

Statement of Environmental Effects

Supporting Development Application

Two Storey Attached Dual Occupancy with rear secondary dwelling

22 Collins Cres, Yagoona

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1.0 SITE ANALYSIS

The site is located on the eastern side of Collins Cres, Yagoona NSW. The site is rectangular in shape with a block width of 15.24 (approx.) and a total site area of 978.6m².

Adjoining the site to the northern boundary, respectively, is No. 20 Collins Cres, which consists of a single storey dwelling of brick construction. Adjoining the site to the southern boundary, is No. 24 Collins Cres, which consist of a single storey residential dwelling of brick construction.

2.0 EXISTING USES

Existing on site is a single storey residential dwelling of brick construction. The subject site is characterized by a mix of residential type developments including single, two storey dwellings, dual occupancies and multi-dwelling buildings.

3.0 MAP VIEW



4.0 PROPOSAL

The proposal seeks development consent for the demolition of existing structures and construction of a two storey attached dual occupancy and rear secondary dwelling of brick construction.

5.0 STATUTORY CONSIDERATIONS

Pursuant to Section 4.15 (1) Environmental Planning and assessment act 1979, the following provisions have been taken into consideration.

5.1 BANKSTOWN LOCAL ENVIRONMENTAL PLAN 2015

Control	Requirement	Proposed	Complies
Zoning	Zoned – R2 Low Density Residential	Proposed “dual occupancy” that is permissible with consent	Yes
4.3 Height of Buildings (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 .	9m	Proposed maximum heights are 9m. at the developments heights points.	Yes
4.4 Floor Space Ratio	0.5:1	Dwelling 1: Site 487.92m ² GFA 215.60m ² FSR 44.1% Dwelling 2 Site 490.68m ² GFA 244.80m ² FSR 49.88%	Yes
5.10 Heritage Conservation		Not in a heritage conservation area	Yes
6.1 Acid Sulphate Soils	Not within a acid sulphate soils areas.		Yes
6.2 Earthworks	Objectives; minimise impact to drainage patters, adjoining properties, future redevelopment, impact on catchment.	Minimal excavation sought which is commensurate of that of a dwelling house/dual occupancies and other low form residential densities.	Yes
6.3 Flood Planning		Proposed habitable floor levels have been designed 500mm above the 100 year ARI flood levels throughout the site.	Yes

5.2 BANKSTOWN DEVELOPMENT CONTROL PLAN 2015 - PART B1 (section 4) DUAL OCCUPANCIES

No.	Development standard	Proposed	Compliant
Subdivision			
4.1	The two dwellings forming a dual occupancy (attached) may be subdivided to a minimum lot size of 250m ² per dwelling.	lot A – 487.92m ² lot B – 490.68m ²	YES
4.2	The two dwellings forming a dual occupancy (detached) may be subdivided to a minimum lot size of 350m ² per dwelling	not applicable	N/A
4.3	For development that establishes a dual occupancy and a secondary dwelling on the same allotment, the two dwellings forming the dual occupancy may be subdivided provided the minimum lot size is 450m ² per dwelling.	Lot B (dwelling 2 with secondary dwelling) has a proposed area of 490.68m ² .	YES
Storey limit (not including basements)			
4.4	The storey limit for dual occupancies is 2 storeys	2 storeys	YES
4.5	The siting of dual occupancies, and landscaping works must be compatible with the existing slope and contours of the allotment and any adjoining property. Council does not allow any development that involves elevated platforms on columns; or excessive or unnecessary terracing, rock excavation, retaining walls or reclamation.	Proposal is keeping with the natural contours of the land.	YES
4.6	Any reconstituted ground level on the allotment must not exceed a height of 600mm above the ground level (existing) of an adjoining property except where:	not applicable	N/A
Setback restrictions			
4.7	The erection of dual occupancies is prohibited within 9 metres of an existing stable.	not applicable	N/A
Setbacks to the primary and secondary road frontages			
4.8	The minimum setback for a building wall to the primary road frontage is:		
	(a) 5.5 metres for the first storey (i.e. the ground floor); and	6m (minimum)	YES
	(b) 6.5 metres for the second storey.	8.18m (minimum)	YES
4.9	The minimum setback to the secondary road frontage is:		
	(a) 3 metres for a building wall; and	not applicable	N/A
	(b) 5.5 metres for a garage or carport that is attached to the building wall.	6.605m setback to garages	N/A

