

# STATEMENT OF ENVIRONMENTAL EFFECTS

## **BUILDING APPROVAL SOLUTIONS - 2024**

*8 Chauvel Avenue, Milperra NSW 2214 –Alterations and re-location of  
an unauthorised domestic shed and continued use of as-built  
bathroom*

*Lot 30 DP235637*

# TABLE OF CONTENTS

## Table of Contents

1.0	Introduction	1
1.1	Subject Site	1
1.2	Description of the Proposed & HISTORY	1
1.3	Applicable Statutory & Non-Statutory Plans/Policies	1
2.0	Site Analysis	2
2.1	Description of the Subject Site	2
2.2	Adjoining Land Use & Locality Character	3
2.3	Zoning	5
3.0	Matters for Consideration	7
3.1	Relevant Strategic and Statutory Plans and Policies	7
3.2	Context and Setting	12
3.3	Access Traffic & Utilities	12
3.4	Environmental Impacts	12
3.5	Flora and Fauna Impacts	12
3.6	Natural & Technological Hazards	12
3.7	Waste Management	13
3.8	Social & Economic Impacts	13
3.9	Acoustic Impacts	13
3.10	Heritage Impacts	13
3.11	Public Interest	13
4.0	Conclusion	14

# 1.0 INTRODUCTION

## 1.0 Introduction

This Statement of Environmental Effects (SEE) is submitted to City of Canterbury-Bankstown Council as part of a Development Application (DA) for **proposed storage shed and continued use of as-built bathroom**. This SEE describes the site, its environs and the proposed development, provides an assessment of the proposal in terms of the matters for consideration under Section 4.15 of the *Environmental Planning and Assessment Act 1979 (EP&A Act)*. Within this report, references to “the site” mean the land to which this DA relates.

### 1.1 SUBJECT SITE

The site of the proposed works is at 8 Chauvel Avenue, Milperra and can be legally identified as Lot 30 in DP 235637.

### 1.2 DESCRIPTION OF THE PROPOSED & HISTORY

The DA seeks development consent for relocation of an unauthorised erection of a storage shed and associated works to meet the storage needs of the occupants, and continued use of as-built bathroom.

It is proposed that internal walls be removed to regularise the layout of the subject shed which is currently located over a registered easement. The subject proposal seeks to situate the shed in a more appropriate location on the site to maintain the terms of the easement and protect neighbourhood amenity.

An existing exempt garden shed is also proposed for removal, not requiring approval for removal.

**Note: This Statement is to be read in conjunction with the submitted Plans set.**

### 1.3 APPLICABLE STATUTORY & NON-STATUTORY PLANS/POLICIES

State Environmental Planning Policy (Resilience and Hazards) 2021

State Environmental Planning Policy (Biodiversity and Conservation) 2021

State Environmental Planning Policy (Sustainable Buildings) 2022 windows

Canterbury- Bankstown Local Environmental Plan 2023

Canterbury- Bankstown Development Control Plan 2023

## 2.0 SITE ANALYSIS

### 2.0 Site Analysis

#### 2.1 DESCRIPTION OF THE SUBJECT SITE

The legal description of the site is Lot 30 in DP 235637 and is commonly known as 8 Chauvel Avenue, Milperra. (see FIGURE 1 below).

The site has an area of 557.4sqm by calculation and a frontage of 15.24m to Chauvel Avenue. The site is located on the southern side of Chauvel Avenue and has a slight fall of approximately 660mm from front to rear. Situated on the site is a single storey dwelling house of brick finish, an attached carport and garage along the eastern side boundary of the site. The subject outbuilding is located in the rear yard adjacent the western side boundary. The site features consolidated lawn areas in the front yard and rear yard. 2x small garden are also located at the rear of the site. There are no site trees.

