
STATEMENT OF ENVIRONMENTAL EFFECTS

PROPOSED ALTERATIONS & ADDITIONS TO EXISTING DWELLING,

AT

40 CRIEFF STREET, ASHURY 2193

FOR

MR & MRS MERLINO

SEPTEMBER 2023

SEE21274



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1. GENERAL

1.1 Name and Address of Applicant

Mr & Mrs Merlino
C/- Isabel F Ferreira Architects
3 Summit Street
EARLWOOD NSW 2206

1.2 Property Description

40 Crieff Street & 7a Harmony Street
Ashbury NSW
Folio Identifier: Lot 73 DP 13650 & Lot 1 DP1206798
Total Site Area by DP: 650.7sqm

2. INTRODUCTION

2.1 Details of Proposed Work

This Statement of Environmental Effects accompanies a Development Application for the alterations and additions at the rear of the existing single storey dwelling, and a new detached secondary dwelling and Carport.

The site is in the Ashbury Heritage Conservation Area, this report is accompanied by a Heritage Impact Statement as required under the Canterbury-Bankstown DCP 2023.

3. THE DEVELOPMENT SITE

3.1 Location and Site Analysis

The development is proposed on the combined properties known as 40 Crieff St, Ashbury, and 7a Harmony Street Ashbury, the real property descriptions are Lot 73 DP 13650 & Lot 1 DP1206798 respectively. For the purpose of this proposal, and accompanying documentation, the combined properties will be referred to as the 'site' and known as '40 Crieff Street, Ashbury'. The site is located in a residential area close to Lees Park, Canterbury Racecourse, Ashbury Bowling Club and Cooks River. Canterbury Station is about 1km away, the site it is well serviced by various bus routes. A small local shopping centre along Georges River Road is about 900m away, with the large Campsie and Ashfield shopping precincts about 1.5km away.

The site has a combined area of 650.7sqm, it is situated on the corner of Crieff Street and Harmony Street, with a frontage to Crieff Street made up of 11.58m a corner frontage of 2.59m resulting in a site width of 13.410m. Its frontage to Harmony Street is 46.845m, resulting in a total length of 48.775m. The property runs East-West, it has a small slope

down from east to west and contains a single storey dwelling, a single detached garage and a slab and posts remnants of a carport at the rear of the property. There are several trees on the site and a large rear garden. The existing house has been significantly altered at the rear. The site is burdened with a storm water easement which runs across its width at the rear.

The existing house is a modest, brick and tiled 1930's bungalow with a fibre cement clad rear extension with a flat roof. The dwelling sits comfortably in its front garden, which is bound by a hedge. The front door is quite hidden and faces Harmony Street.



Site Location.

Image Source: <http://maps/six/nsw/gov/au>

Crieff street runs along its West boundary and Harmony Street along its North Boundary. To the South is a large single storey cream brick 1980's house with a rear studio and to the east is the outbuilding and rear yard of the bungalow facing Mullen Street. On the opposite side of Harmony Street sits 2 large contemporary dwellings, a single storey golden brick 1980's house at 38 Crieff Street and a 2 storey recent blonde brick dwelling at 4 Harmony Street. Diagonally opposite the site is a modified bungalow, operating as a childcare centre, a small 1930's brick and tile bungalow sits directly opposite on Crieff street. The remainder of the streetscape consists of a similar variation of single and two storey dwellings with several detached outbuildings.

A storm water easement runs along most of Crieff street from the Racecourse to at least Cheviot Street. There appears to be several existing structures along its length. Namely, at numbers 34, 36 Crieff Street and 4 Harmony Street, as well as 17, 19, 21 and 23 Mullen Street.



The property is situated in the Ashbury Heritage Conservation Area, a leafy, largely residential area, predominately constructed during the interwar period. It features a mostly detached dwellings, set in fairly well sized landscaped gardens, resulting in a consistent built form and streetscape. The neighbouring area contains several developments that are similar to the proposal.



No. 4 Harmony Street, opposite



38 Crieff Street, Harmony street Elevation

3.2 Site Restrictions

There are no significant site restrictions to development on the site with the exception of the storm water easement that runs along its eastern boundary.