Setbacks to the side boundary			
4.10	For the portion of the building wall that has a wall height less than or equal to 7 metres, the minimum setback to the side boundary of the allotment is 0.9 metre. Council may increase the minimum setback to reduce any impact on the amenity of an adjoining dwelling or to avoid the drip line of a tree on an adjoining property	7m max wall height setback = 900mm (min)	YES
4.11	For the portion of the building wall that has a wall height greater than 7 metres, the minimum setback to the side boundary of the allotment is 1.5 metres	not applicable	N/A
4.12	The minimum setback between a dual occupancy and the side boundary must be clear of obstacles such as a hot water unit, waste storage area, storage shed and the like.	no services shall interfere or obstruct any side setbacks	YES
4.13	The basement level must not project beyond the ground floor perimeter of the dual occupancy.	not applicable	N/A
Private open space			
4.14	Dual occupancies must provide a minimum 80m ² of private open space per dwelling behind the front building line. This may be in the form of a single area or a sum of areas per dwelling provided the minimum width of each area is 5 metres throughout.	Each unit is provided with the minimum 80sq.m per dwelling within the rear yards.	YES
Access to sunlight			
4.15	At least one living area of each dwelling must receive a minimum 3 hours of sunlight between 8.00am and 4.00pm at the mid-winter solstice. Council may allow light wells and skylights to supplement this access to sunlight provided these building elements are not the primary source of sunlight to the living areas.	Rear and central livable areas that are provided with eastern and northern access to sunlight. The livable areas will receive the minimum 3 hours of sunlight.	YES
4.16	At least one living area of a dwelling on an adjoining allotment must receive a minimum 3 hours of sunlight between 8.00am and 4.00pm at the mid-winter solstice. Where this requirement cannot be met, the development must not result with additional overshadowing on the affected living areas of the dwelling.	Due to the site orientation the shadows are naturally cast towards the southern units. The shadows are considered acceptable as the design has made all efforts to comply with the minimum setbacks and building heights	YES

		to minimize shadowing impacts.	
4.17	A minimum 50% of the private open space required for each dwelling and a minimum 50% of the private open space of a dwelling on an adjoining allotment must receive at least 3 hours of sunlight between 9.00am and 5.00pm at the equinox. Where this requirement cannot be met for a dwelling on an adjoining allotment, the development must not result with additional overshadowing on the affected private open space.	Both private open spaces take advantage of the northern sun and receive complaint levels of solar gain.	YES
4.18	Development should avoid overshadowing any existing solar hot water system, photovoltaic panel or other solar collector on the allotment and neighboring properties	Shadows will not impact any known solar hot water system of solar collector panels.	YES
Visual privacy			
4.19	Where development proposes a window that directly looks into the living area or bedroom window of an existing dwelling, the development must: (a) offset the windows between dwellings to minimise overlooking; or (b) provide the window with a minimum sill height of 1.5 metres above floor level; or (c) ensure the window cannot open and has obscure glazing to a minimum height of 1.5 metres above floor level; or (d) use another form of screening to the satisfaction of Council.	Living and lounge windows on ground floor have been offset between buildings and raised to a minimum 1.5m sill height.	YES
4.20	Where development proposes a window that directly looks into the private open space of an existing dwelling, the window does not require screening where: (a) the window is to a bedroom, bathroom, toilet, laundry, storage room, or other non-habitable room; or (b) the window has a minimum sill height of 1.5 metres above floor level; or (c) the window has translucent glazing to a minimum height of 1.5 metres above floor level; or	No proposed windows are directly looking into adjoining properties private open space.	YES