## 2.0 SITE ANALYSIS



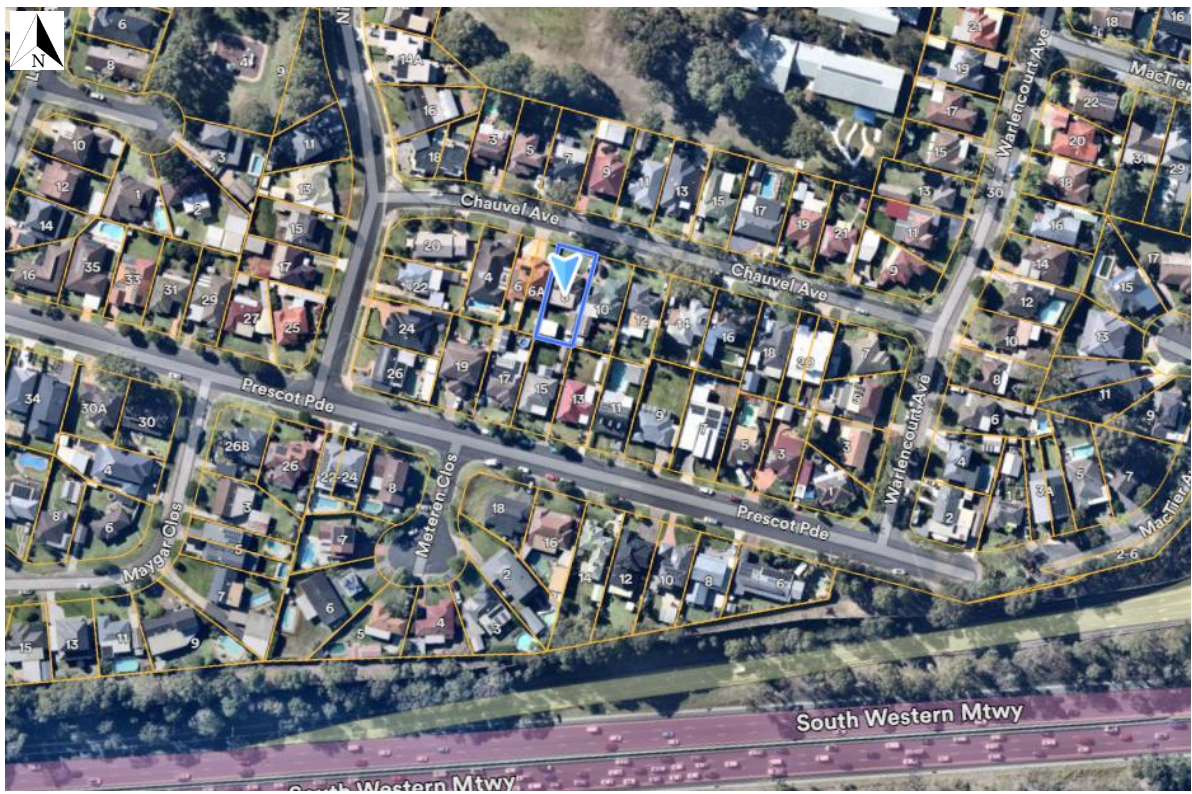
**FIGURE 1** (Source: Nearmap, Accessed 08.05.2024)

### 2.2 ADJOINING LAND USE & LOCALITY CHARACTER

The land is located within a R2 Low Density Residential zone. Adjoining developments to the site are a 2-storey semi-detached dwelling to the west, a 2-storey dwelling house to the east and a single storey dwelling to the south with frontage to Prescot Parade. The immediate locality is characterised by low density residential developments of different architectural styles and finishes consistent with its zoning. The South-Western Motorway (M5) is located approximately 130m south of the site. Figure 2 below.



