local Environmental Plan 2012
- State Environmental Planning Policies – as relevant
- Canterbury Development Control Plan

The application of the above plans and policies is discussed in the following section of this report.

The application has been assessed against the relevant heads of consideration under Section 4.15 of the Act; a summary of these matters are addressed within Section 7 of this report, and the town planning justifications are discussed below.

The property is zoned R3 Medium Density Residential under the Canterbury Local Environmental Plan 2012 (LEP).



The proposal constitutes demolition of the existing structures, two ***semi-detached dwellings***, two secondary dwellings and Torrens Title land subdivision.

‘a dwelling that is on its own lot of land and is attached to only one other dwelling’.

Clause 2.3(2) of the LEP requires the consent authority to 'have regard to the objectives for development in a zone' in relation to the proposal. The objectives of the zone are stated as follows:

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- To enable other land uses that provide facilities or services to meet the day to day needs of residents.

It is assessed that the proposed development is consistent with the zone objectives as it will provide for the housing needs of the community and contribute to the variety of housing types within a medium density residential environment, compatible with the surrounding development.

Accordingly, the proposal has had sufficient regard to the zone objectives and there is no statutory impediment to the granting of consent.

4.2 Other relevant provisions of the LEP

Other provisions of the LEP that are relevant to the assessment of the proposal are noted and responded to as follows:

LEP Provision	Response	Complies
Part 4 of LEP – Principal Development Standards		
LEP Clause 4.1 Minimum subdivision lot size 460 m ² CI (3) states: <i>‘(3) The size of any lot resulting from a subdivision of land to which this clause applies is not to be less than the minimum size shown on the Lot Size Map in relation to that land’.</i>	Two lots are proposed, each of 506 m ² and the proposal meets the Minimum subdivision lot size.	Yes
LEP Clause 4.3 – Height of Buildings – 8.5m	The proposed development does not exceed the 8.5m height limit as shown on the architectural plans.	Yes
LEP Clause 4.4 – Floor space ratio – 0.5 to 1 (505.85m ²)	Drawing no. A050 of the architectural plan set provides a calculation of proposed gross floor area and floor space ratio for the property. The proposed FSR is: 0.5 to 1 (GFA of 505m ²) and does not exceed the 0.5 FSR limit.	Yes
LEP Clause 4.6 – Exceptions to development standards	NA	NA
Part 5 of LEP – Miscellaneous Provisions		
LEP Clause 5.4 Controls relating to miscellaneous permissible uses	NA	NA
LEP Clause 5.4 Controls relating to miscellaneous permissible uses, clause 5.4(9) secondary dwellings	A secondary dwelling isn't permitted in the R3 zone under the LEP however such is permitted by the Housing SEPP. See section 4.3 2 below in relation to SEPP Housing.	NA

LEP Provision	Response	Complies
LEP Clause 5.10 Heritage Conservation	<p>The property is not a heritage item or within a conservation area.</p> <p>The property is within proximity to a local heritage item, being item 156 in the LEP, which is approximately 50m to the west of the site. It is positioned within a treed and landscaped setting.</p> <p>It is assessed that the proposed development generates negligible impacts for the heritage item. The proposed development is sufficiently separated from the item, will be positioned within a landscaped setting, and makes a well-considered contribution to the streetscape without generating adverse impacts.</p> <p>Based on the above the consent authority may be satisfied that the development satisfies clause 5.10 of the LEP.</p>	Yes
LEP Clause 5.21 Flood planning	Council's maps do not identify the site as being flood affected.	NA
Part 6 of LEP – Additional Local Provisions		
LEP Clause 6.1 Acid sulfate soils	NA	NA
LEP Clause 6.2 Earthworks	<p>Modest excavation and filling is proposed to the land in relation to the existing site levels.</p> <p>The siting and design of the proposed modifications has considered the matters within clause 6.2(3) of the LEP and results in appropriate outcomes against these criteria noting that:</p> <ul style="list-style-type: none"> ▪ no significant change to the nature or extent of fill is proposed by the proposed development. ▪ drainage patterns and soil stability are not adversely impacted, and stormwater will be managed in accordance with the stormwater management plan ▪ the proposed development will not adversely impact on amenity of adjoining properties 	Yes

