



*Planning Direction Pty. Ltd.*  
*Town Planning & Development Services*

# **STATEMENT OF ENVIRONMENTAL EFFECTS**

**Demolition of a Dwelling and the  
Erection of a Two Storey Dwelling, In-  
ground Pool and Detached Cabanna**

**at**

**No 98 Hay Street Ashbury**

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## 1.0 INTRODUCTION

This statement of environmental effects has been prepared to accompany a development application that is being submitted to Canterbury Bankstown Council. The applicant seeks development consent to undertake the following development on land known as No 98 Hay Street Ashbury:

- Demolition of a dwelling and the erection of a two storey dwelling, in-ground pool and a detached cabana.

The proposal has been prepared in accordance with the provisions of Canterbury Local Environmental Plan 2012 and the associated Development Control Plan 2012.

This statement of environmental effects is intended to assist the City of Canterbury Bankstown Council in its assessment of the development application and includes;

- A description of the site and the locality and a description of the proposed development;
- A description of the statutory framework in which the development application will be assessed inclusive of the local planning instruments and the provisions of the Environmental Planning and Assessment Act 1979; and
- Conclusions in respect of the proposed development.

This statement of environmental effects should be considered in conjunction with the following:

- Architectural plans prepared by *DSG Built Design + Construction*.
- Heritage report prepared by *H M Heritage Consulting*; and
- Engineering report prepared by *EJF Consulting Engineers*.

## 2.0 SITE AND CONTEXT

### 2.1 Subject Site

The subject site is situated on the eastern side of Hay Street and is known as No 98 Hay Street Ashbury.



**Locality Plan**

The subject site is legally identified as Lot 26 in Deposited Plan 13650.

The subject site is a standard regular shaped allotment situated 15m north of the intersection with Harmony Street.

The subject site has a total area of approximately **572.3m<sup>2</sup>**. A survey plan is included with the application.

Existing improvements on the subject site consist of a single storey brick and tile dwelling. The dwelling is modest in size and subject to structural deterioration. The subject site is not heritage listed, however falls within the Ashbury Heritage Conservation Area. The conservation area has local heritage significance. Refer to the heritage report submitted under



separate cover prepared by *H M Heritage Consulting* regarding consideration of demolition and the erection of a new dwelling on-site.



**View of the subject site**

With regards to topography the subject site has a gradual fall from the rear boundary to the street. It is understood that stormwater from the site can be readily directed via gravity flow to the street drainage infrastructure.

The subject site is effectively devoid of significant trees.

The subject site benefits from service connection to all essential utilities including Sydney Water.

## **2.2 Site Context**

The subject site is situated within an established low density residential precinct characterised by a mix of single and two storey dwellings. The dwellings in the precinct are generally well presented.

Existing development on the immediately adjoining properties comprises of the following:

- Adjoining the subject site to the north is a similar lot is size with a with a contemporary single storey rendered dwelling. The outlook from this adjoining property is directed generally towards the street and rear yard. Highlight type windows are proposed in the upper level northern elevation of the dwelling on the subject site. The proposed dwelling maintains a similar front setback and presents minimal openings in its proposed northern elevation. No privacy issues are likely to arise and there will be no adverse overshadowing impacts given the orientation of the land.



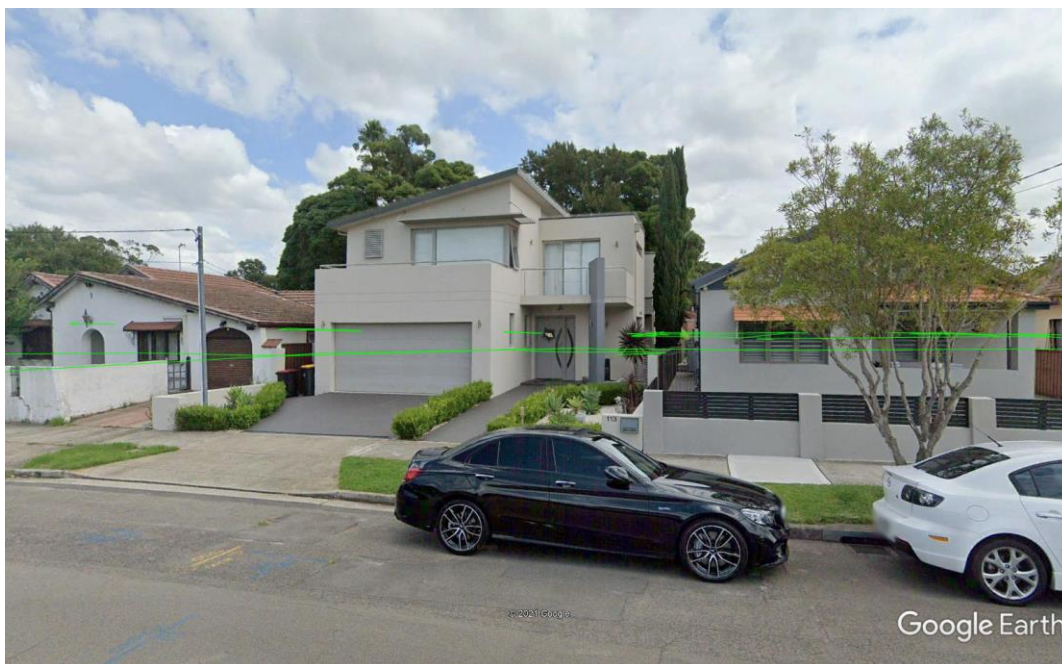
**View of the northern adjoining property**

- Adjoining the subject site to the south also a single storey dwelling. There are highlight type windows proposed along the upper level southern elevation to avoid overlooking into the southern property. Given the orientation of the land the proposed upper level is offset from the southern side boundary to minimise shadow affectation. The extent of overshadowing is reasonable considering the design initiative.





**View of the southern adjoining dwelling above and a two storey contemporary dwelling on the opposite side of Hay Street**



### 3.0 **PROPOSED DEVELOPMENT**

The applicant seeks development consent to undertake the following development on land known as No 98 Hay Street Ashbury:

- Demolition of a dwelling and the erection of a two storey dwelling, in-ground pool and a detached cabana.

#### 3.1 **Proposed Demolition of the Dwelling**

Demolition of the existing dwelling is needed given its structural inadequacies as identified by *EJF Consulting Engineers*.

*H M Heritage Consulting* has also considered the significance of the dwelling in terms of the conservation area, noting that *the contribution of the frontage to the streetscape and HCA has been considerably diminished as a result of extensive alterations undertaken in recent years.* *H M Heritage Consulting* support the demolition of the dwelling under the circumstances.

#### 3.2 **Design Approach**

The proposed dwelling has been site specifically designed to provide quality living space within a well serviced locality and address the heritage significance of the conservation area. The proposed two storey design ensures that a reduced building footprint eventuates and the private rear open space can be maximised.