## 2.0 SITE ANALYSIS



**FIGURE 2** (Source: Nearmap, Accessed 08.05.2024)

## 2.0 SITE ANALYSIS

### 2.3 ZONING

#### Zoning Map

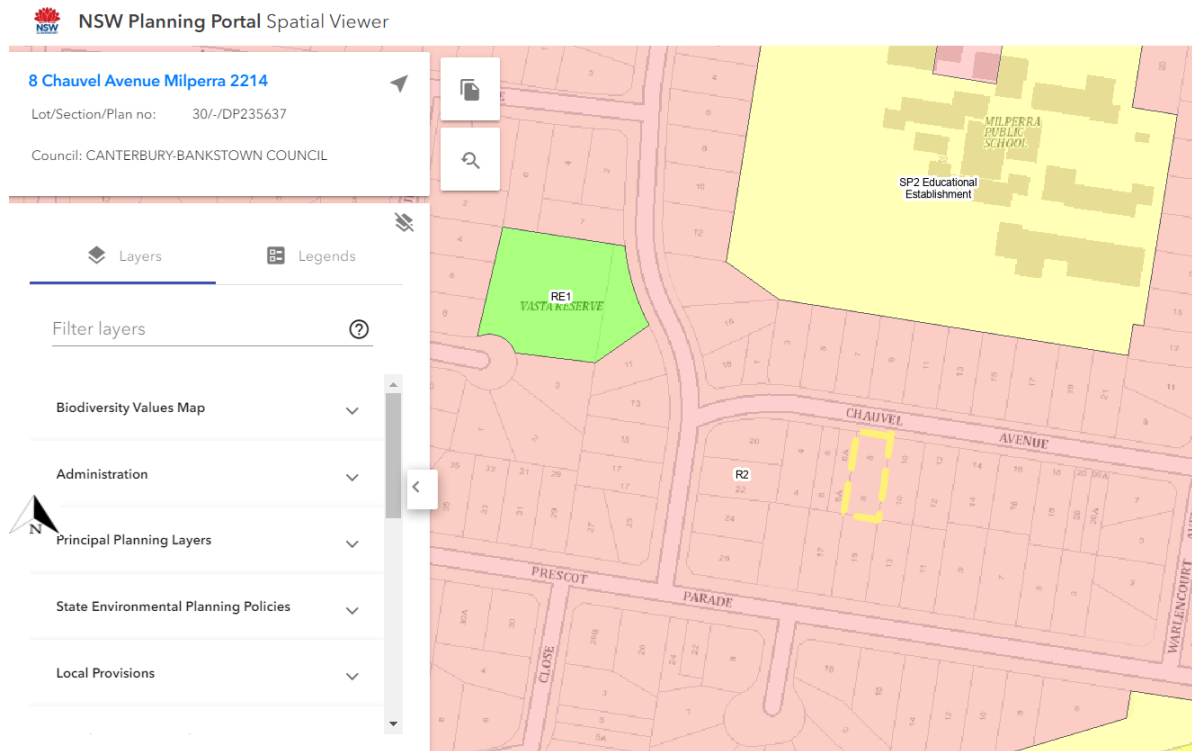


FIGURE 3: (NSW Planning Portal Spatial Viewer. Accessed 08.05.2024)

The subject site is zoned **R2 Low Density Residential**. The proposed works are permissible under this zoning and consistent with the objectives of the zone.

#### CANTERBURY-BANKSTOWN LOCAL ENVIRONMENTAL PLAN 2023

##### Zone 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 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.

## 2.0 SITE ANALYSIS

- 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



## 3.0 MATTERS FOR CONSIDERATION

### 3.0 Matters for Consideration

This chapter contains the assessment of the environmental effects of the proposed development as required under *Section 4.15 of the EP & A Act 1979*. In determining a development application, the consent authority has to take into account a range of matters relevant to the development including the provisions of environmental planning instruments, impacts to the built and natural environment, social and economic impacts of the development; the suitability of the site; and whether the public interest would be served by the development.

These matters for consideration are further discussed in the ensuing sections.

#### 3.1 RELEVANT STRATEGIC AND STATUTORY PLANS AND POLICIES

##### Summary of compliance

##### **State Environmental Planning Policy (Resilience and Hazards) 2021**

###### Chapter 4 Remediation of land

Section 4.16 (1) of the SEPP requires the consent authority not consent to the carrying out of any development on land unless:

- “(a) it has considered whether the land is contaminated, and
- (b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and
- (c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.”

In considering the above, there is no evidence of contamination on the site.

##### **State Environmental Planning Policy (Biodiversity and Conservation) 2021**

###### Chapter 2 Vegetation in non-rural areas

This chapter of the SEPP concerns protection/removal of vegetation and gives effect to the local tree preservation provisions of Council’s DCP.

## 3.0 MATTERS FOR CONSIDERATION

The application does not seek any vegetation removal from within the site or on neighboring land. Overall, the proposal is considered acceptable having regard to this chapter of the SEPP.

### State Environmental Planning Policy (Sustainable Buildings) 2022

The proposal is not categorised as Basix development as per the provisions of the Environmental Planning and Assessment Regulation 2021. As such, a BASIX certificate is not required. Notwithstanding, the development will remain efficient in terms of thermal, water and energy, given existing arrangements on the site.

**Table 1.1 – Compliance with Canterbury- Bankstown Environmental Plan 2023**

COMPLIANCE TABLE		
Requirements	Comment	Compliance
<b>Part 2 Permitted or prohibited development</b>		
2.1 Zone R2 Low Density Residential	<p>Dwelling House means a building containing only one dwelling.</p> <p>The proposed shed constitutes an ancillary structure to a dwelling house</p>	Yes
2.3 – Zone Objectives	The development meets the objectives of the zone.	Yes
2.7 Demolition requires development consent	Demolition works to be carried out as part of the subject development.	n/a Existing exempt garden shed to be removed does not require approval for removal
<b>Part 4 Principal development standards</b>		
4.3 Height of buildings	<p>The maximum height of building applicable to the site is 8.5m.</p> <p>The subject shed achieves a maximum height of 2.81m.</p>	Yes
4.4 Floor Space Ratio	The maximum floor space ratio applicable to the site is 0.5:1.	Yes

