

Statement of Environmental Effects Development Application

36 Miowera Rd, Chester Hill

Change of use – Secondary Dwelling



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Introduction

This Statement of Environmental Effects has been prepared on behalf of the client to Canterbury Bankstown Council. This Statement has been prepared pursuant to Section 4.12 of the Environmental Planning and Assessment Act (EPA Act), 1979 and Clause 50 of the Environmental Planning and Assessment Regulation, 2000.

This Statement accompanies a Development Application for the construction of internal works for a secondary dwelling at No.36 Miowera Road, Chester Hill 2162 (Lot 136 DP16897).

1.1 Scope of Work

The purpose of this document is to provide a context of the subject site and its surrounding local environment, provide a detailed description of the proposed development, assess the compliance of the proposal in relation to subject planning policies and controls and examine the environmental, social and economic effects of the proposal against the Evaluation Criteria prescribed under Section 4.15 of the EPA Act, 1979.

1.2 Executive Summary

The proposed development is permissible with Council's consent in the R2 Low Density Residential zone under Canterbury-Bankstown Local Environmental Plan 2023 and Canterbury-Bankstown Development Control Plan 2023. The proposal is consistent with the aims and objectives of the relevant environmental planning instruments and an assessment of the proposal has not identified any adverse impacts that are likely to result from the proposed development.

Site Location and Description

Site Description and Locality

The site is legally described as Lot 136 and DP 16897 and is known as No. 36 Miowera Rd, Chester Hill 2162. The front of the site is south facing - an aerial map of the site is shown in Figure 1 below.



Figure 1: Aerial Maps

Source: Six Maps, 2023

The site is a rectangular shaped allotment fronting Miowera Road, with a site area of 551.8m² and frontage of 13.7m. The site is currently occupied by a two storey rendered and brick building with a tiled roof and a rendered building located in the rear of the property with a metal roof (currently used as a garage/storage). The existing dwelling is not identified as a heritage item or within a conservation item under the Canterbury-Bankstown Local Environmental Plan 2023. The site is relatively flat and has a 1m slope with RL36.00 at the front of the lot and RL35.00 towards the rear boundary.

Miowera Road and the surrounding area is characterised by predominately single storey dwellings, factories and warehouses, and a few newly developed residential two storey dwellings. Images of the site and the surrounding locality are shown below in Figures 2-5.



Figure 2: Subject site No. 36 Miowera Rd, Chester Hill

Source: Google Maps, 2023



Figure 3: Adjoining property – No. 38 Miowera Rd, Chester Hill

Source: Google Maps, 2023



Figure 4: Development opposite site on Miowera Road
Source: Google Maps, 2023



Figure 5: Factory/office developments along Miowera Road
Source: Google Maps, 2023

Development Proposal

The subject development application seeks consent for the change of use of the existing shed/garage building into a secondary dwelling at No. 36 Miowera Road, Chester Hill.

Detailed Description

The proposal seeks consent for the change of use of the existing shed/garage into a secondary dwelling that is consistent with planning controls. The development can be viewed as a one storey development from Miowera Road with a driveway along the Eastern boundary providing vehicular access to the existing dwelling and the existing shed to be transformed on site. The shed that exists is a rendered building with a tiled roof, and so the externals will remain as existing on site, with proposed internal works as part of this application, to repurpose it to a secondary dwelling with high level of amenity. The secondary dwelling proposes an open living/kitchen area, a bathroom and bedroom.

