

Statement of Environmental Effects

Proposed new secondary dwelling and carport.

At

91 Fifth Ave Campsie

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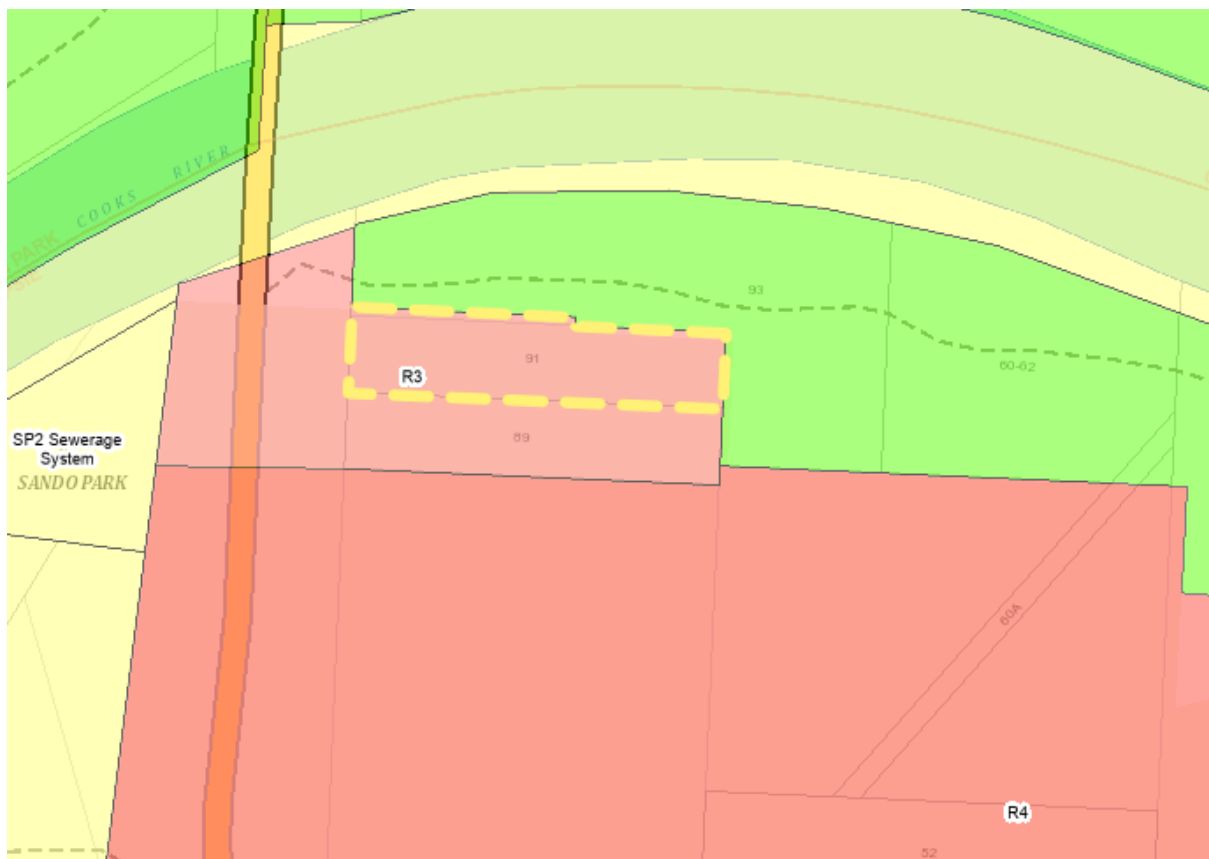
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Introduction

This Statement of Environmental Effects (SEE) is for land known as 91 Fifth Ave Campsie 2194, Lot 2 DP 10850. It is proposed to construct at rear secondary dwelling, shed and front carport only.

This SEE is to accompany a Development application and is to be read in conjunction with Architectural Plans.

This report describes the proposed development and site and demonstrates compliance with Canterbury Bankstown LEP2023, and DCP 2023.



Site Description

The site is known as 91 Fifth Ave Campsie 2194, Lot 2 DP 10850 and has an area of 562.8sqm. The site is zoned R3 under LEP. The EXISTING dwelling has properties on the SOUTH side of the site. The site has existing fencing and landscaping in place.