LEP Provision	Response	Complies
	<ul style="list-style-type: none"> there are no further matters for assessment relating to earthworks triggered by the proposed development. appropriate measures are proposed to avoid, minimise or mitigate the impacts of the development including appropriate stormwater management and structural engineering. The proposal is not a heritage item and will not have an adverse impact on the nearby heritage autumn, as addressed above. <p>Based on the above the proposed development satisfies the considerations within clause 6.2 and the site is suitable for the development proposed.</p>	
<p>LEP Clause 6.4 Stormwater management</p> <p><i>‘(3) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that the development—</i></p> <p><i>(a) is designed to maximise the use of water permeable surfaces on the land having regard to the soil characteristics affecting on-site infiltration of water, and</i></p> <p><i>(b) includes, if practicable, on-site stormwater retention for use as an alternative supply to mains water, groundwater or river water, and</i></p> <p><i>(c) avoids any significant adverse impacts of stormwater runoff on adjoining properties, native bushland and receiving waters, or if that impact cannot be reasonably avoided, minimises and mitigates the impact’.</i></p>	<p>In relation to stormwater the proposed development is accompanied and supported by a stormwater management plan.</p> <p>Stormwater will not be discharged onto adjoining properties in an inappropriate or uncontrolled manner and will avoid any significant adverse impacts of stormwater runoff on adjoining land.</p> <p>The proposed development provides compliant landscaped (pervious) areas and will provide appropriate onsite infiltration of water.</p> <p>A stormwater collection and reuse tank is proposed as part of the proposal's BASIX compliance certificate and will provide opportunities for water reuse on the site.</p> <p>The property is not adjacent to or near sensitive bushland or receiving waters and avoids significant adverse impacts of stormwater runoff.</p> <p>Based on the above the consent authority may be satisfied that the development satisfies clause 6.4 of the LEP.</p>	Yes

4.3 State Environmental Planning Policy

4.3.1 State Environmental Planning Policy - BASIX

The proposed development is BASIX affected development as prescribed. A BASIX assessment report accompanies the application and satisfies the SEPP in terms of the DA assessment.

4.3.2 State Environmental Planning Policy (Housing) 2021

State Environmental Planning Policy (Housing) 2021 (the SEPP) is applicable to the site. Part 1 Secondary dwellings establishes controls and development standards relating to secondary dwellings. The following key aspects are noted:

- Clause 49 establishes that Zone R3 Medium Density Residential is a Residential zone to which the secondary dwelling provisions apply.
- Clause 50 has the effect of permitting secondary dwellings within the R3 Medium density residential zone.
- Clause 52(2) establishes the following controls:
 - (a) *no dwellings, other than the principal dwelling and the secondary dwelling, will be located on the land, and*
 - (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*

Clause 53 of the SEPP states:

- *“(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.*
- *53(2) establishes the following non-discretionary development standards in relation to the carrying out of development*
 - (a) for a detached secondary dwelling—a minimum site area of 450m²,*
 - (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.”*

In response to 50 and 53:

- The site is in excess of 450 square metres.
- Only the principal dwelling and the secondary dwelling, will be located on each proposed allotment.
- No car parking is proposed specific to the proposed secondary dwelling.
- Each secondary dwelling will be 60m² in Gross Floor Area in compliance with the SEPP.

Note: there are no development standards relating to setbacks in the SEPP. Therefore, the merits of the proposed secondary dwelling setbacks are appropriately considered within Section 5 of this report.

The proposed development complies with the SEPP's provisions and there is no impediment to the granting of consent.

4.3.3 State Environmental Planning Policy (Biodiversity and Conservation) 2021

The following aspect of State Environmental Planning Policy (Biodiversity and Conservation) 2021 is applicable to the land and the proposed development:

- Chapter 2 - Vegetation in Non-Rural Areas

This matter is addressed below.