	(d) the window is designed to prevent overlooking of more than 50% of the private open space of a lower-level or adjoining dwelling.		
4.21	Council may allow dual occupancies to have an upper floor side or rear balcony solely where the balcony is not accessible from a living area or hallway, and the balcony design: (a) does not have an external staircase; and (b) does not exceed a width of 1.5 metres throughout; and (c) incorporates a form of screening to the satisfaction of Council such as partially recessing the balcony into the building.	Rear balconies proposed are 1.5m in width to promote visual privacy to the side and rear neighbors.	YES
4.22	Council does not allow dual occupancies to have roof-top balconies and the like	not applicable	N/A
building design			
4.23	Development for the purpose of dual occupancies must demolish all existing dwellings (not including any heritage items) on the allotment	All existing structures are proposed to be removed.	YES
4.24	The design of dual occupancies must ensure:		
	(b) the street facade of dual occupancies (attached) or dual occupancies (detached) incorporate architectural elements that are compatible with the asymmetrical appearance of neighbouring dwelling houses, particularly where a pattern is established by a group of adjoining dwelling houses; and	Proposed dwelling will incorporate diverse elements and materials such as finishes, louvers and paint schemes between the two to provide for an asymmetrical design	YES
	(c) the front porch and one or more living area or bedroom windows to each dwelling face the street; and	Main bedroom and porch facing the street	YES
	(d) the garage, driveway and front fence do not dominate the front of the building and front yard; and	The garage is well articulated to prevent dominating the primary dwelling features.	YES
	(e) the two dwellings on a corner allotment each face a different frontage	not applicable	N/A
4.25	The maximum roof pitch for dual occupancies is 35 degrees	8 degrees (max) roof pitch	YES
4.26	Council may allow dual occupancies to have an attic provided the attic design:		

	(a) accommodates no more than two small rooms (for the purposes of a bedroom and/or study) and a bathroom plus an internal link to the storey below; and	not applicable	N/A
	(b) ensures the attic does not give the external appearance of a storey.	not applicable	N/A
4.27	The design of dormers must		
	(a) be compatible with the form and pitch of the roof; and	not applicable	N/A
	(b) must not project above the ridgeline of the main roof; and	not applicable	N/A
	(c) must not exceed a width of 2 metres; and	not applicable	N/A
	(d) the number of dormers must not dominate the roof plane	not applicable	N/A
4.28	Development in the foreshore protection area (refer to map in Appendix 1) must use non-reflective materials that are compatible with the natural characteristics and colours of the area (such as olive green, grey and dark brown).	not applicable	N/A
Building design (car parking)			
4.29	Development on land bounded by Birdwood Road, Bellevue Avenue and Rex Road in Georges Hall must:	not applicable	YES
4.30	Development must locate the car parking spaces behind the front building line with at least one covered car parking space for weather protection. Despite this clause, Council may allow one car parking space per dwelling to locate forward of the front building line provided:	Single garage with car space forward of the building line provided to each dwelling	YES
4.31	Where development proposes a garage with up to two car parking spaces facing the street, Council must ensure the garage architecturally integrates with the development and does not dominate the street facade.	Single garages facing the street. Garages are well integrated with the first floor and mid roof features that soften the appearance	YES
4.32	Where development proposes a garage with more than two car parking spaces facing the street, Council must consider the architectural merit of the development and may allow the garage provided:	not applicable	N/A
Landscaping			
4.33	Development must retain and protect any significant trees on the allotment and adjoining allotments. To achieve this clause, the development may require a design alteration or a reduction in the size of the dual occupancy	No significant trees are proposed trees to be removed	YES

4.32	Development must landscape the following areas on the allotment by way of trees and shrubs with preference given to native vegetation endemic to the City of Bankstown (refer to Appendix 4 and Appendix 5 for a list of suitable species):		
	(a) a minimum 45% of the area between the dual occupancy and the primary road frontage; and	50% proposed	YES
	(b) a minimum 45% of the area between the dual occupancy and the secondary road frontage; and	not applicable	N/A
	(c) plant at least one 75 litre tree between the dual occupancy and the primary road frontage (refer to Appendix 5 for a list of suitable trees in the City of Bankstown or Appendix 6 for allotments that adjoin the Hume Highway); and	1 tree to be planted	YES
	(d) for development in the foreshore protection area (refer to map in Appendix 1), plant native trees with a mature height greater than 12 metres adjacent to the waterbody.	not applicable	N/A

5.2(a) BANKSTOWN DEVELOPMENT CONTROL PLAN 2015

No.	Development standard	Proposed	Compliant
Subdivision			
3.1	The subdivision of secondary dwellings is prohibited	No subdivision proposed	Yes
Site cover			
3.2	Council must not consent to development for the purpose of secondary dwellings unless:		
	(a) the total floor area of the principal dwelling and the secondary dwelling is no more than the maximum floor area allowed for a dwelling house on the land under an environmental planning instrument; and	Resulting lots B: 490.68 Floor area: 244.8 sq.m total FSR under 50% (0.4988 : 1)	Yes
	(b) the total floor area of the secondary dwelling is no more than 60m ² or, if a greater floor area is permitted in respect of a secondary dwelling on the	secondary dwelling 60m²	Yes
Storey limit (not including basements)			
3.3	The storey limit for attached secondary dwellings is 2 storeys. In addition, attached secondary dwellings in the foreshore protection area (refer to map in Appendix 1) must ensure the wall height does not exceed 7 metres and the building height does not exceed 9 metres.	not applicable	n/a