## 3.0 MATTERS FOR CONSIDERATION

	The proposed shed has an internal floor area of 36sqm. As per the Standard Instrument definition of FSR, total FSR will be a sum of the internal areas of the dwelling house (125sqm + subject shed(36sqm) + small garden shed (5sqm) 0.30:1(166sqm)	
<b>Part 6 Local Provisions</b>		
6.2 Earthworks	The earthworks associated with the subject works are minor in nature and is unlikely to have a detrimental impact on environmental functions and processes, existing drainage patterns, or soil stability	Yes
6.3 Stormwater Management and water sensitive urban design	The proposal can be conditioned to ensure compliance with the provisions of this Clause and to meet Council's stormwater policy	Yes

**Table 1.2 – Compliance with Canterbury-Bankstown Development Control Plan 2023**

Requirements	Comments/Proposed	Compliance
<b>Chapter 5 Residential Accommodation (5.1 Former Bankstown LGA)</b>		
<b>Section 2 – Dwelling Houses</b>		
<b>Private Open Space</b>		
2.10 Dwelling houses must provide a minimum 80sqm of private open space behind the front building line. This may be in the form of a single area or a sum of areas provided the minimum width of each area is 5 metres throughout.	A consolidated area of approximately 100sqm will be maintained as private open space in the rear yard of the site.	Yes
<b>Landscape</b>		
2.28 Development must retain and protect any significant trees on the site and adjoining sites.	The proposed outbuilding would not result in any loss of trees on the subject site or trees on adjoining sites.	Yes
2.29 Development must landscape the following areas on the site by way of trees and shrubs with preference given to	The proposal would not result in any net loss of front yard landscaping.	Yes

## 3.0 MATTERS FOR CONSIDERATION

native vegetation endemic to Canterbury-Bankstown		
(a) a minimum 45% of the area between the dwelling house and the primary street frontage		
<b>Section 12- Ancillary development (outbuildings)</b>		
<b>Restrictions</b>		
12.1 Council allows a maximum of one outbuilding on a site.	<p>The subject outbuilding would be the main outbuilding on the site, noting that the rear garden shed which is approximately 5sqm in area is generally satisfactory with the Exempt Development Codes, and to be removed.</p> <p>Note: The existing carport and garage are attached to the dwelling house.</p>	Yes
<p>12.2 The outbuilding must be established in conjunction with the principal dwelling on the same site and must ensure that:</p> <p>(a) it is separate from the principal dwelling and any secondary dwelling on the same site, and</p> <p>(b) it is not used as a separate dwelling, and</p> <p>(c) it does not contain cooking facilities, toilet and shower, and</p> <p>(d) it does not function or can be adapted to function for industrial purposes</p>	<p>The outbuilding is established in conjunction with the principal dwelling to be used as a shed.</p> <p>It is separate from the principal dwelling.</p> <p>It is not proposed for use as separate dwelling</p> <p>The outbuilding contains a toilet facility to enable its use as a storage shed.</p> <p>The proposed layout of the outbuilding as satisfactory as it does not function or make it adaptable for industrial purposes.</p>	Yes
<b>Site Cover</b>		
<p>12.3 The maximum site cover of the outbuilding is:</p> <p>(b) 45sqm where the site is 300sqm to 600sqm in area</p>	The subject outbuilding achieves a site cover of 45sqm	Yes
12.4 The outbuilding must not result in the principal dwelling on the site having less than the required landscaped area and private open space	The site maintains the minimum required landscaped area as discussed under Section 2 – Dwelling House	Yes
<b>Height</b>		

## 3.0 MATTERS FOR CONSIDERATION

12.5 The storey limit for the outbuilding is single storey. An attic or basement is not permitted in the outbuilding	The proposed outbuilding maintains a single storey form and no attics or basements are incorporated into the design.	Yes
12.6 The maximum building height for the outbuilding is 4.5 metres above ground level (existing).	The subject outbuilding achieves a maximum height of 2.81m	Yes
12.7 The siting of the outbuilding 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	The location of the structure is considered compatible with the existing landscaping conditions and site slope.  Whilst the outbuilding (shed) incorporates piers, the elevation achieves a maximum finished floor level height of 350mm to the southern rear boundary. Noting that the outbuilding will be located 3.71m from the rear boundary and 1.1m from the side boundary.  Given the proposed use of the outbuilding, height of the existing side boundary fence (western boundary) which is 1.8m in height, there are no unreasonable visual amenity impacts expected from the development.	Yes
Street setbacks		
12.8 The outbuilding must locate behind the front building line.	The outbuilding is located behind the front building line (rear yard).	Yes
12.9 The minimum setback to the side and rear boundaries of the site is:  (a) zero setback for carports or masonry walls that do not contain windows, eaves and gutters provided the structures comply with the National Construction Code; or  <b>(b) 0.45 metre for non-masonry walls that do not contain windows, eaves and gutters; or</b>  (c) 0.9 metre for walls with windows.	A minimum side setback of 1.1m is provided for the outbuilding to the western side boundary.	Yes
12.10 The minimum setback to a dwelling, building, roof, awning, balcony, deck, patio, pergola, terrace, verandah,	The setbacks between the outbuilding and all other	Yes