Chapter 2 - Vegetation in Non-Rural Areas

Vegetation is prescribed under Canterbury DCP for the purposes of the SEPP. An arborist report accompanies and supports the proposed development. The arborist recommends the following:

- I. The Arborist supports the removal of all site trees, that being T4- T10, T12, T14- T16 and T19. Where tree removal is approved, it must be undertaken in accordance with Code of Practice , Amenity Tree Industry 1998, Workcover NSW.*
- II. The Arborist also supports the removal of T3, but notes that as a Council asset, Canterbury Bankstown Council may condition its removal.*
- III. The Arborist recommends that T1, T2, T11, T13 , T17 and T18 be protected , with the proposal to incorporate the following;*
 - a. Any renewal of the existing southern crossover near T1 must be done meticulously, under the supervision of the Project Arborist.*
 - b. The soil cuts behind the primary dwellings must not occur in the TPZs of T11, T13 , T17 and T18.*
 - c. The secondary dwellings are to be built above grade, with no trench footings, and on pier and beam foundations, allowing for voids under slabs.*
 - d. Pier holes in the TPZ of trees are to be hand dug , under the direct supervision of the Project Arborist.*
 - e. Where soil cuts are approved within the TPZ it is anticipated underlying tree roots will be cut. Such roots, greater than 25mm, must be blocked , by use of clean cut, sterilised tools , that will ensure rapid compartmentalisation (forming walls that protect the wound area from decay) denying the entry of fungal pathogens. Ground soil/root treatment within the TPZ is crucial in this vicinity.*
 - f. Piers are to be lined with a Geotech fabric , prior to concrete pour, to act as an interface between concrete and soil.*
 - g. Existing soil levels within the TPZ radius of the trees shall remain intact..*
 - h. Any pavement outside of the secondary dwellings, for walkways , must be above grade and porous.*
 - i. Any renewal of the boundary fence must use existing post holes , with no further ground intrusion in the SRZ/TPZ of trees'.*

The arborist recommends various management provisions to protect the health of the trees. The recommendations of the project arborist may reasonably form conditions of development consent. Based on the above, the provisions of this policy are satisfied by the proposal.

4.3.4 State Environmental Planning Policy (Resilience and Hazards) 2021

The following aspect of State Environmental Planning Policy (Resilience and Hazards) 2021 is applicable to the land and the proposed development:

- Chapter 4 - Remediation of Land

This matter is addressed below.

Chapter 4 – Remediation of Land

Chapter 4 – Remediation of Land applies to all land and aims to provide for a State-wide planning approach to the remediation of contaminated land. Council is required to consider whether land is contaminated prior to granting consent to carrying out of any development on that land. In this regard, the likelihood of encountering contaminated soils on the subject site is low given the following:

- Council's records indicate that site has only been used for residential uses.
- The subject site and surrounding land are not currently zoned to allow for any uses or activities listed in Table 1 of the contaminated land planning guidelines.
- The subject site does not constitute land declared to be an investigation area by a declaration of force under Division 2 of Part 3 of the Contaminated Land Management Act 1997.

Given the above factors no further investigation of land contamination is warranted. The site is suitable in its present state for the proposed residential development. Therefore, pursuant to the provisions of the SEPP, Council can consent to the carrying out of development on the land.

5 Development Control Plan

In response to Section 4.15 (1)(iii) of the Act, the Canterbury Development Control Plan (DCP) is applicable to the property. Relevant provisions to the DCP are addressed below.

5.1 Overview

The proposal is:

- responsive to the existing site and location circumstances.
- maintains a compatible building envelope and boundary setbacks.
- located within a landscaped setting and will be appropriately treated to be compatible with the character of the site and properties adjoining.
- compatible with the mixed architectural scale, form, and style of development within the local context and will complement this character when viewed from the street, and adjoining land;
- designed from an appropriate mix of high-quality materials and finishes, in a manner that will enhance the property's aesthetic character and form.