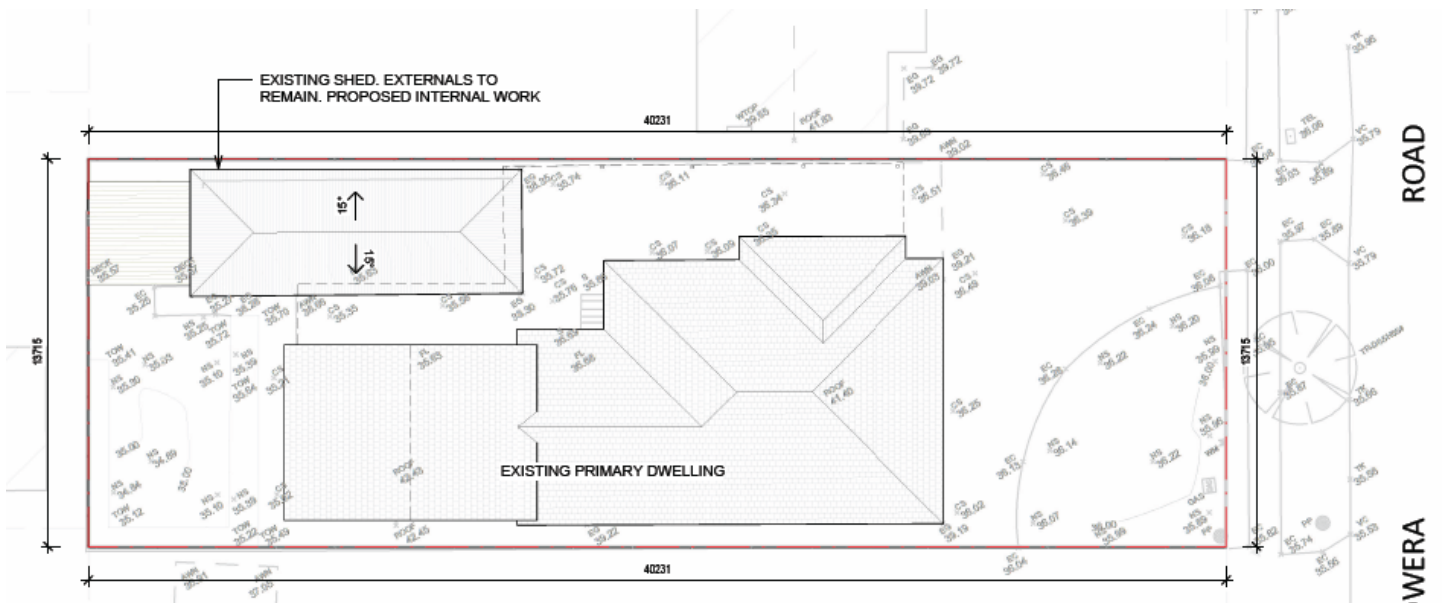


Figure 6: Existing site plan