Is the site affected by:

Mine Subsidence – No

Road Widening - no

Flood – yes

Critical habitat/environment – No

Bushfire – No

Heritage – No

Development Proposal

It is proposed to construct a secondary dwelling, shed and front carport. The building will be constructed in accordance with the NCC and council requirements.

Assessment of relevant codes and policies

The following planning instruments are relevant to the proposed development:

- Canterbury Bankstown Environmental Plan 2023
- Canterbury Bankstown Control Plan 2023
- NCC or National construction code

B.C.A or National construction code

The proposed additions will meet B.C.A/NCC requirements in fire separation and construction, these footing and slabs will be structural sound and footing to be designed to ENG details.

Site Suitability:

The proposed secondary dwelling has little impact to residential dwellings. No 89 Fifth Ave Campsie no impact on living windows and private open space.

Present and Previous uses of the land:

The Dwelling has been there for more than 100 years, with no issues from adjoining dwellings.

Views and privacy

No views or vistas will be adversely impacted upon. No district views or significant view corridors are affected

Sustainable Building Design

N/A

Landscaping

Existing soft landscape is maintained little impact.

Weed Management

N/A

Erosion and Sedimentation Control

Works for this addition are carried out adequate sedimentation fences will be erected and measures taken as per the plans provided.

Cut, Fill and Floor Levels

n/a

Demolition

n/a

Water Catchment Management

n/a

Heritage Conservation

n/a

Fencing and Retaining Walls

The property has existing fences to the perimeter of the property

Security

Council is required to carry out an assessment in accordance with Section 79C of the Act. The requirements of the Act to ensure that the basic CPTED principles of minimising crime risk are achieved.

The four principles that need to be used in the assessment of development applications to minimise the opportunities for crime are:

- Surveillance
- Access control
- Territorial enforcement

- Space management

The layout and siting of the building on the land and fencing allow for good passive surveillance of the property by the occupants.

Risk Management

The land to be developed is not known to be contaminated. . The site is not flood affected.

Waste Management

A waste management plan forms part of this application.

Provision of Services

The site has adequate services for sewer, water electricity and phone.

Work on, Over or Near Public Land

Existing road crossing and connections are to utilized

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 - SECT 4.15

This report has given some broader consideration of the policies applying to the land in order to establish the overall controls to the development of the land.

The relevant planning instruments applying to the land have been addressed in section 4 above. There is no known draft State Environmental Planning Policies or draft Regional Planning Policies applying to the land that would affect the development of the land.

The subject application expands the opportunities afforded by the site, and hence is an 'orderly and economic' use of land. It is in a residential locality and does not generate adverse impacts such as noise and traffic on any residence within the surrounding area. It utilises public investment in roads within the immediate vicinity of the site and the broader catchment.

It does not generate any significant adverse impacts on third parties such as overshadowing or loss of privacy in the surrounding locality.

There are no significant adverse impacts on air quality, water quality, acoustic amenity and solar access, hence supporting the 'protection of the environment' and principles of ecologically sustainable development.

5.2 Section 4.15 (1)(b) - Likely impacts of the development

Natural Environment

The development will have no adverse impact on the natural environment. Sewer, water, power and telephone services are available.

Streetscape and surrounding built environment

The surrounding area is one characterised with single and two storey residential buildings also mixed use apartments.

Traffic and access

It is considered that the existing and future road network will be capable of handling traffic generated by the development on the site.

The existing driveway provides a safe means of entry and exit.

Social and economic impacts

The light poles meets Council's objectives as set out in the Local Environmental Plan.

Context and setting

The immediate area is made up of residential dwellings

The development of this land is considered compatible to surrounding existing land use.

Section 4.15 (1) (e) - Public interest

The public interest is an overarching requirement, which includes the consideration of matters discussed above. The proposal relates to market needs and in this situation extended accommodation available for the community. The development represents a productive use of the land. There are no matters of the public interest, which could be adversely impacted by conditional approval and subsequent development of the subject site.

Zone R3 Medium Density Residential

1 Objectives of zone

- To provide for the housing needs of the community within a medium density residential environment.
- To provide a variety of housing types within a medium 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 allow for development that provides a suitable visual transition between high density residential areas and low density residential areas.
- To ensure suitable landscaping in the medium density residential environment.
- To minimise conflict between land uses within this zone and land uses within adjoining zones.
- To allow for increased residential density in accessible locations to maximise public transport patronage and encourage walking and cycling.
- To promote a high standard of urban design and local amenity.