3.4	The storey limit for detached secondary dwellings is single storey and the maximum wall height is 3 metres.	Majority of the building is kept under the 3m wall height limit. There is a portion of the front Wall that is over the 3m wall limit by 632mm. the departure to the development standard is considered minor and will not cause any negative impacts to the adjoining properties. The noncompliance is mainly due to the raised floor slab to meet the flooding requirements	Considered acceptable
3.5	The siting of secondary dwellings and landscaping works must be compatible with the existing slope and contours of the allotment and any adjoining property. Council does not allow any development that involves elevated platforms on columns; or excessive or unnecessary terracing, rock excavation, retaining walls or reclamation.	proposal is keeping with the natural contours of the land.	Yes
3.6	Any reconstituted ground level on the allotment must not exceed a height of 600mm above the ground level (existing) of an adjoining property except where	No excavation sought.	Yes
Setback restrictions			
3.7	The erection of secondary dwellings is prohibited within 9 metres of an existing stable.	not applicable	Yes
Setbacks to the primary and secondary road frontages			
3.8	The minimum setback for a building wall to the primary road frontage is:		
	(a) 5.5 metres for the first storey (i.e. the ground floor); and	located to rear	Yes
	(b) 6.5 metres for the second storey	located to rear	Yes
3.9	The minimum setback to the secondary road frontage is:		
	(a) 3 metres for a building wall; and	not applicable	Yes
	(b) 5.5 metres for a garage or carport that is attached to the building wall.	not applicable	Yes
Setbacks to the side and rear boundaries			
3.10	For the portion of the building wall that has a wall height less than or equal to 7 metres, the minimum setback to the side and rear boundaries of the allotment is 0.9 metre.	less than 7m wall 900mm (min) 940mm minimum setbacks proposed	Yes
3.11	3.11 For the portion of the building wall that has a wall height greater than 7 metres, the minimum setback to the side and rear boundaries of the allotment is 1.5 metres.	not applicable	Yes

Private open space			
3.12	Secondary dwellings must not result in the principal dwelling on the allotment having less than the required landscaped area and private open space.	primary dwelling will maintain over 80m2 min private open space	Yes
Access to sunlight			
3.13	At least one living area of each dwelling must receive a minimum 3 hours of sunlight between 8.00am and 4.00pm at the mid–winter solstice. Council may allow light wells and skylights to supplement this access to sunlight provided these building elements are not the primary source of sunlight to the living areas.	dwelling is provided with 3 hours minimum of sunlight. Living areas are north/west facing receiving midday and afternoon sunlight.	Yes
3.14	At least one living area of a dwelling on an adjoining allotment must receive a minimum 3 hours of sunlight between 8.00am and 4.00pm at the mid–winter solstice. Where this requirement cannot be met, the development must not result with additional overshadowing on the affected living areas of the dwelling.	Shadows from the proposed secondary dwelling are casting towards the south. No negative overshadowing to the southern dwellings the proposal is provided with increased side setbacks and under the 3m wall height limits.	Yes
3.15	A minimum 50% of the private open space required for each dwelling and a minimum 50% of the private open space of a dwelling on an adjoining allotment must receive at least 3 hours of sunlight between 9.00am and 5.00pm at the equinox. Where this requirement cannot be met for a dwelling on an adjoining allotment, the development must not result with additional overshadowing on the affected private open space.	Shadows will not affect the adjoining properties from the proposed single storey secondary dwelling	Yes
Visual privacy			
3.16	Where development proposes a window that directly looks into the living area or bedroom window of an existing dwelling, the development must: (a) offset the windows between dwellings to minimise overlooking; or (b) provide the window with a minimum sill height of 1.5 metres above floor level; or (c) ensure the window cannot open and has obscure glazing to a minimum height of 1.5 metres above floor level	no proposed windows are directly looking into adjoining properties	Yes
3.17	Where development proposes a window that directly looks into the private open space of an existing dwelling, the window does not require screening where: (a) the window is to a bedroom, bathroom, toilet, laundry, storage room, or other non–habitable room; or (b) the window has a minimum sill height of 1.5 metres above floor level; or (c) the window has translucent glazing to a minimum height of 1.5 metres above floor level;	no proposed windows are directly looking into adjoining properties laundry.	Yes