## 3.0 MATTERS FOR CONSIDERATION

carport, garage and the like on the same site is 1.8 metres.	structures on the site are greater than 1.8m	
<b>Building design</b>		
12.11 The maximum roof pitch for the outbuilding is 25 degrees	The roof pitch proposed for the outbuilding is 20 degrees.	Yes
Council does not allow the outbuilding to have roof-top balconies and the like.	No roof top balconies or the like are incorporated into the design	Yes
<b>Landscape</b>		
12.13 Development must retain and protect any significant trees on the site and adjoining sites.	The proposed outbuilding would not result in the loss of any trees.	Yes

### 3.2 CONTEXT AND SETTING

The subject works is envisaged to impart no adverse impacts in this regard. It complements the existing and envisaged development patterns and imparts negligible effects on the locality character. The proposal will act to enhance the socio-economic values of the locality whilst assisting the continued viability of the subject site by enabling responsible development thereof.

### 3.3 ACCESS TRAFFIC & UTILITIES

The subject site and works are not envisaged to impart any notable impacts on traffic conditions for the locality and will utilise existing access provisions. All required utilities are provided to the site and the proposed is again envisaged to impart negligible impacts or increased strain on these services.

### 3.4 ENVIRONMENTAL IMPACTS

Environmental constraints have been identified and mitigated on the subject site as discussed below, although there are no adverse effects are envisaged in this regard.

### 3.5 FLORA AND FAUNA IMPACTS

No significant ecological communities of species have been identified on the subject site and minimal disturbance to any existing flora or fauna is envisaged.

### 3.6 NATURAL & TECHNOLOGICAL HAZARDS

A preliminary assessment of the available information has not identified any such hazards on the site.

## 3.0 MATTERS FOR CONSIDERATION

### 3.7 WASTE MANAGEMENT

All construction waste is to be appropriately removed from site as per the submitted waste management plan. Ongoing waste generated through occupation of the site is to be disposed of as per council's waste management regulations and services.

### 3.8 SOCIAL & ECONOMIC IMPACTS

The proposed development will result in beneficial social and economic effects being imparted not only on the site but also on the surrounding locality.

### 3.9 ACOUSTIC IMPACTS

It is anticipated that nil to negligible adverse impacts will be incurred pertaining to noise levels at the site locality. The proposed development does not envisage any adverse acoustic impacts as a result of the proposal obtaining consent.

### 3.10 HERITAGE IMPACTS

Consideration to the sites historical and archeological aspects are non-applicable in this regard. The subject site has no such aspects associated with it as outlined in the Section 10.7 certificate produced by council and no indicatory features have been identified to warrant further consideration.

### 3.11 PUBLIC INTEREST

The scope of the proposed is arguably not significant enough to engage public interest considerations. With that said the proposed is envisaged to impart enhanced socio-economic amenity to the immediate locality. Support for the proposed is deemed to be in the public interest through the continuation of viable development in the area, allowing adaptation to the transforming fabric of development inherent to built form frameworks.

## 4.0 CONCLUSION

### 4.0 Conclusion

The Statement of Environmental Effects is submitted to City of Canterbury- Bankstown Council in the belief that the works itemised below be approved.

- relocation of an unauthorised erection of a storage shed and associated works to meet the storage needs of the occupants &
- continued use of as-built bathroom

The development is permissible under the zoning as specified in the relevant planning instruments and successfully achieves the desired objectives of thereof. At all stages the development appears compliant with the performance criteria specified. Specifically, the works have been assessed against the Canterbury- Bankstown Local Environmental Plan 2023 and Canterbury- Bankstown Development Control Plan 2023.

The proposed development, if approved, will form an exemplary figure in the area for holistic and thorough application of planning principles implemented through consideration and application of council's development controls. Support for such development is imperative in the continued viability of the areas existing landscape.