3.3 Zoning & Planning Controls

The proposed development on the subject site is controlled by Canterbury-Bankstown Local Environmental Plan 2023(CBLEP2023), the Canterbury-Bankstown Development Control Plan 2023 (CBDCP 2023), the State Environmental Planning Policy (Housing)2021 and the State Environmental Planning Policy (Affordable Rental Housing) 2009.

3.4 Permissibility of the Development

The land is zoned R2 Low Density Residential under the *Canterbury-Bankstown Local Environmental Plan 2023*. Dwelling Houses are a permitted use with consent under Zone R2

The standard instrument defines dwelling houses as:

dwelling house means a building containing only one dwelling.

3.5 Canterbury Local Environmental Plan 2023 Zone Objectives

The R2 Zone objectives 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.*
- *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.*

The proposed alterations and additions to the existing dwelling and the proposed secondary dwelling is consistent with the objectives of the zoning, without any adverse impact on the amenity of the area, as will be demonstrated by this report.

4. THE PROPOSED DEVELOPMENT

4.1 Description of the Proposal

The existing dwelling is a cavity face brick, timber framed floor and a tiled roofed modest 1930's Bungalow. The front of the dwelling originally consisted of a curved sleepout, addressing the street corner. The entry appears to have always been through a small adjacent doorway facing Harmony Street. The original sleepout has been enclosed with glass.

There is timber framed fibre cement clad, flat roofed extension, with a raking ceiling and an attached covered timber framed pergola.

At the rear of the property, stands a colorbond garage, and behind it the remnants of a carport, the posts and slab, adjacent the east boundary, over the easement.



Subject property

The existing dwelling has a setback of about 1270mm from the south boundary, a 5340mm setback to the north boundary, and a 3110mm setback to the front boundary. The existing garage, has a varying setback to the Harmony street boundary of between 1040mm and 1175mm. It is setback to the rear boundary is approximately 6050mm and about 3100mm to the south boundary.



Existing garden with garage from pergola

The proposal is to demolish the existing timber framed rear extension, refurbish the existing dwelling and construct an extension to the rear and side include a master bedroom and new family room, dining room, kitchen, laundry with a bedroom and rumpus a small first floor area above. The proposal attempts to improve the visibility of the entry with the construction of a flat roofed entry porch.

It also proposes to construct a secondary dwelling at the rear of the property, addressing Harmony Street, where the existing garage currently stands. A lightweight, demountable carport is proposed between the secondary dwelling and the rear boundary, retaining the existing vehicle access off Harmony Street.



Existing garage from Harmony Street and vehicular access to existing hardstand

4.2 History of the development

A Pre-Development Application was submitted to Council during the design development stage which provided feedback from council's Heritage Consultant and Storm water Engineering department.

Council's engineers advised that a garage would not be approved for construction over the storm water easement, but a light weight, demountable carport however would be acceptable.

Similarly, feedback and consultation from Council's heritage consultant was taken into consideration for this submission.

5. ANALYSIS OF PLANNING ISSUES,

5.1 Compliance with Statutory Plans & Policies

Environmental Planning and Assessment Act 1979

Comment: Enables CBLEP 2023 and the development

5.2 Canterbury Local Environmental Plan 2023

The Canterbury-Bankstown LEP 2023 provides statutory controls for development on this site. Development controls applicable to this type of development this site are outlined and commented on below

PART 2- Permitted or Prohibited Development

Clause 2.3 – Zone objectives & Land Use Table

Comment: Refer to section 3.5 above.

PART 3- Exempt & Complying Development

Clause 3.1 – Exempt Development

Comment: Proposal is not exempt development

Clause 3.2 – Complying Development

Comment: Proposal does not comply with Part 1, Division 2, Clause 1.19(a), SEPP (exempt & Complying Development Codes) 2008. Complying development under the Housing Code must not be carried out on land within a heritage conservation area.

PART 4 – Principal Development Standards

Clause 4.1 – Minimum Subdivision lot size

Comment: Existing combines lot area is 650.7sqm, which complies with the minimum lot size of 460sqm, no subdivision is proposed.