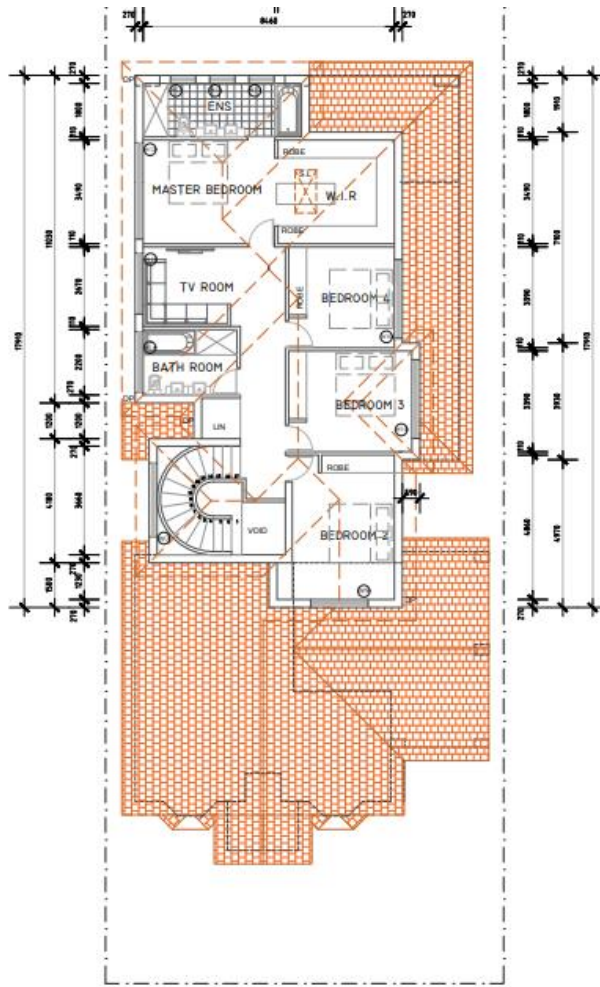
*H M Heritage Consulting* identifies the following positive aspects of the proposal:

*The design for the new dwelling references typical Californian Bungalow frontages and reinstates the original bay windows. The proposed frontage will match the ridge height of the existing dwelling and row of existing Californian Bungalows on Hay Street. The rear portion of the residence is two-storey, comprising a ridge height of 8.5m and is set-back from the frontage to prevent visual dominance.*

The design solution ensures that privacy issues are well resolved through design. The outlook from the proposed addition is oriented towards the



rear yard and the street. No privacy issues arise given the careful placement of highlight type windows within the side elevations of the upper level.



Shadows cast by the proposed dwelling will generally fall in a sweeping motion suitably towards the southern adjoining property during the winter solstice. The extent of shadows cast however, has been minimised by off-setting the proposed upper level from the side southern boundary and the street frontage. No adverse overshadowing will arise given the design initiatives implemented in this instance.

A compliant building height, setbacks from all boundaries and floor space ratio has been achieved. A landscape scheme has been developed for the site detailing the means in which the site can be beautified.

### 3.3 Proposed Pool and Cabanna



The proposed in-ground pool is to provide the pool coping at natural ground level to protect the privacy of neighbours.

The proposed detached cabanna provides added amenity to future residents by encouraging the use of the pool and private open space, as it includes a lounge, wet bar and bathroom facilities.

## 4.0 CANTERBURY LOCAL ENVIRONMENTAL PLAN 2012

### 4.1 Zoning and Zone Objectives

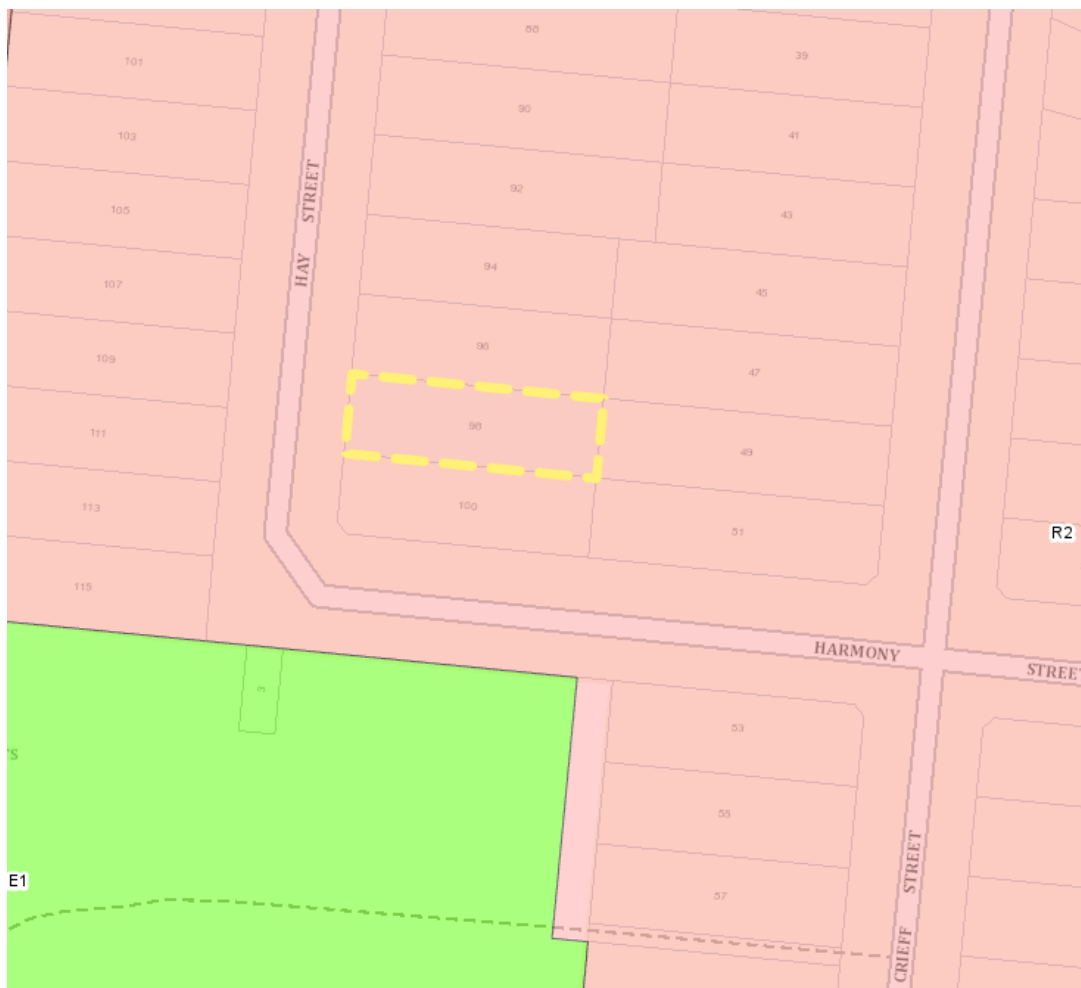
The subject land is zoned **R2 Low Density Residential** pursuant to the Canterbury LEP 2012. A dwelling house is defined to mean:

*dwelling means a room or suite of rooms occupied or used or so constructed or adapted as to be capable of being occupied or used as a separate domicile.*

*dwelling house means a building containing only one dwelling.*

*Note—*

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



**Land Zoning Extract – R2 Low Density Residential**



A dwelling house is permissible in the zone with development consent. A cabana is ancillary to a dwelling house.