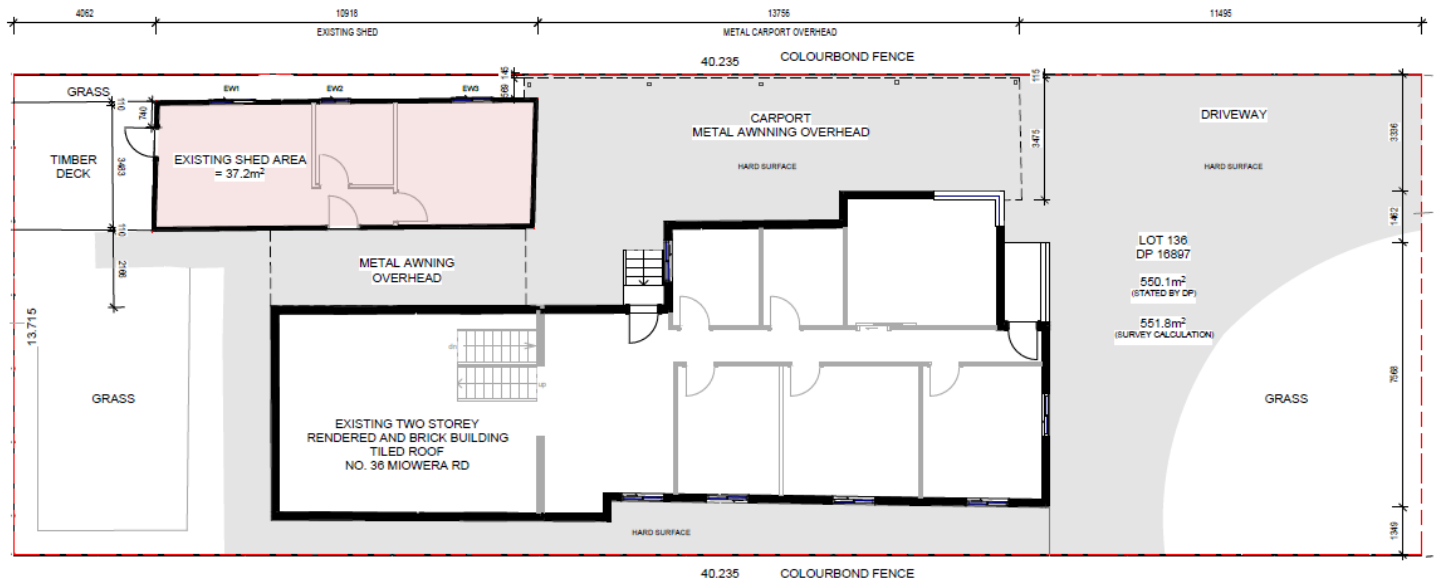


Figure 7: Existing ground