Clause 4.3 – Height of buildings

The CBLEP 2023 HOB Map indicates that the maximum height of building allowable on this site is 8.5m.

Comment: The maximum finish height of the proposed dwelling is 7.4m

Clause 4.4 - Floor Space Ratio

The Maximum floor space Ratio on this site is 0.5:1 as set out in Clause 4.4(2A) for a dwelling house on a site greater than 600sqm.

Comment: The site has an area of 650.7sqm, which allows a floor area of 325.35sqm, the proposed development has a gross floor area of 265.8sqm or a floor space ratio of 0.41:1 thus it complies with Clause 4.4

PART 5 – Miscellaneous Provisions

Clause 5.4 – Controls relating to miscellaneous Permissible Uses

The maximum permissible floor area of a Secondary dwelling on this site is the greater of 60sqm or 10% of the floor area of the dwelling.

The proposed Secondary dwelling has a maximum floor area of 60sqm.

Clause 5.10 - Heritage Conservation

The CBLEP 2023 HER map indicates that the site is in the C1 Ashbury Heritage Conservation Area but does not contain a heritage item nor is it in close proximity to or within the visual catchment of an heritage Item.

Comment: The application is requesting permission to alter and add to a building in a heritage conservation area. A heritage impact statement accompanies this proposal.

Clause 5.21 - Flood planning

Comment: The storm water system report provided by Canterbury Council, indicates that the property is not affected by 100 year ARI flooding, but it is however subject to inundation from the overland flowpath during large storm events. The proposed development will comply with the development controls in Chapter 2.2 of the DCP. The Storm water System Report is appended to this report.

PART 6 – Local Provisions

Clause 6.1 – Acid sulfate soils.

The subject site is within a potential Class 4 Acid Sulphate Soils area.

Comment: The works are not more than 2 metres below the natural ground surface. Works by which the water table is likely to be lowered more than 2 metres below the natural ground surface. As such, no further development consent is required on this matter.

Clause 6.2 – Earthworks

Comment: The proposed earthworks are minimal, and ancillary to the proposal for footings and slabs and as such do not require separate approval under this code

Clause 6.4 – Storm water management

Comment: The proposed storm water management, has been designed to mitigate the impacts on neighbouring properties, native bushland and receiving water courses, as well as the overland flows, as per the objectives of this clause.

Clause 6.6 – Essential Services

Comment: The proposal includes the provision all essential services required by this clause.

5.3 Canterbury-Bankstown Development Control Plan 2023

Provides supplementary controls applicable to this development, it sets out the relevant provisions more detailed objectives and controls for assessment of a development application for a dwelling.

Chapter 2.2 – Flood Risk Management

The site is subject to inundation from the overland flowpath during large storm events. A Stormwater System Report forms part of the submitted documents. Overland flow paths will not be obstructed by the proposal.

Chapter 2.3 – Tree Management

The proposal seeks to remove 3 trees which are located closer than 3m to the dwelling. The trees are not listed as endangered or vulnerable in the Biodiversity Conservation Act 2016 or located on the Biodiversity Map under the CBCLEP 2023

Chapter 3.1 – Development Engineering Standards

The existing vehicular crossing is to be retained; no new crossing proposed.

The storm water drainage has been designed to comply with this section of the DCP, including ensuring the maintaining of the overland flow paths.

Chapter 3.2 - Parking

The DCP off street parking schedule requires the following:

Dwelling Houses: 2 Spaces

Secondary Dwelling: 1 Space

As such, the DCP requires a total of 3 Car spaces for the proposed development, however under clause 53(2)(b) of the SEPP (Housing) 2021, prevents the consent authority of requesting a greater number of parking spaces than that provided on site immediately before the development is carried out. There was 1 car space existing on site, we are proposing 2 as per council requirements for a dwelling house. So, in accordance with the SEPP(Housing)2021, council cannot refuse consent for the secondary dwelling on the basis of not providing a car space for the secondary dwelling.

The 2 proposed car spaces are in tandem, which are permitted under Clause 3.4(c) for dwelling houses and secondary dwellings.