5.1.1 Principal Built Form Controls - Chapter 2 - Dual Occupancies and Semi-detached Dwellings

A table demonstrating compliance with the relevant provisions of the DCP is detailed as follows. Where a numerical non-compliance is identified, the objectives of this control and the merits of the proposal are addressed.

Clause	Requirement	Proposed	Complies?
C2.2 Site Planning			
C2.2.1 Minimum lot sizes and frontage	15m 7.5 for each lot on irregular sites	15.85m	Yes
		The site is irregular in shape Each lot has a frontage of 7.9m	Yes
C2.2.2 Isolated sites	narrower or smaller than required to be developed under Canterbury LEP	The site adjoins allotments within Nicholl St that are of similar proportions to the subject site and satisfy the minimum lot size of 460 square metres.	Yes
C2.2.3 Private open space	Minimum private open space - Dual occupancy and semi-detached dwellings with a frontage of 7.5m or greater must provide a minimum of 50m ² of private open space.	Approx. 75m ² is provided for each dwelling. Each is located at ground level, at the rear, adjacent to the main living areas, with appropriate privacy, and with good midwinter sunlight	Yes
	Minimum dimension in any direction - 4m and 2.5m x 2.5m for outdoor dining facilities	A patio of approx. 6.5m x 2.5m, meeting the minimum dimensions is provided.	Yes

Clause	Requirement	Proposed	Complies?
C2.2.4 Layout and orientation	C1 to C6	The proposed development is appropriately sited to gain solar access, ventilation and outlook without inappropriately impacting the amenity of adjoining properties.	Yes
C2.3 Building Envelope			
C2.3.1 Floor space ratio	0.5 to 1	See section 4 of this report.	Yes
C2.3.2 Height	Maximum external wall height (where maximum height of building in the LEP is 8.5m). 2 storeys and 7m wall height	See section 4 of this report. 2 storeys and under 7m wall height as shown on the architectural plans.	Yes Yes
C2 Basement and Sub-floor Projection	must not include basement or subfloor parking	No basement or subfloor parking proposed.	Yes
C3/4 Attics and Roof Terraces		No attics or roof terraces proposed	NA
C5/6 Retaining Walls	Maximum height of retaining walls enclosing a sub-floor <ul style="list-style-type: none"> • 2m for steeply sloping sites • 1m for all other land 	No retaining walls are proposed more than 1m high.	Yes
C7-10 Cut and fill	Maximum cut below ground level – 1m Maximum fill above ground level - 600mm	No fill, exceeding 1m, is proposed extending beyond an exterior wall of the proposed buildings.	Yes
C2.3.3 Setbacks			
Front setback	Minimum setback of 6m from the front boundary.	The proposed semi-detached dwellings are approx. 7.5 to 8.8m.	Yes
Side Setbacks	Minimum setback of 1.2m from side boundaries.	The boundaries of the property are angular resulting in variable setbacks.	Yes
		Semi-detached dwellings Common boundary – 1.445m	Yes
		External boundaries to the site are approx. as follow: North side: 1.05m to 2.4m South side: 1.15m to 2.5m	No No
		Secondary dwellings Common boundary – 900mm External boundaries to the site – 2.5 to	Yes