*swimming pool means an excavation, structure or vessel—*

*(a) that is capable of being filled with water to a depth of 300 millimetres or more, and*

*(b) that is solely or principally used, or that is designed, manufactured or adapted to be solely or principally used, for the purpose of swimming, wading, paddling or any other human aquatic activity,*

*and includes a spa pool, but does not include a spa bath, anything that is situated within a bathroom or anything declared by the regulations made under the Swimming Pools Act 1992 not to be a swimming pool for the purposes of that Act.*

A swimming pool is also ancillary to a dwelling house and is permissible in the zone.

The specified zone objectives for the R2 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:

An assessment of the proposal against the Residential R2 zone objectives indicates that the zone objectives can be met.

The salient elements of this assessment follow:

- The proposed development provides for the housing needs in the community in a well serviced area with the provision of a contemporary dwelling and ancillary structures.
- Additional uses are not proposed as part of the application however can be included as a separate application as required.
- The proposed development will provide a dwelling with architectural interest and integrates built elements synonymous with the conservation area. The character of the locality remains low density residential housing.

Having regard to the above, the proposal is consistent with the zone objectives and represents a form of development that by virtue of the objectives is encouraged in the locality.

It is noted that the conservation area includes contemporary 2 storey dwellings.

#### **4.3 Relevant Clauses of the LEP**

**Clause 4.1** of the LEP establishes the minimum allotment size and provides the following objectives in relation to subdivision: -

- (1) The objectives of this clause are as follows—*
  - (a) to ensure that subdivision reflects and reinforces the predominant subdivision pattern of the area,*
  - (b) to minimise any likely impact of subdivision and development on the amenity of neighbouring properties,*
  - (c) to ensure that lot sizes allow development to be sited to protect natural or cultural features, including heritage items, and retain special features such as trees and views.*
- (2) This clause applies to a subdivision of any land shown on the Lot Size Map that requires development consent and that is carried out after the commencement of this Plan.*
- (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.*
- (3A) For the purpose of calculating the size of a battle-axe lot, the area of the access handle is excluded.*
- (4) This clause does not apply in relation to the subdivision of any land—*
  - (a) by the registration of a strata plan or strata plan of subdivision under the Strata Schemes Development Act 2015, or*
  - (b) by any kind of subdivision under the Community Land Development Act 1989.*

Comment:

Subdivision is not proposed as part of the application. Accordingly, the minimum lot size is not a consideration in this instance.

**Clause 4.3 of the LEP relates to Height of buildings**

*(1) The objectives of this clause are as follows—*

*(a) to establish and maintain the desirable attributes and character of an area,*

*(b) to minimise overshadowing and ensure there is a desired level of solar access and public open space,*

*(c) to support building design that contributes positively to the streetscape and visual amenity of an area,*

*(d) to reinforce important road frontages in specific localities.*

*(2) The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map.*

*(2A) Despite subclause (2), the height of a dwelling house or dual occupancy must not exceed 8.5 metres if the dwelling house or dual occupancy is to be located on land in Zone R4 High Density Residential.*

Comment:

A maximum building height of 8.5m applies to the site. The proposed dwelling on the subject site at two storeys has been designed to comply with the maximum building height.

**Clause 4.4 of the LEP relates to Floor Space Ratio.**

*(1) The objectives of this clause are as follows:*

*(a) to provide effective control over the bulk of future development,*

*(b) to allow appropriate levels of development for specific areas,*

*(c) in relation to land identified as a Centre on the Centres Map—to consolidate development and encourage sustainable development patterns around key public transport infrastructure.*

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

Comment:

The site is not subject to a maximum floor space ratio. Consideration of the application would on merit and subject to DCP provisions.



**Clause 4.6** of the LEP relates to **Exceptions to development standards**.

Comment:

The applicant does not seek an exception to a development standard with this application.

**Clause 5.10** of the LEP relates to **Heritage conservation**

*Note—*

*Heritage items (if any) are listed and described in Schedule 5. Heritage conservation areas (if any) are shown on the Heritage Map as well as being described in Schedule 5.*

(1) **Objectives** The objectives of this clause are as follows—

- (a) to conserve the environmental heritage of Ryde,
- (b) to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,
- (c) to conserve archaeological sites,
- (d) to conserve Aboriginal objects and Aboriginal places of heritage significance.

Comment:

The subject site is not individually heritage listed, however does fall within a conservation area.



*(2) **Requirement for consent** Development consent is required for any of the following—*

*(a) demolishing or moving any of the following or altering the exterior of any of the following (including, in the case of a building, making changes to its detail, fabric, finish or appearance)—*

*(i) a heritage item,*

*(ii) an Aboriginal object,*

*(iii) 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 or by making changes to anything inside the item that is specified in Schedule 5 in relation to the item,*

*(c) disturbing or excavating 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—*

*(i) on which a heritage item is located or that is within a heritage conservation area, or*

*(ii) on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance,*

*(f) subdividing land—*

*(i) on which a heritage item is located or that is within a heritage conservation area, or*

*(ii) on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance.*

*(3) **When consent not required** However, development consent under this clause is not required if—*

*(a) the applicant has notified the consent authority of the proposed development and the consent authority has advised the applicant in writing before any work is carried out that it is satisfied that the proposed development—*

*(i) is of a minor nature or is for the maintenance of the heritage item, Aboriginal object, Aboriginal place of heritage significance or archaeological site or a building, work, relic, tree or place within the heritage conservation area, and*

*(ii) would not adversely affect the heritage significance of the heritage item, Aboriginal object, Aboriginal place, archaeological site or heritage conservation area, or*

*(b) the development is in a cemetery or burial ground and the proposed development—*

*(i) is the creation of a new grave or monument, or excavation or disturbance of land for the purpose of conserving or repairing monuments or grave markers, and*

*(ii) would not cause disturbance to human remains, relics, Aboriginal objects in the form of grave goods, or to an Aboriginal place of heritage significance, or*

*(c) the development is limited to the removal of a tree or other vegetation that the Council is satisfied is a risk to human life or property, or*

*(d) the development is exempt development.*

***(4) Effect of proposed development on heritage significance***

*The consent authority must, before granting consent under this clause in respect of a heritage item or heritage conservation area, consider the effect of the proposed development on the heritage significance of the item or area concerned. This subclause applies regardless of whether a heritage management document is prepared under subclause (5) or a heritage conservation management plan is submitted under subclause (6).*

***(5) Heritage assessment***

*The consent authority may, before granting consent to any development—*

*(a) on land on which a heritage item is located, or*

*(b) on land that is within a heritage conservation area, or*

*(c) on land that is within the vicinity of land referred to in paragraph (a) or (b),*

*require a heritage management document to be prepared that assesses the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item or heritage conservation area concerned.*

Comment:

The applicant proposes to demolish the existing dwelling and erect a two storey dwelling with pool and detached cabana within the *Ashbury Heritage Conservation Area*.

Consideration of clause 5.10 provisions is therefore necessary. Please refer to the Heritage report prepared by *H M Heritage Consulting*, addressing the relevant provisions.



**Clause 6.1** of the LEP relates to **Acid sulfate soils**.

*(1) The objective of this clause is to ensure that development does not disturb, expose or drain acid sulfate soils and cause environmental damage.*

*(2) Development consent is required for the carrying out of works described in the table to this subclause on land shown on the Acid Sulfate Soils Map as being of the class specified for those works.*

Comment:

Acid sulfate soil is not a constraint to the proposed development.