Access driveway is existing and not proposed to be modified.

Compliance with the Objectives of Section 2 of Chapter 3.2

- 01 To ensure development meets the car, bicycle and service vehicle parking demands generated by various land uses.*

Although the proposal does not meet the numerical requirements of the DCP, it is short 1 space for the proposed Secondary Dwelling. However, the SEPP (Housing) 2021, which this DCP is reliant on for Secondary Dwelling Development, prevents Council requiring additional parking to what was required on site prior to the Secondary Dwelling development, and in this case, it is 2 car spaces, with which the proposal complies.

- 02 To minimise on-street car parking to ensure road safety and visual aesthetics.*

The site's location on a street corner with a long side boundary to Harmony Street, which only has one other house fronting it, ensures an abundance of on street car spaces.

Therefore, the non-compliance does not effect the availability of on street car spaces, road safety and visual aesthetic.

Chapter 3.3 – Waste Management

The proposal will comply with residential requirements of this chapter of the DCP and Canterbury Bankstown Waste Design Guide A. Sufficient space will be allocated in the kitchens 2 days waste and recycling, as a food waste caddy.

Council bins will be stored behind the front building line, in a convenient location for both the primary dwelling and secondary dwelling to use.

Chapter 3.7 - Landscape

The Section 2.1 of the Canterbury-Bankstown Development Control Plan 2023, Landscape Guide states that a Landscape Plan is not a requirement applicable to this type of development.

Chapter 4.3 – Heritage Conservation Areas

The proposal is accompanied by a heritage impact statement outlining how it complies with the objectives and controls of this part of the DCP and its minimal impact on the Conservation Area.

Chapter 5.2 – Residential Accommodation – Former Canterbury LGA

Section 2 – Dwelling houses & Outbuildings

Section 2 controls that are relevant to the site and development are outlined below with commentary.

SITE PLANNING

2.1 -Minimum lot size and frontage

C1-C4

The site layout, subdivision and size is existing, this part of DCP is not applicable to the proposal.

	Control	Complies	Comment
2.2 – Site Coverage			
C1	Maximum allowable building footprint:380sqm	Yes	Proposed building footprint: 304sqm
	Maximum Site Cover of all structures on a Site: 40% or 260.28sqm	Yes	Proposed Site Cover: 259.9sqm or 39.9%
	Maximum Floor Area of All Outbuildings:60sqm	Yes	Proposed Floor Area of Outbuildings: 24.8sqm
Clause C1.2.4 – Landscaping			
C1	Minimum required Deep Soil Area: 25% or 162.68sqm	Yes	178.8sqm or 27.5%
C2	Minimum dimension of deep soil area: 2.5m	Yes	2.5m

2.4 – Layout and orientation

C1-C6

The proposal has its living areas and private open spaces oriented to the north, with appropriate shading to maximise natural lighting, solar access without unduly increasing the building's heat load. Appropriately located fenestration encourages cooling breezes, from prevailing winds and passive solar design techniques have been employed.

Casual surveillance is maintained through windows of living areas and bedrooms to both street frontages.

BUILDING ENVELOPE

2.5–Height			
	Control	Complies	Comment
C1	Max. 2 storey built form	Yes	
	Max building height of 8.5m	Yes	7.4m
	Max. wall height of 7m	Yes	5.8m
	Finished ground floor level less than 1m above natural ground	Yes	0.7m

Basement & Sub-Floor Projection

Not applicable to this proposal

Attics and Roof Terraces

Not applicable to this proposal

Basement and Subfloor

Not applicable to this proposal

Retaining walls – Development without Basement Parking

Not applicable to this proposal

Cut and Fill - Development without Basement Parking

Not applicable to this proposal

2.6 - Setbacks			
	Control	Complies	Comment
C1	Development, including basement and sub-floor areas, fronting a major road must have a minimum front setback of 9m.	N/A	
C2	Front setback Min. 6m or average if neighbouring properties on either side	Yes	Existing
	Max 2m recess for main entry from front setback	N/A	As existing
	Side Setbacks Min: 1000mm from side boundaries	Yes	1200mm

	Minimum setback from secondary street frontage: 2m	Yes	2m
	Rear Boundary Min 6m from rear boundary		Primary Dwelling is 19.5m from rear boundary
	Outbuildings side setbacks 450mm for wall height over 2.7m	Yes	Proposed demountable carport is 900 from side boundary
	Wall height less than 2.7m may encroach into side setback area	Noted	

Exceptions and other requirements

C3-C14

The exceptions and other requirements, are not applicable to this proposal, except C9, in that the proposal parking structure will comply with the BCA.