Clause	Requirement	Proposed	Complies?
		3.25m 2.4 to 3.13m	Yes
Control Objectives <ul style="list-style-type: none"> ▪ To establish the desired spatial proportions of the street and define the street edge. ▪ To limit the scale and bulk of development by retaining landscaped open space around. ▪ To contribute to the natural landscape by retaining adequate space for new trees and conserving existing visually prominent trees. ▪ To provide sufficient separation between buildings and adjacent land to limit the visual, environmental and likely potential amenity impacts of new development. ▪ To minimise stormwater run-off by retaining deep soil areas that facilitate rainwater infiltration. 		<p>The proposed side setbacks mostly meet and exceed the minimum of 1.2m. The proposed semi-detached dwellings seek a minor exception to the 1.2m side setback alignment for a short distance of approximately 2.3 metres at the front 'outside' edge of each garage.</p> <p>The numerical variation is acknowledged, and justification is provided in response to the planning control objectives, the circumstances of the site, and the merits of the proposal, as noted below:</p> <ul style="list-style-type: none"> ▪ To compensate, the frontage is highly articulated, the minimum front setback is partly exceeded (8.8m). ▪ Angular boundary alignments make strict numerical compliance challenging to achieve. ▪ The property's natural features will not be diminished by the modest extent and location of the proposed side setback exception. ▪ Vehicle access will not be diminished by the proposed side setback. ▪ The extent of the side setback exceedance is minor. ▪ The exceedance does not inappropriately add to the overall bulk and scale of the proposed development. ▪ The proposal will maintain appropriate light, solar access, and privacy (as further detailed within the section below) and will achieve appropriate and compatible spatial separation between the subject site and the neighbouring properties. ▪ No amenity impacts – being located at the front of the site there will be no inappropriate amenity impacts attributable to the proposed setback exceedance. ▪ Appropriate stormwater management is achieved. <p>Secondary dwellings</p> <ul style="list-style-type: none"> ▪ The same can be said for the proposed secondary dwellings which have 900mm side setbacks to the proposed dividing boundary. In addition, they are single storey structures, will not add inappropriately to the bulk of development on the land, will not have inappropriate amenity impacts and meet the 	

Clause	Requirement	Proposed	Complies?
		<p>minimum established requirements under the Housing SEPP 2021.</p> <ul style="list-style-type: none"> It is noted that secondary dwellings are not permitted under the LEP within the R3 zone. Therefore, consent is sought for the secondary dwellings under the Housing SEPP 2021. There are no development standards relating to setbacks in the SEPP. Therefore, the merits of the setbacks have been appropriately considered above. <p>For these reasons the objectives of the control are assessed as being satisfied and the circumstances are appropriate for Council to be flexible in applying the numerical provisions of the control.</p>	
Rear Setbacks	<p>Minimum setback of 6m from the rear boundary.</p> <p>Front and rear setbacks are to be provided as deep soil areas.</p> <p>Driveways and footpaths may cross deep soil areas.</p>	<p>The proposed semi-detached dwellings are approx. 19-20m.</p> <p>The proposed secondary dwellings are 3 to 3.78m</p>	<p>Yes</p> <p>No</p>
Control Objectives	<ul style="list-style-type: none"> To establish the desired spatial proportions of the street and define the street edge. To limit the scale and bulk of development by retaining landscaped open space around. To contribute to the natural landscape by retaining adequate space for new trees and conserving existing visually prominent trees. To provide sufficient separation between buildings and adjacent land to limit the visual, environmental and likely potential amenity impacts of new development. To minimise stormwater run-off by retaining deep soil areas that facilitate rainwater infiltration. 	<p>The numerical variation is acknowledged, and justification is provided in response to the planning control objectives, the circumstances of the site, and the merits of the proposal, as noted below:</p> <ul style="list-style-type: none"> No adverse streetscape impacts will result from the proposed rear setback. An appropriate scale and bulk of development is achieved (<i>single storey at the rear</i>). Compliant landscaped areas are proposed, and a landscaped setting achieved despite the exception. Enhanced planting is proposed in accordance with the landscape plan that accompanies the DA. Existing trees are approximately conserved in accordance with the accompanying arborist report. Sufficient separation between buildings and adjacent land is provided to avoid <i>inappropriate amenity impacts</i>. The single storey building forms do not present a visually intrusive mass and bulk. The proposal will maintain appropriate light, solar access, and privacy (as further detailed within the 	

