



Statement of Environmental Effects

Unauthorised Construction of a Secondary Dwelling

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36 Smith Road, Yagoona

November 2022

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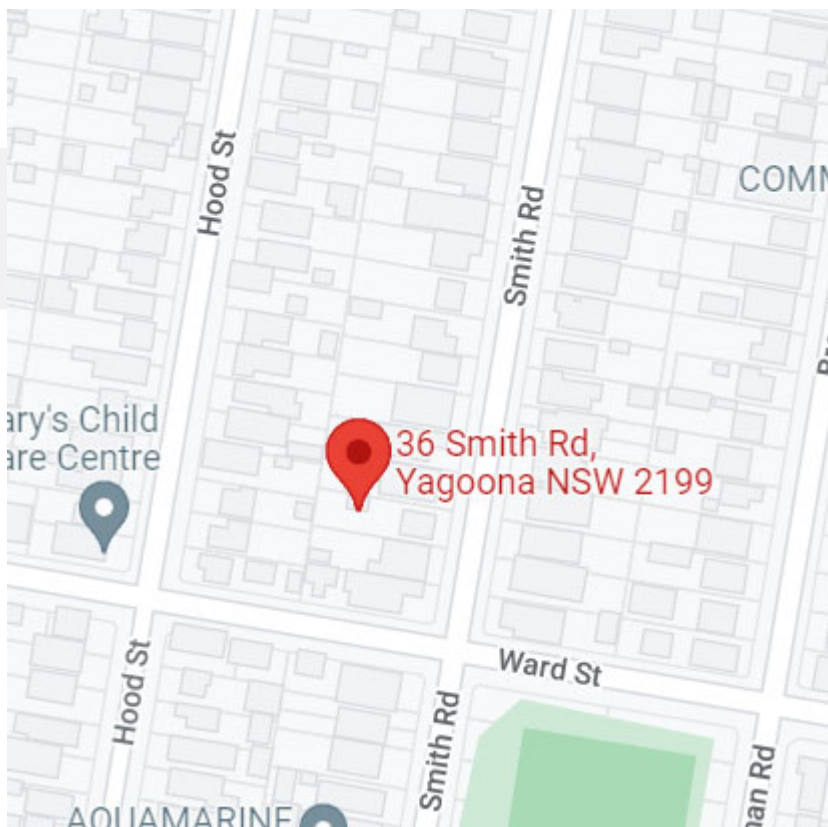
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Introduction

This Development application and Statement of Environmental Effects
Relates to the proposal of unauthorized construction of a secondary dwelling to rear
of existing residence at

36 Smith Road, Yagoona. NSW

Location



Site Description

A single storey rendered residence with secondary dwelling is currently located on
the site, which has no historical significance.

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Site Description

The site has an area of 828.3sqm, with street frontage to Smith Road boundary measuring 15.24m, rear boundary measuring 15.24m with the side boundary depths of 54.68 & 54.73m. On the northern & southern sides are single storey residences.

Zoning

The site is subject to the Bankstown Local Environmental Plan 2015. The proposal is a permissible form of development with Council's consent. The objective of the current code is to provide mixed residential use including Residential & Secondary type developments.

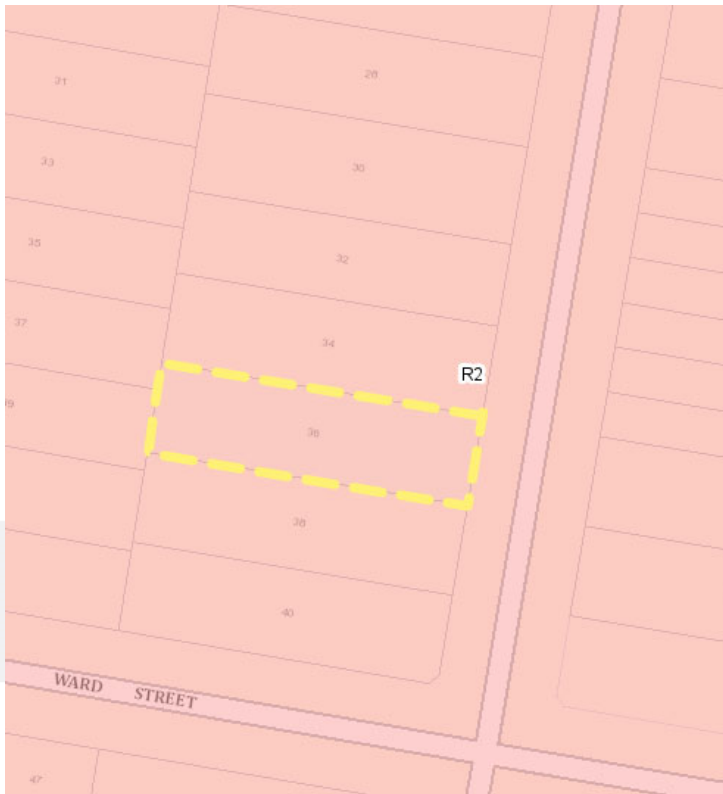
The subject site is zoned R2 - Low Density Residential.