2.7-Building Separation (Alterations & Additions)			
	Control	Complies	Comment
C1	Top storey of 2 storey buildings should be designed as a series of connected pavilions	Yes	Top storey is designed as a pavilion
	Pavilions should have a depth between 10m & 15m	Yes	Top storey wall is 6.2m long See Drawings
	Articulate pavilion elements by additional side boundary setback and identified by separate roofs	Yes	The building is articulated with varying setbacks and separate roofs.

BUILDING DESIGN

2.8 - General Design

Contemporary built form

C1-C6

The building form of the proposal reflects the original traditional features in its roof form, materials and proportions, with contemporary detailing in the timber work, windows, and shading elements. It retains the main roof features that address the street, and the front façade.

Access to the first floor is via an internal staircase and the building contains a kitchen and laundry.

Building Entries			
	Control	Complies	Comment
C7	Entries to residential buildings must be clearly identifiable.	Yes	New Entry Porch proposed to increase entry identification
C8	C8 The front door to a dwelling house may face a side boundary, or may be located beneath a carport, provided it is clearly identified by a porch or awning, and pathways.	Yes	Existing, new porch proposed

C9	A minimum of one habitable room must be oriented towards the street to promote positive social interaction and community safety.	Yes	
C10	Sight lines to the street from habitable rooms or entrances must not be obscured by ancillary structures	Yes	
Internal Dwelling Layout			
	Control	Complies	Comment
C11	Design interiors to be capable of accommodating the range of furniture that is typical for the purpose of each room.	Yes	The interior design of the building is capable of accommodation the range of furniture that is typical for the purpose of the room. The bedrooms and kitchen contain general storage.
C12	The primary living area and principal bedroom must have a minimum dimension of 3.5m.	Yes	Min dimension 3.6m main bedroom, 4.6m primary living area
C13	Secondary bedrooms must have a minimum dimension of 3m.	Yes	Min dimension 3.35
C14	Provide general storage in addition to bedroom wardrobes and kitchen cupboards.	Yes	Noted

Façade Treatment

C15- C24

The proposal will retain the existing primary street façade, however, the proposed extension will address the secondary street through its articulation and detailing. The street visible facades are articulated to reflect the scale, rhythm and characteristics of the neighbouring bungalows by using articulation panels of about 6m, the articulation takes the form of setbacks of at least 3m and of varying roof heights and pitches. Its north facing orientation is reflected by using eaves and shade structures, with highlight fenestration on the south to allow cooling breezes.

The proposed new work uses materials that both contrast and match the original, that being a combination of face brick and rendered walls, and tiled roofs.

	Control	Complies	Comment
C20	Width of street facing articulation panels: 4m to 6m	Yes	Existing
	Width of side facing articulation panels: 10 to 15m	Yes	Max. width of new work is 6.5m

Pavilions

C25-C28

The two storey component of the proposal has been designed as a pavilion with a maximum length of about 7m.

Windows

C29-C35

The proposed windows are generally rectangular with vertical proportioning. Appropriately located and shaded in accordance with the orientation. No dormers are proposed

Ventilation

C36-C37

High level north/south facing windows will encourage natural convective ventilation through the dwelling.

Roof Design & Features

C1-C9

The existing original portion of the roof will be retained. The side addition will be a flat/skillion roof that sits under the gutter line of the existing roof. The pavilion link is a pitched roof with a lower ridgeline, and the proposed rear pavilion consists of a hipped roof on the ground floor and a secondary street facing roof on the first floor. The roof will be terracotta tiled and pitched to match the existing roofing,.