**Clause 6.2** of the LEP relates to **Earthworks**

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

*(2) Development consent is required for earthworks unless—*

*(a) the earthworks are exempt development under this Plan or another applicable environmental planning instrument, or*

*(b) the earthworks are ancillary to development that is permitted without consent under this Plan or to development for which development consent has been given.*

*(3) Before granting development consent for earthworks (or for development involving ancillary earthworks), the consent authority must consider the following matters—*

*(a) the likely disruption of, or any detrimental effect on, drainage patterns and soil stability in the locality of the development,*

*(b) the effect of the development on the likely future use or redevelopment of the land,*

*(c) the quality of the fill or the soil to be excavated, or both,*

*(d) the effect of the development on the existing and likely amenity of adjoining properties,*

*(e) the source of any fill material and the destination of any excavated material,*

*(f) the likelihood of disturbing relics,*

- (g) the proximity to, and potential for adverse impacts on, any waterway, drinking water catchment or environmentally sensitive area,*  
*(h) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.*

**Comment:**

Earthworks are required to provide for the swimming pool installation, footings and connection to all necessary utility services.

The earthworks proposed are contained away from side boundaries and will be appropriately structurally supported. There will be no importation of fill onto the site.

The subject site is not effected by soil stability issues.

The subject site is suitably distant from a waterway, drinking water catchment and an environmentally sensitive area.

It is unlikely that the proposed shallow depth of excavation will expose any relics particularly as the site is distant from creek lines and heritage listed items or known archaeological sites.

The proposal is reasonable in consideration of earthwork considerations.

**Clause 6.4 of the LEP relates to Stormwater management**

- (1) The objective of this clause is to minimise the impacts of urban stormwater on land to which this clause applies and on adjoining properties, native bushland and receiving waters.*  
*(2) This clause applies to all land in residential, business and industrial zones.*

**Comment:**

Given the appropriate fall in the land towards the street, a stormwater connection can be made via gravity flow to Council's, street drainage infrastructure.

## **5.0 CANTERBURY DEVELOPMENT CONTROL PLAN 2012**

Development Control Plan (DCP) 2012 applies to all land within the Local Government Area (LGA) and provides complimentary controls and considerations to the Canterbury Local Environmental Plan (LEP) 2012.

The DCP is to be read in conjunction with Canterbury LEP 2012 and provide supplementary controls.

The relevant parts of the DCP are:

### **Part B – General controls and Part C – Residential accommodation.**

#### **B1.3 Parking Provision Rates**

A dwelling house requires the provision of 2 on-site car spaces. The proposed design makes provision for a single carport and space in the driveway to park a second car on-site.

The existing driveway crossing is to be retained with the development.

#### **B2 Landscaping**

A landscape plan is not required for a dwelling house and swimming pool application. Notwithstanding a concept landscape plan is included in the plan set.

#### **B7.3 Additional Provisions for Residential Development**

##### ***B7.3.1 CPTED Principle:***

##### ***Surveillance Controls***

*Allow natural observation from the street to the dwelling, from the dwelling to the street, and between dwellings, through:*

*For single dwellings and dual occupancies, orientate the main entrance towards the street, or both streets and corners;*

*Orientate secondary dwellings towards the main dwelling so that visibility is maintained between both dwellings;*

*For multi dwelling housing, orientate some of the dwellings to address the street, or both streets and corners;*

*Position habitable rooms with windows at the front of the dwelling;  
Do not allow garages and/or carports to dominate the front facade of the dwelling;  
Do not provide access to dwellings or other uses above commercial/retail development from a rear lane; and Offset windows, doorways and balconies to allow for natural observation while protecting privacy.*

Comment:

The proposed dwelling has its entry suitably oriented to the street.

A garage is not proposed with the design.

### B8 Heritage

#### *Ashbury Heritage Conservation Area*

*This section applies to the Ashbury Heritage Conservation Area (referred to as Ashbury in this section).*

*The heritage conservation area comprises the whole suburb of Ashbury and part of Croydon Park. The boundaries are identified in the Heritage Map in the LEP (refer to Figure B8.1).*

*This section provides guidance for the design of development in Ashbury so that it will be consistent with the heritage character of the area.*

*The guidelines and controls in this part provide more detailed and specialised controls and are to be read in conjunction with other parts of the DCP.*

*While the controls focus on dwelling houses, the principles and controls (where appropriate) also apply to all other types of development ensure the retention of the heritage character of Ashbury.*

*The controls in this section supersede all other controls if there is an inconsistency and the latter controls would result in uncharacteristic or incompatible development in Ashbury.*

*Background and Historical Relevance of Ashbury HCA Ashbury is a predominantly residential area that was largely developed between 1912 and 1940, with most development occurring during the Inter-War period and overall suburban expansion of Sydney that occurred along train lines and major roads.*

*The area has a consistent subdivision pattern, building form and streetscape; largely because its development occurred over a relatively*

*short period of time. A high standard of design and residential amenity was also achieved, and housing in this area has become increasingly sought after.*

*Ashbury is experiencing significant development pressures, particularly by residents seeking to expand and/or adapt older houses to meet modern living requirements, or to build replacement houses.*

*Some developments have been out of place with the special character of this area. At the same time there has also been a demonstrable move towards adapting and restoring existing houses in a sympathetic manner.*

*Elements of Ashbury's character Elements of Ashbury's character include:*

- Street and subdivision pattern of small to medium sized, predominantly rectangular shaped allotments reflecting each phase of early twentieth century subdivision.*
- Generally consistent built form, mostly comprising single storey detached houses in Federation, California Bungalow, and other Inter-War housing styles.*
- Predominance of California Bungalow type houses resulting in many street façades composed of the following architectural elements: · Double or triple fronted gables facing the street; · Semi-enclosed front porch or veranda; · Bay windows; · Asymmetrical façade composition; and · Architectural expression of the base (rendered brick or roughly hewn stone base course), middle (face brick) and top (battening and barge boards).*
- Houses in a landscaped setting. Gardens have extensive shrub and tree planting with low garden walls and fences, and are generally well maintained.*
- Extensive street tree planting often typical of the Federation and Inter-War period.*

Comment:

The dwellings nearby include a varied built form and finishes. The proposed dwelling will reinstate key character design elements on-site which are encouraged by the controls.

#### Development that has eroded Ashbury's Character

*The following types of development have had an impact on, and eroded Ashbury's character:*



- Replacement houses being out of character with the surrounding houses and streetscape because of their size, bulk, scale, materials, building style and roof forms.
- The garages of such houses being in the form of basement or large double garages that either dominate and/or are out of character with the existing streetscape.
- Two storey additions to existing houses that:
  - Are not subservient to existing houses;
  - Dominate and often erode their character; and
  - Are also out of scale and character with the surrounding houses and streetscape through excessive increases in building heights and ridge lines.
- Other alterations and additions to existing houses that are either not subservient and/or are unsympathetic to their form, materials and style. In particular full rendering or re-skinning, replacement of original features, such as windows, and infilling verandas has had a detrimental impact.
- Unsympathetically designed or overly dominating carports and garages in front of the predominant building line.
- Large areas of hard paving in the front yard area.