Objectives of zone

- *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.*
- *To encourage residential development that maintains the amenity of the surrounding area.*
- *To ensure that non-residential land uses are located in a setting that minimises impacts on the amenity of a low-density residential environment.*

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Planning Assessment: Section 4.15 Assessment

Section 4.15 of the Environmental Planning and Assessment Act 1979 requires the consideration of the following matters:

Section 4.15(1) Matters for consideration:

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

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- (ii) any development control plan, and
- (iiiia) 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
- (iii) the regulations (to the extent that they prescribe matters for the purposes of this paragraph), and
- (iv) 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,
- (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,
- (c) the suitability of the site for the development
- (d) any submissions made in accordance with this Act or the regulations, (e) the public interest.

Permissibility

The site is zoned R2 – Low Density Residential under Bankstown Local Environmental Plan 2015. The proposed works seeks to undertake a secondary dwelling and this is permissible within the zone.

Zone Objectives

The proposed development improves the housing needs of the occupants of the site whilst retaining the density character of the locality. This is consistent with the objectives of the zone.

Development Standards

Clause 4.1 – Minimum Subdivision Lot Size

N/A – This application does not seek consent for subdivision.

Clause 4.3 - Height of Buildings = 8.5m

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Unauthorised Works

1. The Construction of a secondary dwelling to the rear of existing residence. The secondary dwelling comprises of 1 bedroom, combined bath/ldry, kitchen living/dining.

Environmental Impact

The land is currently used for residential purposes.

The proposed works will have no adverse impact on the current surroundings environment as the residence is in scale and character with existing residences and other surrounding properties in the immediate area

The proposed development will significantly enhance the owners living environment with no adverse effect to the existing streetscape or to the neighbourhood.

Neighborhood Amenity

The proposed development is similar to other developments in the local vicinity and its completion will not affect the neighborhood amenity.

Bankstown Council Control Plan 2015

Control	Assessment
Development Control Plan 2015: Part (B1)	The proposed construction of a secondary dwelling is consistent with the objectives of the dcp: The proposal retains the existing primary dwelling.
Site Facilities	No changes are proposed to the existing site facilities.
Safety by Design	No changes area proposed to the primary dwelling.
Landscaping	changes are proposed to existing landscape area the existing landscaped area will be updated to implement new landscaping.

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Site layout and Building Design	<ul style="list-style-type: none"> • The streetscape pattern will not be compromised as the location of the secondary dwelling is to the rear of the primary dwelling. • The proposal retains access to the rear of the property for the subject property. • The proposal will not result in any additional overshadowing or overlooking to the courtyard of adjoining properties and also achieving 4hours of sunlight to the courtyard. • The proposal retains solar access and adequate privacy. <p>Private Open Space</p>
Elevation and Materials	The proposed external finish of the secondary dwelling is a lightweight clad.
Solar Access	Solar access to adjoining properties will not be affected by the secondary dwelling as this is of single storey in height.
Acoustic Privacy	The secondary dwelling will not result in any acoustic impacts upon adjoining properties.

Affordable Rental Housing – State Environmental Planning Policy (SEPP)

The objectives contained in SEPP include the following.

- There is only one house and one secondary dwelling on the lot
- Development to which this Division applies may be carried out with consent.
- A consent authority must not consent to development to which this Division applies if there is on the land, or if the development would result in there being on the land, any dwelling other than the principal dwelling and the secondary dwelling.
- A consent authority must not consent to development to which this Division applies unless:
 - (a) the total floor area of the principal dwelling and the secondary dwelling is no more than the maximum floor area

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allowed for a dwelling house on the land under another environmental planning instrument, and

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

- A consent authority must not refuse consent to development to which this Division applies on either of the following grounds:

- (a) site area if:

- (i) the secondary dwelling is located within, or is attached to, the principal dwelling, or

- (ii) the site area is at least 450 square metres,

- (b) parking

- (i) if no additional parking is to be provided on the site.

- The lot is not subdivided

- The secondary dwelling meets planning controls such as building height and setbacks, floor space ratios, and open space in the local environmental plan and/or the complying development provisions in the Affordable Rental Housing SEPP.

- The secondary dwelling meets the requirements of The Building Code of Australia. There are no requirements under the policy to provide any additional parking for the secondary dwelling. A secondary dwelling may occur either with DA consent, or as complying development.

Conclusion

This report has provided an assessment and analysis of the proposed development at

36 Smith Road, Yagoona. NSW

It is our considered opinion that for a development of this nature and size, there will be no significant adverse environmental impact on the surrounding locality.

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