AMENITY

2.10 – Solar Access and Overshadowing

	Control	Complies	Comment
<i>Solar access to proposed development</i>			
C1	Min 2 hours sunlight to primary living areas between 9am & 3pm on 21 June	Yes	In sunlight between 10am and 2pm, with fenestration facing north in those rooms.
C2	Min 2 hours sunlight to 50% of private open space between 9am & 3pm on 21 June	Yes	More than 50% of the private open space will enjoy direct sunlight between 9am and 1pm on the 21 June
C3	Not Applicable		
<i>Solar Access to neighbouring Development</i>			
C4	Min 2 hours sunlight to livings areas & sunlight to 50% of private open space between 9am & 3pm on 21 June to be retained	Yes	Attached shadow diagrams, indicate proposal complies.
C5	If neighbouring dwelling currently receives less than 2 hours of sunlight do not reduce sunlight access	Yes	Not reduced
C6	Maintain min 2 hours of direct sunlight to Solar collectors bet 9am & 3pm, 21 June	N/A	No solar collectors
	If system currently receives less than 2 hours of sunlight do not reduce sunlight access	N/A	N/A
C7	Maintain a min 2 hours direct sunlight on 21 June to clothes drying area	Yes	Clothes drying area will have more than 2 hours of direct sunlight on 21 June

Shading devices

C8-C16

The proposal has large window openings facing north, with appropriate horizontal and vertical shading devices for sunlight capture in winter and shading in summer. South facing, daylight capturing windows are openable for cross ventilation. New east and West facing windows have adjustable shading devices to appropriately shade as necessary in summer and allow the sun in as required in winter.

Eaves have a minimum of 350mm overhang, allowing an overhang of about 65° to the horizontal.

Internal window coverings will be installed to improve heat retention, and extra summer heat protection. Windows and doors will be fitted with appropriate draft protection to prevent winter heat loss.

2.11 – Visual Privacy

C1-C4

Large windows to living areas in the proposal are on the ground floor, overlooking the private open space and oriented away from the nearest building. First floor windows are generally, high level, small or to bedroom spaces or oriented towards the street.

2.12 – Acoustic Privacy

C1-C4

The proposal will ensure reasonable levels of acoustic privacy of residents and neighbouring developments with living areas located away from neighbouring bedrooms and quiet areas.

FENCES & ANCILLARY DEVELOPMENT

2.13 - Fences

A new 1.2m masonry fence is proposed to both the main street and secondary street frontages. The fence on the secondary street will finish in line with the corner of the new side extension, which is 6m behind the building line. A minimum 1.8m high side boundary fence is proposed for the remainder of the boundary.

2.14 - Outbuildings & Swimming Pools

	Control	Complies	Comment
<i>Clause C1.6.2 – Outbuildings and Swimming Pools</i>			
C1	Maximum height of outbuilding: 4.8m	Yes	Max height of outbuilding: 3.0m
	Maximum outbuilding external wall height 3.5m	Yes	Max height of outbuilding wall: 2.4m

Section 7– Secondary Dwellings

Secondary Dwellings can be carried out under the SEPP (Housing) 2021 and under the LEP. As the site is in a conservation area, and a Development Application is required, then assessment is undertaken in reference to the relevant provisions of the State Environmental Planning Policy (Affordable Housing) 2009, and the LEP.

Note: The SEPP (Affordable Housing) 2009 was repealed on 26/11/2021. Nonetheless, this Statement of Environmental Effects is based on its provisions as under the current CDCP2023, any application for a secondary dwelling will be assessed against Schedule 1 of the ARH SEPP 2009.

Clause C6.1 – Minimum Frontage

Minimum frontage is to be considered on merit, taking into consideration Canterbury City Council's Secondary Dwelling (Granny Flat) Policy and the ARH SEPP 2009. The Canterbury City Council's Secondary Dwelling (Granny Flat) Policy uses the ARH SEPP 2009 without additional conditions. Compliance of the proposal with ARH SEPP 2009 is discussed on Section 5.4 below.