Comment:

The proposed dwelling has been site specifically designed to avoid unsympathetic development. The dwelling is highly articulated and includes the key design elements which are encouraged in the precinct.

B8.4.1 General Objectives for Ashbury Heritage Conservation Area

- O1 To ensure that development maintains the traditional Federation and Inter-War building character of Ashbury.*
- O2 To ensure that new development respects the traditional character of Ashbury, while facilitating the healthy renewal of the area.*
- O3 To encourage the retention and adaption of housing that contributes to the character of Ashbury.*
- O4 To discourage the demolition of buildings that contribute to the character of Ashbury.*
- O5 To encourage the reversal of previous unsympathetic development and the reinstatement of previous decorative features and materials.*

#### B8.4.2 Location

*A Streetscape Character Analysis is to be submitted as part of any development application for:*

- (a) New dwellings; and*
- (b) Alterations to the front elevation and/or a second storey addition to existing dwellings. Note: For details of the requirements for a Streetscape Character Analysis refer to Council's DA guides.*

Comment:

A street character analysis has been undertaken.

#### B8.4.3 Building Height

*In Ashbury most characteristic houses are single storey, and contribute to a consistent streetscape. The additional building height of newer two storey houses or additions, if not sympathetically designed, can erode streetscape character by interrupting the pattern of the original building heights. Note:*

*The maximum building height is identified in the LEP Height of Buildings Map.*

*Objectives To ensure that new dwellings and additions to existing dwellings are compatible in scale with nearby characteristic dwellings as well as the immediate properties. To ensure that the scale of buildings relates to the topography and requires minimal cut and fill.*

Controls

*C1 The maximum height is identified in the LEP Height of Buildings Map and is 8.5m. A maximum of two (2) storeys applies to the Ashbury area.*

*C2 The maximum height is only appropriate on the part of the building that has the required setbacks of 1m from one side boundary and 3m from the other side boundary.*

*C3 The setbacks for the maximum building height may be varied on allotments having a width of 12.2m or less, or where the original dwelling is located within 3m of the side setback. The overall minimum side setback is to be 1m.*

*C4 Minimise the height and bulk of first floor extensions – a minimum floor to ceiling height of 2.4m applies on the first floor to achieve this. In some circumstances, it may be appropriate to introduce a raked ceiling.*

*C5 All or part of a first floor extension is to be accommodated within the roof space (if possible).*

*C6 On sites where the land slopes downhill away from the street, use the slope of the land and place floors at a lower level to minimise building bulk.*

*C7 The maximum height of fill is 300mm above existing ground level, at any point.*

*C8 A foundation area of up to 1m in height is acceptable.*

*Note: The height of buildings is dependent on how far the building is set back from the boundary and predominant building line. The height controls should be read in conjunction with the setback controls in section B8.4.4 below.*

Comment:

The proposed dwelling incorporates a part single and part two storey dwelling in keeping with the intent of the control.

#### B8.4.4 Setback Front Setback

*In Ashbury, each street has a predominant front setback that contributes to a consistent streetscape. Gardens located in the front setback are also an important element of characteristic streetscapes.*

#### *Objectives*

*To ensure that characteristic streetscapes are maintained and enhanced, by reinforcing the established streetscape pattern of consistent front setbacks and front gardens. To maintain the predominant and characteristic front setback along the street.*

#### *Controls*

*C1 In the street elevation of new dwellings, a minimum of 50% of the building is to be built to the predominant building line, and the remainder of the dwelling may be behind the predominant building line. If a street has no predominant building line, build to a building line established by nearby buildings.*

*C2 On streets with a staggered building alignment, the streetscape pattern is to be reinforced by maintaining the typical angle and distance from the front boundary.*

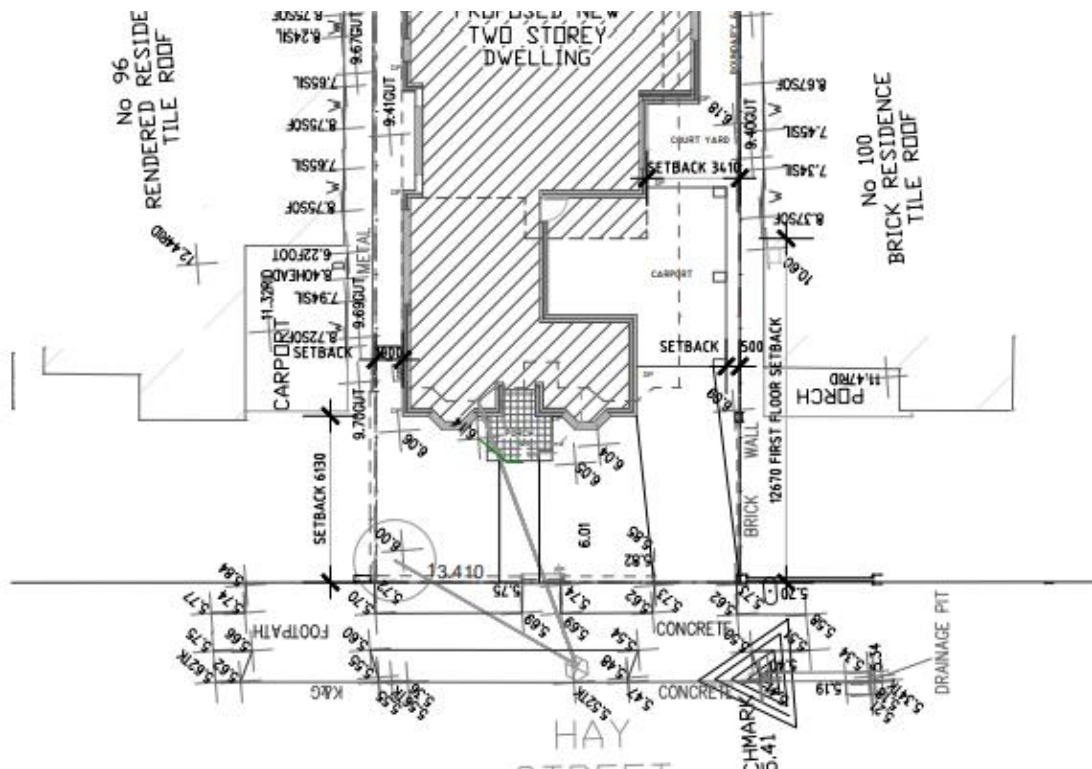
*C3 The front façade is to be oriented towards the street boundary.*

*C4 Any additions are to be located on or behind the predominant building line.*

*C5 Any carports are to be located a minimum of 1 m behind the predominant building line.*

Comment:

The recessed carport provides the varied setback of built form from the street.