3.18	Council may allow attached secondary dwellings to have an upper floor side or rear balcony solely where the balcony is not accessible from a living area or hallway, and the balcony design:	no balconies	Yes
3.19	3.19 Council does not allow secondary dwellings to have roof-top balconies and the like	no balconies	Yes
Building design			
3.20	The maximum roof pitch for attached secondary dwellings is 35 degrees	Not applicable	n/a
3.21	Council may allow attached secondary dwellings to have an attic provided the attic design:		
	(b) ensures the attic does not give the external appearance of a storey	No attic proposed	n/a
	(e) the two dwellings on a corner allotment each face a different frontage	Not applicable	Yes
3.22	The design of dormers must		
	(a) be compatible with the form and pitch of the roof; and	No dormers proposed	n/a
	(b) must not project above the ridgeline of the main roof; and		
	(c) must not exceed a width of 2 metres; and		
	(d) the number of dormers must not dominate the roof plane		
3.23	The maximum roof pitch for detached secondary dwellings is 25 degrees. An attic or basement is not permitted as part of the dwelling.	20 degrees	Yes
3.24	Development in the foreshore protection area (refer to map in Appendix 1) must use non-reflective materials that are compatible with the natural characteristics and colours of the area (such as olive green, grey and dark brown).	not applicable	Yes
3.25	The change of use of outbuildings to secondary dwellings must comply with the Building Code of Australia.	not applicable	Yes
Building design (car parking)			
3.26	Secondary dwellings must not result in the principal dwelling on the allotment having less than the required car parking spaces.	Primary dwelling will maintain the existing parking arrangements.	Yes
Landscaping			
3.27	Development must retain and protect any significant trees on the allotment and adjoining allotments. To achieve this clause, the development may require a design alteration or a reduction in the size of the secondary dwelling.	Adjoining trees are to be protected during construction if required.	Yes

5.3 STATE ENVIRONMENTAL PLANNING POLICY: BASIX – 2004

A valid BASIX accompanies the development proposal which identifies the requirements regarding; thermal comfort, rainwater tanks and energy efficiency. In this regard, the intent of the SEPP has been satisfied.

6.0 ENVIRONMENTAL IMPACTS

Natural Environment Impacts

The proposal is not considered to result in any unacceptable impacts to the natural environment given the nature of works proposed for the reasons contained within this report.

Built Environment Impacts

The proposed development is not considered to result in any unacceptable built environment impacts as the proposal forms a residential permissible use.

Economic Impacts

The proposal is not considered to result in any unacceptable economic impacts given the proposed residential purpose.

Social Impacts

The proposal is not considered to result in any unacceptable social impacts.

7.0 SUITABILITY OF THE SITE

The proposal is considered to be suitable for the subject site. The proposal is considered to be appropriate as the proposal adequately satisfies the objectives of the applicable planning controls.

8.0 PUBLIC INTEREST

The proposed development is considered to be in the public interest for the reasons contained within this report. As previously stated the proposal adequately satisfies the underlying planning objectives of the controls and do not result in any unreasonable material impact.

9.0 DEVELOPMENT STANDARDS

The proposal has been considered against Section 4.15 Evaluation Clause (3A) (a) (b) which states that;

“(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 relation to the above, the proposal complies with the objectives of the controls and results in a reasonable residential development which forms part of the desired and future character of the zone.

10 CONCLUSION

The proposal is considered to be appropriate as the considerations against the statutory provisions have been met. The proposal satisfies the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2000, State Environmental Planning Policy – BASIX: 2004, Bankstown City Council Local Environmental Plan 2015 and Bankstown City Council Development Control Plan 2015.

In conclusion, the proposal consists of a dual occupancy which forms a permissible development use subject to development consent. The proposal complies with Council's prescribed controls and it is considered that the objectives of the controls are met and that no unacceptable natural, built environment, economic or social impacts arise. In this regard, the proposal is considered to be worthy for approval for consideration by Canterbury - Bankstown Council, as the Consent Authority.