Compliance with Clause 6.1 Objectives

- 01 *To ensure that land to be developed is of an adequate size and shape to accommodate development whilst providing adequate amenity for occupants of the site and surrounds.*

The site is over 650sqm, large enough to adequately provide for the amenity of the sites and surrounds. It is sited on a corner, which allows the granny flat to have street access.

- 02 *To ensure there is adequate area for vehicle access and parking.*

The site's corner location and size allows for adequate vehicle parking in accordance with the DCP.

- 03 *To ensure sites have sufficient dimensions to accommodate adequate landscaped open spaces.*

The site is large enough to accommodate adequate landscaped areas and open space.

5.4 State Environmental Planning Policy (Housing) 2021

The *State Environmental Planning Policy (Housing) 2021*, applies to land zoned R2, where development for the purpose of a dwelling house is permissible, and controls the development for the purposes of the erection secondary dwelling.

The standard instrument defines a secondary dwelling as:

secondary dwelling" means a self-contained dwelling that-

- (a) is established in conjunction with another dwelling (the "**principal dwelling**"), and
- (b) is on the same lot of land as the principal dwelling, and
- (c) is located within, or is attached to, or is separate from, the principal dwelling.

The proposal will result in a principal dwelling and a secondary dwelling on the subject property.

DIVISION 2 – Secondary Dwellings

Clause 52 – Development may be carried out with consent.

Comment: The total floor area of the principal dwelling and secondary dwelling is no more than that allowed for a dwelling house under the CBCLEP 2023, as discussed above. The floor area of the granny flat is 60sqm and the site area is 650.7sqm, which complies with the minimum 450sqm required. The proposal complies with this Clause.

Clause 53 – Non-Discretionary Development Standards – the Act, s4.15

The proposal meets the minimum site area of 450sqm and provides the minimum number of car spaces immediately before the development is carried out, in accordance with this clause, Council cannot require more onerous standards on those 2 items.

Division 3 – Complying Development

Comment: The proposed granny flat development is not a complying development as the site is in a heritage conservation area. State Environmental Planning Policy (Affordable Housing) 2009

SCHEDULE 1 - State Environmental Planning Policy (Affordable Housing) 2009

Part 2 - Site Requirements

2 Lot Requirements

Comment: At completion, there will only be one principal dwelling and one secondary dwelling on the lot.

The lot has an area of 650.7sqm, and a width at the building line is 13.41m, which complies with the minimum requirement of 12m for a site with the area between 450sqm and 900sqm.

3 Maximum Site Coverage of all Development

Comment: The proposed site cover is 259.9sqm, of 39.9%, well below the maximum 50% allowable under this clause.

4 Maximum Floor area of Principal and Secondary Dwelling

Comment: The floor area of the proposed secondary dwelling is 60sqm. The total floor area of the principal dwelling, secondary dwelling and ancillary development is 328.7sqm, which complies with the maximum of 380sqm allowable on a site greater than 600sqm and less than 900sqm.

5 Setbacks and maximum floor area of balconies, decks, patios, terraces and verandahs

Comment: There are no balconies, decks, patios, terraces and verandahs with floor a level greater than 2m from natural ground proposed. No detached decks are proposed.

Part 3 – Building Heights and Setbacks

6 Building Height

Maximum allowed height of secondary dwelling is 8.5m

Maximum allowable height of outbuilding is 4.8m

Comment: The proposed secondary dwelling has a maximum height of 4.4 above natural ground.

7 Setbacks from Roads

Minimum required setback on a corner lot from the boundary with a secondary road is 3m for a site greater than 600sqm and less than 900 sqm.

Comment: The proposed secondary dwelling has a minimum secondary boundary setback of 3m.

8 Setbacks from Classified Roads

Not Applicable.

9 Setbacks from side boundaries

Minimum required setback from a side boundary of 0.9m

Comment: The proposed secondary dwelling has a minimum side boundary setback of 1.06 m and a maximum wall height of 2.9m. It has a maximum height of 4. m, at least 3.5m from the side boundary.

10 Setbacks from rear boundaries

Minimum required setback from a rear boundary is 3m.

Comment: The proposed secondary dwelling has a minimum rear boundary setback of 5.16m.