floor plan

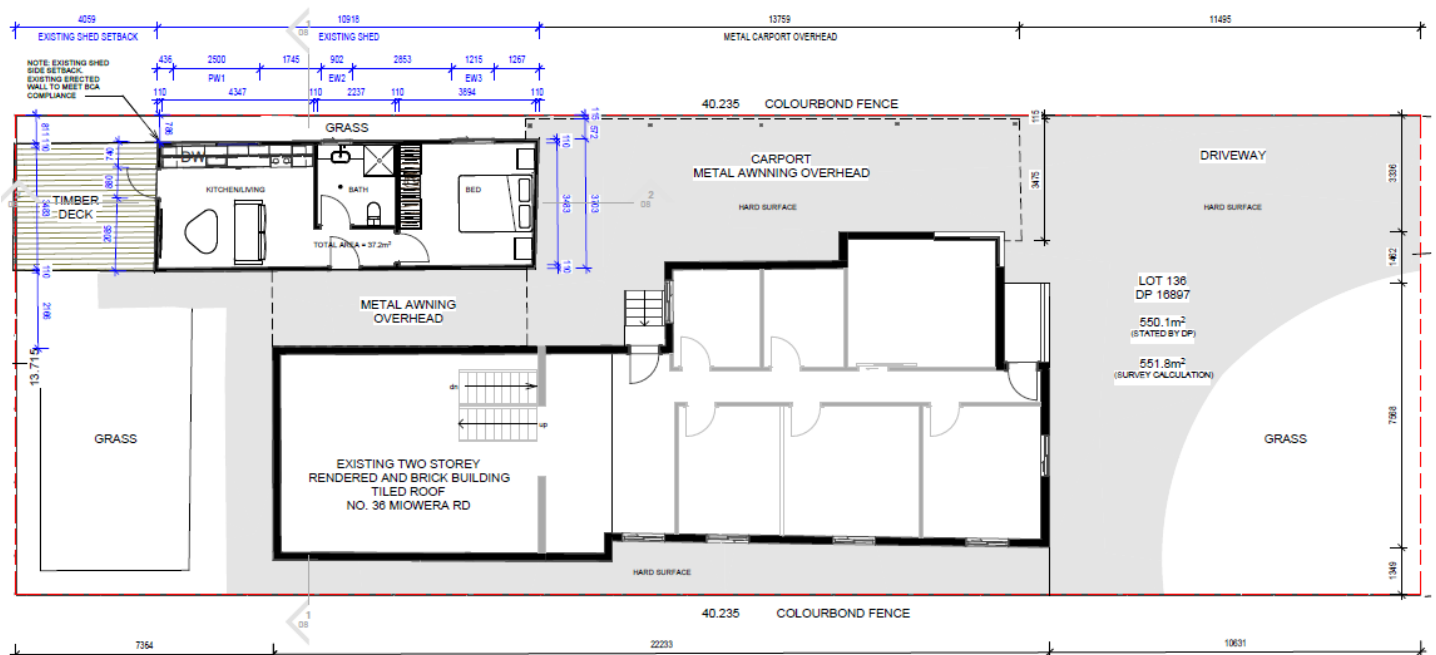