Clause	Requirement	Proposed	Complies?
		<p>section below) and will achieve appropriate and compatible spatial separation between the subject site and the neighbouring properties. No inappropriate amenity impacts are attributable to the proposed setback exceedance.</p> <ul style="list-style-type: none"> ▪ <i>The proposed design satisfies the rear set back development standard under SEPP Housing 2021 which is 3m under Schedule 1, section 10 and is therefore an anticipated form of development within this part of the property.</i> <p>For these reasons the objectives of the control are assessed as being satisfied and the circumstances are appropriate for Council to be flexible in applying the numerical provisions of the control.</p> <p>Note:</p> <ul style="list-style-type: none"> ▪ It is noted that secondary dwellings are not permitted under the LEP within the R3 zone. Therefore, consent is sought for the secondary dwellings under the Housing SEPP 2021. ▪ There are no development standards relating to setbacks in the SEPP. Therefore, the merits of the setbacks have been appropriately considered above. 	
C2.3.5 Building Separation	25m	Approx. 21m	Yes
C2.4 Building Design			
C2.4.1 General Design	Various objectives	<p>The proposal is appropriately designed and articulated noting that:</p> <ul style="list-style-type: none"> ▪ The building design modulates its building form and steps from the boundaries responsive to the slope of the land and lot configuration. ▪ The proposal incorporates appropriate dimensions form and scale. The building form is appropriately articulated, ensuring that the bulk, and scale of the proposed building is appropriate. ▪ The proposal will employ appropriate materials and finishes to blend with the existing dwelling house and its setting. ▪ Overall, the proposal will renew and improve the site's existing built form quality. 	Yes
Contemporary Built Form	Various objectives	the proposal provides characteristic building forms that compatible with the mix of residential developments within the local context.	Yes
Building Entries	Various objectives	The proposal provides clear and	Yes

Clause	Requirement	Proposed	Complies?
		identifiable dwelling house entries.	
Internal Dwelling Layout	Various objectives	The proposed developments provide functional inappropriate dwelling layouts.	Yes
Façade Treatment	Various objectives	The proposed development provides characteristic and articulated facade treatments.	Yes
Pavilions	not applicable	Not proposed.	Yes
Windows	Various objectives	Appropriate window openings are proposed relevant to their location and the function of the rooms that they serve. Privacy is addressed separately below.	Yes
Ventilation	Various objectives	Appropriate openings are proposed relevant to their location and the function of the rooms that they serve.	Yes
C2.4.2 Roof Design and Features	Various objectives	the proposal provides an appropriate roof design with incorporating a pitched roof that is characteristic of residential development within the streetscape and will be compatible with adjoining development.	Yes
C2.4.3 Fencing	Boundary definition by construction of an open fence or low hedge to the front street boundary	The proposal provides appropriate delineation of the front boundary and the landscaped area within the front of the property with landscape planting to the perimeter (front and side boundaries).	Yes
C2.4.4 Building Services	The proposal incorporates building services within the property that will not be visually obtrusive or detract from the private open spaces of the proposed dwellings or the adjoining properties.		Yes
C2.5 Amenity			
C2.5.1 Solar access and overshadowing	Shadow diagrams showing the existing and proposed shadows accompany and support the proposal. They demonstrate that compliance with the DCP is achieved. The following key aspects are noted.		Yes
Solar access to proposed development: <i>Minimum 3 hours between 8am-4pm on 21 June</i>	The proposed development will achieve 3 hours of sunlight to its principal living areas and private open spaces between approximately 11 am and 3pm on 22 June.		
Solar access to proposed neighbouring development: <i>Retain a minimum 3hours between 8am-4pm on 21 June</i>	<p>The site and the adjoining properties generally have a north east to south west orientation to Nicholl Street. As a result, shadow diagrams demonstrate that shade will be relatively evenly shared between the front yard (morning) and rear yard (afternoon) of the adjacent property at 24 Nicholls Street.</p> <p>This reflects the existing development & shading pattern for properties along the north eastern side of Nicholls Street, and provides a relatively even distribution of shade, consistent with the development pattern along the street.</p> <p>In accordance with the DCP, the sunlight available to the</p>		Yes