Side Setback

*Side setbacks influence streetscape and residential amenity. In Ashbury the pattern is a narrow side setback of 1 m on one side, and a wider side setback of 3 m on the other, with a regular rhythm of driveways and street tree planting.*





#### B8.4.5 Building Expression and Streetscape

*Consistency of building style, materials and envelope (form, bulk, and proportions of buildings) all contribute to the consistent streetscape. While not replicating these features, new buildings should reflect them in their design and construction. Objectives To ensure that new buildings, and alterations and additions, are to make a positive contribution to characteristic streetscapes.*

*To ensure that the appearance of alterations and additions are secondary to the existing building. Controls Alterations and additions to the existing building are to maintain the appearance of a single storey house from the street. The design of any alteration and additions visible from the street are to maintain the existing street façade of the house.*

*Acceptable two storey development can be achieved through:*

*(a) Locating rooms within the roof space and using dormers and skylights that are subservient to the main roof form (where visible from the street) to provide natural light and ventilation;*

*(b) Locating the first level to the rear of the building;*

*(c) Locating the first level behind the hipped or gabled roof area of the single storey part of the house (the part of the house facing the street) and not interrupting the roof plane facing the street (up to the central ridge line);*

*(d) Minimising the visibility of two storey walls from the street, by locating them at the rear; and*

*(e) Using transitional roofing to disguise the second storey (transitional roofing is roofing at an intermediate pitch between old and new roof pitches).*

*C5 Architectural details are not to be replicated but use of similar materials and colour, and continuation of the horizontal and vertical lines and proportions of the characteristic architectural houses and their elements, is encouraged.*

*C6 New buildings should reflect the consistent horizontal lines of elements of houses along the street, such as:*

*(a) ground level;*

*(b) base course - the architectural expression of the base of the house, often in different materials or finishes such as rendered brick or rough cast stone; (c) veranda and balustrade heights;*

- (d) window sill and head heights;
- (e) door heights;
- (f) eave lines; and
- (g) ridgelines.

*Design facades that are horizontal in proportions and asymmetrical, and use vertical proportions for features such as windows.*

*C8 Provide a break in long side walls and roofs (see pavilion controls in Part C of this DCP).*

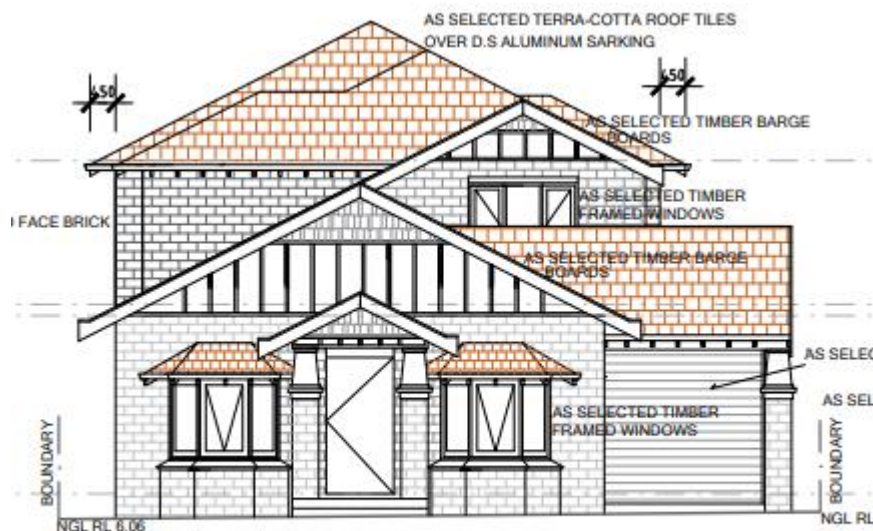
*C9 The design of facades is to pay particular attention to the:*

- (a) Mass, the arrangement and articulation of the various elements and parts of the building;
- (b) Roof form and pitch; and
- (c) The use of architectural elements such as bay windows, porches, verandas and balconies.

*C10 New roofing should be compatible with the existing roof.*

Comment:

The proposed dwelling includes a recessed second storey set behind a hip and gable ends.



**WEST ELEVATION**

#### B8.4.10 Materials, Finishes and Colour

*Sympathetic materials, finishes and colours help new dwellings, and alterations and additions, fit in with existing streetscapes. Unsympathetic materials, finishes and colours draw attention to individual houses and detract from the character of the street. Objectives To ensure that similar materials, finishes and colours to existing characteristic houses along the street are used in new houses and in alterations and additions.*

#### Controls

*Use external building materials, finishes and colours, in particular for street facades and roofs that are compatible with those of characteristic houses and the street. Add variety and visual interest with the type, colour and design of building materials and fenestration. Where there is consistency in materials used in the street or adjoining houses, use similar materials to reduce the impact of the new house, or alterations and additions. Recommended external materials and finishes include face brick, stone, timber, and fibre cement (for gable ends and infill panels). Do not render existing buildings or paint existing brickwork. Partial rendering of new buildings may be acceptable, particularly if it is offset with face brickwork, and is compatible with the character of the area. Use roof tiles that are similar to the colour of roof tiles that are predominant in the street. Do not use black or grey roof tiles. Preferred roof materials include terracotta and concrete tiles. Lightweight roofing materials such as corrugated iron are suitable for garages and carports and lean-to additions to the rear. Use bricks that are uniform in colour and not mottled. Red and darker coloured bricks (dark brown and liver colours) are preferred. Face concrete block work is not acceptable. Do not express concrete slabs on the external face of the building.*

*Avoid bright colours, including white or off-white and grey, for large surface areas. Brighter and lighter colours are generally only appropriate for architectural details and elements. Use colours to enhance architectural elements and detail and do not obscure them.*

#### Comment:

Refer to the schedule of finishes for details of suitable finishes and materials.

#### B8.4.11 Driveways, Garages and Carports

*In Ashbury, garages and carports were traditionally built separate to dwellings. However, newer house designs often incorporate the garage within the main dwelling structure, adding to the bulk and scale. Careful consideration needs to be given to the effect of garages on the overall appearance of the building and the streetscape. In almost every instance, garages have a negative impact when constructed level with, or forward, of the predominant building line. Objectives To ensure that garages and carports are designed sympathetically, and are secondary structures to the house. To minimise the visual impact of driveway crossings. Controls The location of the existing driveway is to be reinstated into the design of all new houses - except if it departs from the predominant pattern of the street, and is located anywhere other than within the side setback. A maximum of one driveway crossing per building allotment or property is to be provided. A maximum width for driveways is 2.7m at the allotment boundary. Garages and carports are to be located at the side or rear of the house. Basement garages and stacked car spaces are not permitted. Garages and carports, including garages within the building envelope, are to be located a minimum of 1m behind the predominant building line. The height (to the eaves) of garages and carports, that are not internal to the house, is to be below the ground level eaves line of the dwelling. Carports visible from the street are to have two or more sides open and are not to have solid doors. Single garages are acceptable within the building envelope provided that the maximum width of the garage is 3m, or no more than 30% of the building width. Garages that are visible from the street are to use panel lift garage doors, which have less visual impact than roller doors, and are to be painted in sympathetic colours.*

*The roof pitch and form of detached garages and carports should complement that of the dwelling. Flat roofed carports are acceptable if they adopt a pergola style, or a contemporary style using high quality materials and detailing to provide a discrete appearance. Preferred materials for garages include darker coloured face brick for walls and piers, timber posts for carports, and tiles or lightweight materials such as corrugated sheeting for roofs. Excessive period detailing should be avoided. For driveways, preferred materials include dry laid unit paving such as bricks or terracotta, stone and concrete pavers. An uncovered paved area in the front setback is preferred for car parking. A single carport of maximum 3m width will be considered within the front setback of existing houses where side or*

*rear access is not available. The carport is to be designed to minimise its impact on the existing dwelling. No part of an existing building, wholly or in part, are to be demolished or altered in order to accommodate a carport or car space within the front or side setbacks. For new houses, locate any garage or carport behind the predominant building line, unless it can be demonstrated that the only possible location is within the front setback.*

Comment:

The existing driveway crossing and location is to be retained and used as part of the redevelopment of the site.