13 Building Articulation

Comment: The proposed secondary dwelling has a window to a main living area, and the front door, facing the secondary street frontage. A covered porch, occupies the articulation zone.

15 Privacy

Comment: The proposed secondary dwelling does not have a finished floor level greater than 1m above ground, therefore the proposed windows do not require privacy screening.

Part 4 – Landscaping

16 Landscaped Area

A minimum 25% (162.68sqm) of landscaped area is required.

Comment: The proposal has a proposed landscaped area with a minimum of 2.5m of 177.5 sqm or 28.9%. About 117sqm or 72% of the required landscaped area is behind the building line.

17 Private Open Space

Comment: The proposal has at least 84sqm of shared private open space that is at least 4m wide and has a gradient of less than 1:50 and is located adjacent the primary living areas.

Part 5 – Earthworks and Drainage

18 Earthworks, Retaining Walls and Ancillary Development

Comment: The only excavation to be carried out as part of the proposal is for slabs and footings, which will be less than 1000mm from natural ground. Only minimum fill for slab on ground is proposed. There are no retaining walls proposed.

21 Drainage

Comment: Storm water drainage is designed in compliance with the Canterbury DCP.

22 Setbacks from Protected Trees

Comment: The proposed secondary dwelling is not closer than 3m to a protected tree.

6. OTHER ENVIRONMENTAL CONSIDERATIONS

6.1 Air & Noise

The proposal will not produce any air or noise pollution; it is a single dwelling development.

6.2 Compliance with the Requirements of The National Construction Code

The proposal will be constructed in accordance with the NCC and the NSW appendix.

7. SECTION 4.15 EVALUATION

For Council's convenience, the following is submitted as the State of Environmental Effects in terms of items of consideration under Section 4.15 of the Environmental Planning and Assessment Act, 1979

7.1 Environmental Planning Instruments and Development Standards

The proposed development:

- Is permissible under the '*R2 Low Density Residential*' zoning Land use table Canterbury LEP2023;
- Will comply with the Canterbury LEP2023 planning and zoning objectives and statutory development standards;
- Will comply with the Canterbury DCP2023;
- Will Comply is the SEPP(ARH)2009
- Will comply with Council's Stormwater drainage guidelines.

7.2 Likely Effects of the Proposed Development

As set out in the report above, the proposed alterations and additions will:

- Have an acceptable impact on the adjoining or nearby properties;
- Have an acceptable relationship to the Ashbury Heritage Conservation Area, and the overall locality's existing residential development;
- Provide housing in the local area in line with the Council's town planning objectives;
- Will benefit the overall community following the occupation by the applicant's family;
- Will not have any significant adverse impact on any adjoining or nearby properties in terms of:
 - Context and setting
 - Access, transport and traffic;
 - Heritage aspects of the Ashbury Heritage Conservation Area;
 - Water and soils;
 - Air and Noise;
 - Flora and Fauna;
 - Security & Crime;
 - Energy and Water Conservation.

As such, the proposed development will have an acceptable relationship to the locality's existing natural and built environment as well as social and economic impacts in the locality.

7.3 Site Suitability

The site is of sufficient size and shape to locate the proposal without causing any significant adverse problems within the site or to adjoining or nearby properties.

There is sufficient public transport, schools, and parks in the local area to accommodate the needs of the applicant's family.

The proposal will provide improved housing stock in the Canterbury-Bankstown Area, consistent with Council's town planning objective and the improved housing opportunities will benefit the overall community.

7.4 Submissions made under the Act or Regulations

None applicable.

7.5 Public Interest

The public interest is not adversely affected by the proposal.

8. CONCLUSION

The proposal:

- Is a permissible use under the *R2 Low Density Residential* Zoning;
- Complies with the CLEP2023;
- Complies with the CDCP2023;
- Satisfies the controls and objectives of the Ashbury Heritage Conservation Area;
- Satisfies the area's current and future planning objectives;
- Will not have an adverse effect on the neighbouring properties;
- Will adequately fit into the area.

The design, environmental impact, landscaping, parking and drainage all satisfactorily comply with the local requirements and do not pose any loss of amenity, as such justifies a positive merit assessment.