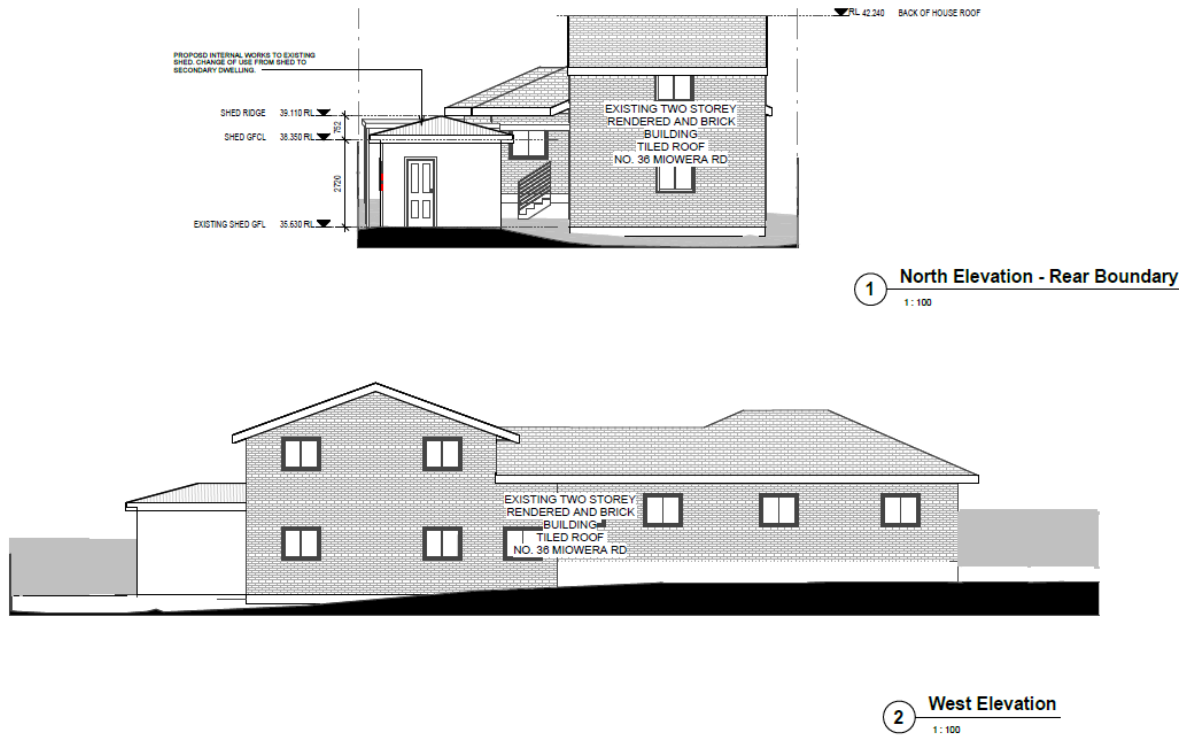
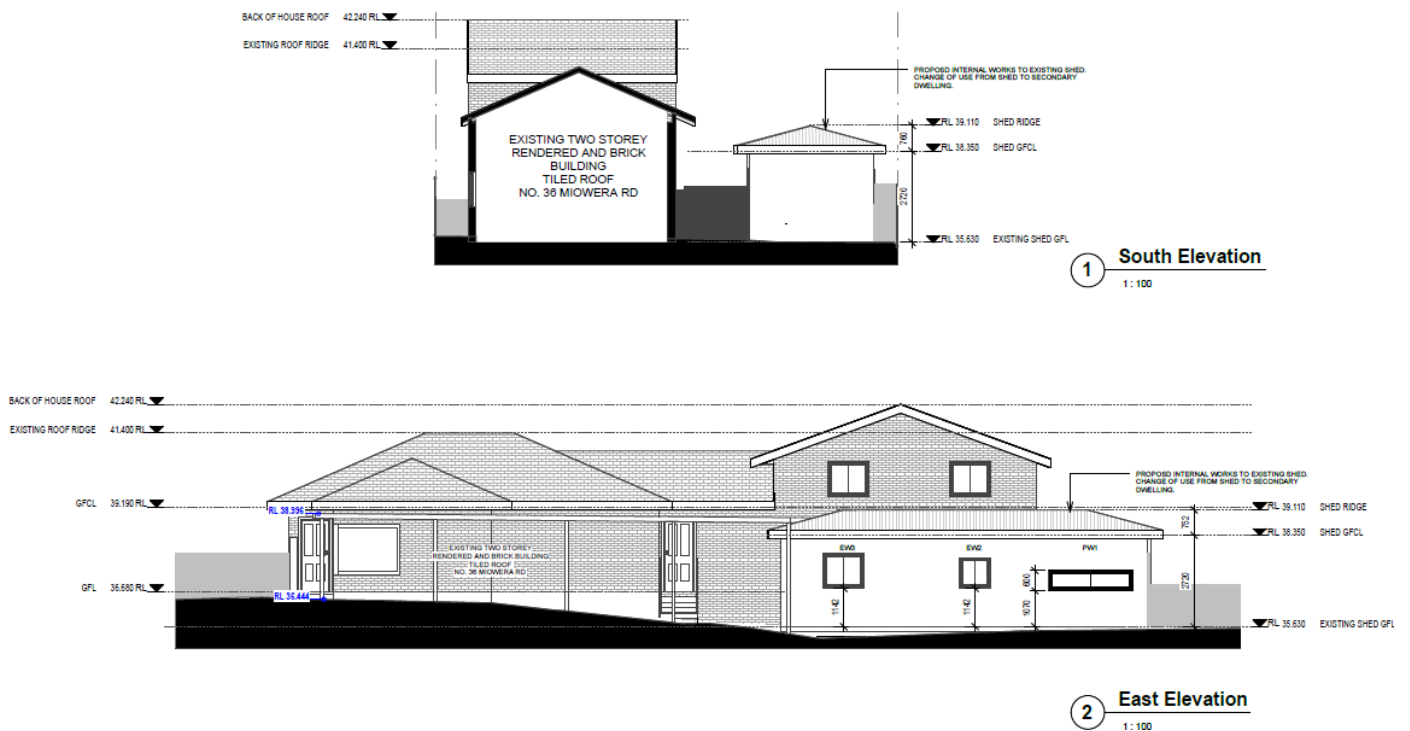