The proposed carport is recessed and subservient to the front façade of the dwelling.

#### B8.4.12 Walls and Fences

*Typically in Ashbury, houses have low garden walls and fences, which allow houses and landscaping to be visible to the street. Objectives To retain and conserve original or early front fencing. To ensure that front garden walls and fences maintain and enhance characteristic streetscapes. To ensure that materials, finishes and colours are sympathetic to the house and other front garden walls and fences along the street. To ensure new or replacement fences are consistent with characteristic elements of the building or the heritage conservation area.*

Controls

*In general, front garden walls and fences are to:*

- (a) Be of a design and height that is appropriate to the style and period of the building or characteristic of the conservation area. Where the street has a variety of wall and fence types and forms then new walls and fences should complement and contribute to an acceptable streetscape; and*
- (b) Use good quality materials that are compatible with the house.*

*Front garden walls and fences on the street boundary are to be no higher than 1.2m. Step garden walls and fences on sloping sites to follow the levels of the land. Design garden walls and fences on corner sites to:*

- (a) Maintain the streetscape character of the side (secondary) street;*



*(b) Define and provide privacy of open space areas between the house and the street; and*

*(c) Be consistent with the established pattern of walls and fences. Side fences may be 1.8m high to the predominant building line. Forward of the predominant building line, side fences are to taper down to the height of the front garden wall or fence. On corner sites where the façade of the dwelling presents to two street frontages, fencing is to be no higher than 1.2m for the front yard area on both frontages. Acceptable materials for front garden walls and fences include darker coloured face brick, timber pickets, horizontal rail and brick pier, stone, and timber post and rail with wire. Low shrubs or hedges may also be acceptable. Unacceptable materials for fencing and walls include galvanised or aluminium sheeting, cement or concrete block, and fibro. Timber fences are preferred for side fences facing streets. Do not use metal fencing facing a street. A modest lych-gate or entrance structure may be acceptable, provided it is in keeping with the architectural style of the building to which it relates, and to the streetscape as a whole.*

Comment:

The front fence and garden will be consistent with the above criteria.

#### B8.4.13 Open Space and Landscaping

*In Ashbury, private open space is in backyards that are predominantly grassed and often feature substantial trees at the rear. This pattern of mature and substantial tree planting to the rear of houses results in the mid-block planting that is characteristic of suburbs throughout Sydney. Landscaping of the front garden assists new houses to fit in with the surrounding neighbourhood. Front gardens are characteristically grassed, with significant tree and shrub planting. Objectives To ensure that existing mature, well established trees and characteristic plantings are maintained. To ensure that the pattern of mid-block plantings is maintained.*

Controls

*A minimum 35% of the site area, at natural ground level, is to be maintained for open space. A minimum 25% of the site area is to be maintained as soft landscaping. All front setbacks are to consist*

*predominantly of soft landscaping. The only paved areas in the front setback are the driveway and pathways to and around the house.*

Comment:

Refer to the architectural plans for details relating to soft landscape provision.

The front setback includes a typical pedestrian path and a separate driveway.

#### B8.4.14 Outbuildings

*Outbuildings are ancillary structures that are usually located in backyards. These are secondary structures to the house and are not for the purpose of providing additional living or bedroom accommodation, rather they provide an area for functions that are not usually included in the house such as workshops, studios and the like. Objectives To ensure that outbuildings are secondary structures, and are located to the rear or side of the house or property and have no impact when viewed from the street.*

Controls

*C1 Locate outbuildings only to the rear or attached to the rear or side of the house.*

*C2 The maximum floor to ceiling height of outbuildings is 3.0m, and one storey.*

*C3 The roof form of an outbuilding is to be minimised to reduce bulk.*

*C4 Prefabricated structures may be acceptable provided they do not have an adverse impact on the streetscape.*

Comment:

The proposed outbuilding is appropriately located at the rear of the site and provides good privacy screening between the subject site and rear adjoining site.

#### B8.4.15 Demolition

*Buildings in Ashbury are graded into one of the following three categories:*

- *Contributory building*

- *Neutral building; or*
- *Non-contributory building.*

*Control of demolition relates to this grading with the intention of retaining those buildings that relate positively to the cultural heritage of Ashbury. Refer to Part G of the DCP for definitions of these buildings. Objectives To ensure that buildings that contribute positively to the heritage significance of Ashbury are retained Controls Contributory Buildings The demolition of contributory buildings will not be supported unless the following is demonstrated to the satisfaction of Council:*

- (a) The building does not contribute to the heritage significance of the area;*
- (b) The building is in such poor condition that the amount of significant fabric that would be required to be replaced would result in the building losing its heritage significance;*
- (c) Compliance with the above criteria is to be demonstrated in the documentation required with the development application; and*
- (d) Notwithstanding compliance with the last point Council may make a written request for additional information or seek independent professional assessment of the development application.*

### **Neutral Buildings**

*C1 The demolition of a neutral building will not be supported unless it can be demonstrated that retention of the whole of the building is unreasonable based on:*

- (a) The heritage significance of the building; and*
- (b) The extent of existing fabric that would be required to be replaced in order to practically restore the building.*

### **Non-contributory Buildings**

*C1 The demolition of a non-contributory (intrusive) building will generally be permitted. Any new building will need to comply with the controls of this DCP.*

*C2 Demolition of extensions and outbuildings will generally be permitted, and encouraged for structures that do not contribute to the character of Ashbury.*

Comment:

Refer to the heritage report provided under separate cover.

### C1.2.2 Site Coverage

*Site coverage in conjunction with building envelope controls determines the extent and location within which a building may be developed. Objectives To ensure that the scale and mass of development achieves improved levels of residential amenity for new development and for existing dwellings. To ensure there is adequate unbuilt upon areas to allow for private open space, substantial landscaped areas and deep soil planting capable of supporting large trees.*

Controls

*All development must comply with the numerical requirements contained in the table below:*

Site Area	Maximum Area of Building Footprint	Maximum Floor Area of all Outbuildings	Maximum Site Coverage of all Structures on a Site
Up to 449m <sup>2</sup>	300m <sup>2</sup>	30m <sup>2</sup>	60%
450m <sup>2</sup> to 599m <sup>2</sup>	330m <sup>2</sup>	45m <sup>2</sup>	50%
600m <sup>2</sup> to 899m <sup>2</sup>	380m <sup>2</sup>	60m <sup>2</sup>	40%
900m <sup>2</sup> or above	430m <sup>2</sup>	60m <sup>2</sup>	40%

Table C1.1: Maximum Building Footprint, Floor Area of Outbuildings and Site Coverage

Comment:

The proposal achieves the following:

- A maximum building footprint of 330sqm
- A maximum floor area for the outbuilding of 45sqm
- A maximum site coverage of 50%

### C1.6.2 Outbuildings and Swimming Pools

#### Objectives

*To ensure that development is of a scale that is visually compatible with adjacent buildings, character of the area, and the objectives of the zone.*

#### Controls

##### Outbuildings

*C1 Development for the purposes of outbuildings must not exceed the following numerical requirements: A maximum height of building of 4.8m for any outbuilding. A maximum external wall height of 3.5m for any outbuilding.*

##### Swimming Pools

*C2 Swimming pools must not be located within any front setback.*

*C3 Minimum setback of 1m from any side or rear boundary for swimming pools and associated terraces. Landscaping shall be provided in the setback area to screen the pool from neighbours.*

#### Comment:

The proposed outbuilding is consistent with the numerical controls above.