Clause	Requirement	Proposed	Complies?
	private open space of adjoining the dwelling will not be impacted by more than 3 hours between 9am and 3pm on 22 June. It is assessed that, whilst shade onto the adjoining property will be moderately increased above the current levels, the extent of the increase is within reasonable limits, and satisfies the DCP.		
C2.5.2 Visual privacy	Privacy has been considered in the proposed design and satisfies the DCP's objectives. The following aspects of the proposal are noted: <ul style="list-style-type: none">▪ Appropriate side building setbacks are provided by the proposal.▪ No upper floor balconies of a size that would allow for the congregation of people are proposed that are not appropriately screened or adjacent to sensitive living areas within the neighbouring properties.▪ Side boundary facing window openings are generally appropriate in terms of their function (the rooms that they serve) and location,▪ If deemed necessary by Council some of the proposed upper-level side facing windows may be further attenuated by privacy screens or obscure glass for the sections below 1.5m above the internal floor level (hallway, and bedrooms 2, 3, 4).▪ In relation to the south west (front) facing balconies, being located at the site's street frontage, there is generally a lower expectation for complete privacy in these locations. Considering these matters, it is concluded that the proposal will not significantly or unreasonably affect the visual privacy of the neighbouring properties.	Yes	
C2.5.3 Acoustic privacy	Satisfactory		Yes
C2.6 Fences and ancillary development	Satisfactory		Yes
c3.6.1 Fences	Satisfactory		Yes
c3.6.2 Building services	Satisfactory		Yes

5.1.2 Part B General Controls

Part B General Controls		
B1 Transport and Parking	<p>Required:</p> <p><i>1 bedroom: 1 space per dwelling</i></p> <p><i>2 bedroom: 1 space per dwelling</i></p> <p><i>3 bedroom or more: 2 spaces per dwelling</i></p> <p>Proposed: two spaces per dwelling, in a tandem arrangement</p>	Yes

	<p>(garage and driveway).</p> <p>This is appropriate so as to avoid double garages on each proposed semi-detached housing lot having a visually dominant streetscape.</p> <p>This is compatible with other examples of semi-detached housing within the local area (see images in section 2).</p>	
B2 Landscaping	<p>A landscape plan is provided in accordance with the control. An appropriate extent of landscaped area is proposed to the site perimeter and within the breaks between each building. The landscape quality and character of the site will be improved through the removal of the existing structures that are closer to the boundaries, Additional planting is proposed within the boundary setbacks and between the proposed buildings. The integrated landscaping regime will ensure the building strikes the right balance between the built form with setbacks and planting.</p>	Yes
B3 Tree Preservation	No trees are proposed to be removed by the proposed development.	Yes
B4 Accessible and Adaptable Design	NA to semi detached or secondary dwellings.	NA
B5 Stormwater and Flood Management	The proposal is accompanied and supported by a Stormwater management plan that demonstrates the proposal will satisfactorily collect manage and dispose of stormwater from the proposed development / site.	Yes
B6 Energy and Water Conservation	The proposal complies with BASIX and therefore meets the required standards under the environmental planning instrument.	Yes
B7 Crime Prevention and Safety	The proposed development provides appropriate front set packs, landscaped areas, and habitable rooms that address the street frontage.	Yes
B8 Heritage	NA	NA
B9 Waste	<p>The proposal is accompanied and supported by a waste management plan that addresses construction and operational waste management.</p> <p>Page A700 of the architectural plan set shows the location and access paths for bin storage</p>	Yes
B10 Use of Footpaths	NA	NA
B11 Bushfire Risk	NA	NA

5.1.3 Conclusion - variations to numerical aspects of the DCP

Based on the above, it is concluded that the proposed variations are modest and contextually reasonable, satisfying the objectives of the planning controls.

Under clause (3A)(b) of Section 4.15 of the Act, it is appropriate for the consent authority to be flexible in applying the controls where the objectives of those controls have been satisfied.

It is concluded that the proposed development is consistent with the relevant objectives of DCP. Accordingly, our assessment finds that these aspects of the proposal are worthy of support, in the circumstances.