Figure 8: Proposed ground floor plan



Figures 9 and 10: Proposed north and west elevations



Figures 11 and 12: Proposed south and east elevations

Materials and Finishes

The palette of colours and finishes of the proposal are as per the existing built form of the shed which is a light-coloured rendered finish and dark colour contrast of the roof. It is consistent with other recent developments in the street and surrounding locality.

Access and Parking

No changes proposed to the existing driveway which will serve as a shared driveway along the eastern boundary.

Landscaping

The existing total landscaping area on the site is 117m².

Solar Access

Private open space and living areas have been located along the northern boundary. The reduction in roof height and wall height of the existing shed along the boundary ensures there is no overshadowing impact on to adjoining property. The proposed secondary dwelling and adjoining properties receive a minimum of 3 hours sunlight in habitable rooms and in at least 50% of the private open space between 9am and 3pm within the winter solstice. Shadow diagrams have been provided to demonstrate how the development will achieve this.

Privacy

The internal floor layout of the secondary dwelling, as well as opening locations for windows ensure visual and acoustic privacy to the principle dwelling and adjoining properties.

Waste Management

A Waste Management Plan has been provided to detail the volume and type of waste to be generated; building materials and design techniques; and the operation of ongoing waste management.

National Construction Code (NCC)

The proposed secondary dwelling is classified as a Class 1a building. It will be constructed in accordance with the NCC principals and requirements of its specified Class. Further details of the proposals compliance with the NCC will be detailed within the Construction Certificate documentation.

Statutory Planning Framework

Canterbury-Bankstown Local Environmental Plan 2023

Zoning

The site is zoned R2 – Low Density Residential, as described by the Bankstown LEP Zoning Map.



Figure 16: Zoning map extract

Source: Liverpool LEP 2008

Zone R2 Low Density Residential

1 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 allow for certain non-residential uses that are compatible with residential uses and do not adversely affect the living environment or amenity of the area.
- To ensure suitable landscaping in the low density residential environment.
- To minimise and manage traffic and parking impacts.
- To minimise conflict between land uses within this zone and land uses within adjoining zones.
- To promote a high standard of urban design and local amenity.

2 Permitted without consent

Home occupations

3 Permitted with consent

Bed and breakfast accommodation; Building identification signs; Business identification signs; Car parks; Centre-based child care facilities; Community facilities; Dual occupancies; Dwelling houses; Early education and care facilities; Environmental facilities; Environmental protection works; Exhibition homes; Flood mitigation works; Group homes; Health consulting rooms; Home businesses; Oyster aquaculture; Places of public worship; Pond-based aquaculture; Recreation areas; Respite day care centres; Roads; Secondary dwellings; Semi-detached dwellings; Tank-based aquaculture

4 Prohibited

Any development not specified in item 2 or 3

The proposal provides low density housing in a low density environment within a locality that provides high level of transport, services and retail. The proposal achieves the objectives of this zone and is permissible with consent.

Height of Buildings

The permissible height for the site is 9 metres, as described by the Bankstown LEP Height Map. According to Canterbury-Bankstown DCP 2023 Section 3, the storey limit for detached secondary dwellings is single storey and wall height limit is 3m. The as built development is built along natural ground level and has a wall height of 2.7m, thus complies with the maximum height limit prescribed for the site.

Heritage

The site is not heritage listed and is not located within a Heritage Conservation Area.

Minimum Lot Size

The minimum lot size prescribed for the subject site is 450m². The existing site area is 551.8m² however the proposal does not include site amalgamation or Torrens Title subdivision.

Canterbury-Bankstown Development Control plan 2028

Section 3 – Secondary Dwellings

The following table outlines the proposed development's compliance with the relevant provisions of the Canterbury-Bankstown DCP.

Control	Provision	Complies	Comment
Lot Size	A secondary dwelling is permissible on a site with a minimum lot size of 450m ²	Yes	The site area is 551.8m ²
Site Cover	The total floor area of the secondary dwelling is no more than 60m ²	Yes	The secondary dwelling floor area is 37.2m ²
Storey limit	<p>The storey limit for detached secondary dwellings is single storey and the maximum wall height is 3 metres.</p> <p>The siting of secondary dwellings and landscape works must be compatible with the existing slope and contours of the site and any adjoining sites. Council does not allow any development that involves elevated platforms on columns; or excessive or unnecessary terracing, rock excavation, retaining walls or reclamation.</p>	Yes	The secondary dwelling is one storey with an existing wall height of 2.7m. The existing shed to be converted to a secondary dwelling is compatible with the existing ground nature.
Setback Restrictions	The erection of secondary dwellings is prohibited within 9 metres of an existing animal boarding or training establishment.	N/A	N/A
Street setbacks	The minimum setback for a building wall to the primary street frontage is: (a) 5.5 metres for the first storey (i.e. the ground floor);	Yes	The existing shed is setback 25.2m front the street frontage.