The swimming pool will be setback 1m from the side boundary and include landscaping within the setback.



## **5.2 Summary of Development Standards**

A summary of the proposed development statistics relative to the numerical controls as contained within the DCP is provided below.

<b>13</b>	<b>Required</b>	<b>Proposed</b>	<b>Compliance</b>
Site Area		572.3m <sup>2</sup>	<b>Yes</b>
Floor Space Ratio	There is no maximum FSR		<b>Yes</b>
Height	Max 2 storeys Max height to ridge 8.5m	Max 2 storey Compliance with the overall building height is achieved.	<b>Yes</b>
Front Setback	Consistent with adjoining dwellings	Consistent	<b>Yes appropriate in its context</b>
Side setback	1m from one side boundary and 3m from the second side boundary for a two storey dwelling	Achieved.	<b>Yes</b>
Soft landscaping	A minimum of 35% of the site is to be provided as open space and minimum of 25% is to be provided as soft landscaping	33.3% or 190.5sqm	<b>A minor departure occurs. The exclusion of the pool from the soft landscaping gives rise to the departure despite contributing to amenity and ambience.</b>
Car Parking	2 spaces to each dwelling	Parking for 2 cars	<b>Yes</b>

The proposal is compliant with the principal planning controls of Council.

## 6.0 SECTION 4.15 CHECKLIST

The following provides an assessment of the proposal against the provisions of Section 4.15 of the Environmental Planning and Assessment Act 1979.

*(1) Matters for consideration—general In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application:*

*(a) the provisions of:*

*(i) any environmental planning instrument, and*

*(ii) any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and*

*(iii) any development control plan, and*

*(iiia) any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, and*

*(iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph), and*

*(v) any coastal zone management plan (within the meaning of the Coastal Protection Act 1979), that apply to the land to which the development application relates,*

Comment:

The proposal is permissible and satisfies the objectives of Canterbury Local Environmental Plan 2012 and is consistent with the principal development controls and performance standards of the Canterbury DCP 2012.

The proposed dwelling design is appropriate in consideration of the streetscape objectives, heritage, design, service connections, provision of private open space and amenity.

*b. the likely impacts of that development, including environmental impacts on both the natural and built environments and social and economic impacts in the locality.*

Comment:

The proposed dwelling, outbuilding and swimming pool will provide high amenity living opportunities for future residents. The proposed development does not compromise or alter the current levels of amenity enjoyed by neighbouring properties.

In view of the above the development will have acceptable social and environmental implications given the nature of the zone and permissibility.

*c. the suitability of the site for the development.*

Comment:

The subject site has an ideal regular site configuration. A site-specific dwelling design has been generated. The design solution is based on sound site analysis and responds positively to the characteristics of the site and adjoining development.

*d. any submissions made in accordance with the Act or the regulations.*

Comment:

Nil

*e. the public interest*

*Note.*

*See section 75P (2) (a) for circumstances in which determination of development application to be generally consistent with approved concept plan for a project under Part 3A.*

Comment:

The proposed dwelling is purely domestic in nature and utilises a large lot in a well serviced locality therefore satisfying urban consolidation initiatives and furthering the public interest.

*(2) Compliance with non-discretionary development standards—development other than complying development If an environmental planning instrument or a regulation contains non-discretionary development standards and development, not being complying development, the subject of a development application complies with those standards, the consent authority:*

*(a) is not entitled to take those standards into further consideration in determining the development application, and*

*(b) must not refuse the application on the ground that the development does not comply with those standards, and*

*(c) must not impose a condition of consent that has the same, or substantially the same, effect as those standards but is more onerous than those standards, and the discretion of the consent authority under this section and section 4.16 is limited accordingly.*

*(3) If an environmental planning instrument or a regulation contains non-discretionary development standards and development the subject of a development application does not comply with those standards:*

*(a) subsection (2) does not apply and the discretion of the consent authority under this section and section 4.16 is not limited as referred to in that subsection, and*

*(b) a provision of an environmental planning instrument that allows flexibility in the application of a development standard may be applied to the non-discretionary development standard.*

*Note. The application of non-discretionary development standards to complying development is dealt with in section 4.28 (3) and (4).*

Comment:

The application has merit and is consistent with the intent of the controls given the site context.

*(3A) Development control plans*

*If a development control plan contains provisions that relate to the development that is the subject of a development application, the consent authority:*

*(a) if those provisions set standards with respect to an aspect of the development and the development application complies with those standards—is not to require more onerous standards with respect to that aspect of the development, and*

*(b) if those provisions set standards with respect to an aspect of the development and the development application does not comply with those standards—is to be flexible in applying those provisions and allow reasonable alternative solutions that achieve the objects of those standards for dealing with that aspect of the development, and*

*(c) may consider those provisions only in connection with the assessment of that development application.*

*In this subsection, standards include performance criteria.*

Comment:

The provisions of the development control plan have been considered as part of the application. The proposal is reasonable in this regard.

*(4) Consent where an accreditation is in force A consent authority must not refuse to grant consent to development on the ground that any building product or system relating to the development does not comply with a requirement of the Building Code of Australia if the building product or system is accredited in respect of that requirement in accordance with the regulations.*

*(5) A consent authority and an employee of a consent authority do not incur any liability as a consequence of acting in accordance with subsection (4).*

*(6) Definitions In this section:*

*(a) reference to development extends to include a reference to the building, work, use or land proposed to be erected, carried out, undertaken or subdivided, respectively, pursuant to the grant of consent to a development application, and*

*(b) non-discretionary development standards means development standards that are identified in an environmental planning instrument or a regulation as non-discretionary development standards.*

Comment: Not applicable.

## **7.0 CONCLUSION**

The proposed dwelling, outbuilding and swimming pool are permissible and consistent with the zone objectives. The proposed dwelling has been site specifically designed to generate a high level of amenity while respecting the conservation area.

Demolition of the existing dwelling is appropriate given its structural inadequacies and deteriorating state.

The proposed dwelling design is reasonable in terms of meeting all the principal numerical standards and performance measures, specifically set for the *Ashbury Heritage Conservation Area*. The proposed development is respectful of adjoining owner amenity through design and benefits from a level and regular sized lot.

The proposed development will be consistent with the desired future character set for the precinct. The siting of the dwelling acknowledges the building alignment of the street.

The proposal is reasonable pursuant to the provisions of the Canterbury LEP 2012 and the associated DCP.

In view of the above, the proposed development is appropriate and Council approval is recommended.