5.1.4 Key DCP Definitions

deep soil means an area of natural ground with relatively natural soil profiles that allow infiltration of rainwater to the water table and that also can accommodate large canopy trees.

External walls means the outermost walls of a building which enclose rooms, garages or storage areas that are located above ground level, but not a minor wall element which sits above the pitching point of a sloping roof (such as a gable end or the sides of an attic dormer window).

External wall height means the vertical distance between ground level (existing) at any point to the uppermost point of an external wall.

Facade means the external wall of a building.

Footprint means the area that is contained within a building's exterior walls, but not including any balcony, deck, patio, terrace or veranda. Note: The definition of footprint may be superseded on gazettal of an amendment to the LEP in relation to floor space ratios.

Narrow lot means a residential lot that has a width of less than 12.5m, by virtue of the fact that the street frontage boundary is less than 12.5m.

Outbuilding means any structure within a site area providing a hard surface area, or if a building a gross floor area, that is not part of a dwelling house or semi-detached dwelling, including (but not limited to) a carport, deck, garage, gazebo or shed, or any building that would accommodate a habitable room or a home activity such as a studio, "home business", "home industry" or "home occupation"

Setback means the horizontal distance between the property boundary measured at 90 degrees from that boundary and:

- a building wall;
- the outside face of any balcony, deck or the like;
- the supporting posts of a carport, or veranda roof; and
- whichever distance is the shortest.

5.1.5 Key LEP definitions

private open space means an area external to a building (including an area of land, terrace, balcony or deck) that is used for private outdoor purposes ancillary to the use of the building.

landscaped area means a part of a site used for growing plants, grasses and trees, but does not include any building, structure or hard paved area.

6 Section 4.15 the Environmental Planning and Assessment Act 1979 – Summary

The proposal has been assessed having regard to the matters for consideration pursuant to S.4.15 of the Act and to that extent Council can be satisfied of the following:

- There will be no significant or unreasonable adverse built environment impacts arising from the proposed physical works on the site.
- The site is appropriate for accommodating the proposed development. The proposal has sufficiently addressed environmental considerations. There will be no significant or unreasonable adverse environmental impacts arising from the proposal.
- The proposal will result in positive social and economic impacts, noting:
 - Employment during the construction phase of the works;
 - Economic benefits, arising from the investment in improvements to the land;
 - Social (and environmental) benefits arising from three additional dwellings (2 being affordable rental housing) and the renewal of existing housing stock to meet contemporary living needs and achieve BASIX compliance.
- The proposal is permissible and consistent with the objectives of the zone, pursuant to the LEP. The proposal satisfies the provisions of the relevant provisions of the council's DCP.
- It is compatible with the current and likely future character of development within the local context.
- It will not result in any significant unacceptable offsite impacts that limit the use or enjoyment of nearby or adjoining land.
- The proposal will have an acceptable impact when considering key amenity issues such as visual impact, views, overshadowing, noise and privacy.
- Given the site's location and established function, the site is assessed as being entirely suitable for the proposed development.
- The public interest is best served through the approval of the application.

7 Conclusion

The application seeks development consent for demolition of the existing structures, two attached dwellings, two secondary dwellings and Torrens Title land subdivision at 22 Nicoll Street, Roselands.

Tailored House Designs have responded to the client's brief with an exceptional design that is responsive to the mixed development character and the planning objectives for the site.

The proposed development is permissible and consistent with the intent of the built form controls as they are reasonably applied. The proposal presents a highly compliant design that will provide increased diversity of housing and increased affordable rental housing.

The variations proposed to the built form controls have been appropriately acknowledged and their acceptability assessed, having regard to the objectives of the controls, and the circumstances of the property. This report demonstrates that the proposal is appropriately located and configured to complement the property's established neighbourhood character. The exceptions will not give rise to any unacceptable residential amenity or streetscape consequences.

The proposal succeeds when assessed against the Heads of Consideration pursuant to section 4.15 of the Environmental Planning and Assessment Act, 1979 and should be granted development consent.

BBF Town Planners



Michael Haynes
Director