Side and rear setbacks	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 site is 0.9 metre.	Yes	Side Setback 1 – 811mm Side Setback 2 (to primary dwelling) – 2.1m Rear Setback – 4m
Private Open Space	Secondary dwellings must not result in the principal dwelling on the site having less than the required landscaped area and private open space.	Yes	See ground floor plan for calculations
Access to sunlight	<p>At least one living area must receive a minimum three hours of sunlight between 8.00am and 4.00pm at the mid-winter solstice.</p> <p>At least one living area of a dwelling on an adjoining site must receive a minimum three hours of sunlight between 8.00am and 4.00pm at the mid-winter solstice.</p> <p>A minimum 50% of the private open space required for the principal dwelling on the site and a minimum 50% of the private open space of a dwelling on an adjoining site must receive at least three hours of sunlight between 9.00am and 5.00pm at the equinox.</p>	Yes	The secondary dwelling achieves sufficient solar access within the living areas and private open space by orientating the private open space on to the northern and western boundaries to achieve good morning solar access. See provided shadow diagrams.
Building design	<p>The maximum roof pitch for detached secondary dwellings is 25 degrees.</p> <p>(Car parking) Secondary dwellings must not result in the principal dwelling on the site having less than the required car parking spaces.</p>	Yes	The existing roof pitch is 15 degrees

Section 4.15 Evaluation

S.4.15(1)(a) The provisions of any planning instrument, draft environmental planning instrument, development control plan or regulations

The development proposal is pursuant to Canterbury-Bankstown LEP and DCP. The assessment shows that the proposed development is generally consistent and compliant with the objectives, performance criteria and the controls of the LEP and DCP. Where a variation to the controls is sought, a justification has been provided.

S.4.15(1)(b) Impacts on the environment Context and Setting

The proposed development considers the site orientation and context and scale of development within the nearby area. The proposed development incorporates a proposal that is compliant with development controls and incorporates a massing that is compatible with the topography of the site, the scale of development proposed and the character of buildings within the streetscape and locality. The proposal is not considered to have an impact on the context of the site and its environment.

Access, transport and traffic

The proposed development will not result in any adverse impact on traffic and transport in the immediate vicinity. The proposal provides sufficient off-street parking and the site access is consistent with the current driveway openings along Moore Street.

Utilities

Existing utility services will adequately service the development.

Flora and fauna

The proposal includes the removal of all trees and landscaping on the site and proposes landscaping with deep soil planting at the front, rear and side boundaries of the site. Soft soil landscaping has been provided in all areas possible throughout the site.

Waste collection

Normal domestic waste collection applies to this development.

Natural hazards

The site is not affected by any known hazards.

Economic impact in the locality

The proposed development will provide temporary employment through the construction of the development and therefore benefit the surrounding businesses.

Site Design and Internal Design

The scale of the development is appropriate having regard to the context of the site, the objectives of the relevant planning provisions and is compatible with the scale of the residential use in the local area. The design outcome will contribute positively to the surrounding built form.

Construction

The development will be carried out in accordance with the provisions of the Protection of the Environment Operations Act 1997. Normal site safety measures and procedures will ensure that no site safety or environmental impacts will arise during construction.

S.4.15(1)(c) The suitability of the site for the development

The subject site does not have any constraints that would affect the proposals suitability to the site. The number of dwellings proposed is compatible with the width of the site, use of the land and the surrounding locality.

S.4.15(1)(d) Any submissions received in accordance with this Act or the regulations

Submissions that will be received by Council will be assessed in accordance with the EPA Act, 1979 and other relevant planning controls.

S.79C(1)(e) The public interest

The proposed development is considered to be compatible with the surrounding development and is consistent with the objectives of the relevant planning controls. Therefore approval of the proposal is considered to be within the public interest.

Conclusion

The proposed development application seeks consent for the construction of a secondary dwelling at No.36 Miowera Rd, Chester Hill.

The proposed development is permissible with consent and is considered to generally satisfy the controls and objectives of the relevant planning instruments. The proposed development implements a contemporary building design that provides a suitable character and scale within its surrounding context. The design, setbacks and materials of the building have been carefully considered to alleviate any adverse impacts on the adjoining properties.

In summary, in consideration of the merits of the proposal and the absence of any adverse environmental impacts, it is recommended to Council to grant consent to this development, subject to appropriate conditions.