2 Permitted without consent

Home occupations

3 Permitted with consent

Attached dwellings; Bed and breakfast accommodation; Boarding houses; Building identification signs; Business identification signs; Car parks; Centre-based child care facilities; Community facilities; Dwelling houses; Early education and care facilities; Environmental facilities; Environmental protection works; Exhibition homes; Flood mitigation works; Group homes; Home businesses; Multi dwelling housing; Neighbourhood shops; Oyster aquaculture; Places of public worship; Recreation areas; Respite day care centres; Roads; Secondary dwellings; Seniors housing; Tank-based aquaculture

4 Prohibited

Any development not specified in item 2 or 3

The proposed secondary dwelling is in a R3 zone, and has not impact to the objectives for this zone under the current LEP.

4.3 Height of buildings

- (1) The objectives of this clause are as follows—
 - (a) to establish the height of development consistent with the character, amenity and landform of the area in which the development will be located,
 - (b) to maintain the prevailing suburban character and amenity by limiting the height of development to a maximum of 2 storeys in Zone R2,
 - (c) to provide appropriate height transitions between development, particularly at zone boundaries,
 - (d) to minimise overshadowing to existing buildings and open space,
 - (e) to minimise the visual impact of development on heritage items and heritage conservation areas,
 - (f) to support building design that contributes positively to the streetscape and visual amenity of an area.
- (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*.
- (2A) Despite subclause (2), the following maximum building heights apply—
 - (a) 6m for a secondary dwelling that is not attached to the principal dwelling in Zone R2 in Area 1,
 - (b) 8.5m for a dwelling house in Zone R4 in Area 2,
 - (c) 11m for a building on a lot that is less than 5,000m² on land identified as “Area 1” on the *Height of Buildings Map* that is in Zone B6,
- (2B) The maximum wall height for a secondary dwelling that is not attached to the principal dwelling in Zone R2 in Area 1 is 3m.
- (2C) The maximum wall height for a dwelling house or dual occupancy in Zone R2 in Area 1 is 7m.

(2D) In this clause—

wall height means the vertical distance between the ground level (existing) and the higher of—

- (a) the underside of the eaves at the wall line, or
- (b) the top of the parapet or the flat roof.

The proposed secondary dwelling meet the require heights please review elevations.

4.4 Floor space ratio

(1) The objectives of this clause are as follows—

- (a) to establish the bulk and maximum density of development consistent with the character, amenity and capacity of the area in which the development will be located,
 - (b) to ensure the bulk of non-residential development in or adjoining a residential zone is compatible with the prevailing suburban character and amenity of the residential zone,
 - (c) to encourage lot consolidations in commercial centres to facilitate higher quality built form and urban design outcomes,
 - (d) to establish the maximum floor space available for development, taking into account the availability of infrastructure and the generation of vehicular and pedestrian traffic,
 - (e) to provide a suitable balance between landscaping and built form in residential areas.
- (2) The maximum floor space ratio for a building on any land is not to exceed the floor space ratio shown for the land on the [Floor Space Ratio Map](#).
- (2A) Despite subclause (2), the maximum floor space ratio for a building on land specified in Column 1 of the table to this subclause with a lot width at the front building line less than the width specified in Column 2 is the floor space ratio specified in Column 3.

The proposed secondary dwelling is under the required F.S.R of 0.5:1.

DCP 2023- Chapter 5 and section 7 – Residential Development:

2.2 Site coverage

Objectives

- O1** To ensure that the scale and mass of development achieves improved levels of residential amenity for new development and for existing dwellings.
- O2** To ensure there is adequate unbuilt upon areas to allow for private open space, substantial landscaped areas and deep soil planting capable of supporting large trees.

Development controls

- C1** All development must comply with the numerical requirements contained in the table below:

Site Area	Maximum area of building footprint	Maximum floor area of all outbuildings	Maximum site coverage of all structures on a site
Up to 449m ²	300m ²	30m ²	60%
450m ² to 599m ²	330m ²	45m ²	50%
600m ² to 899m ²	380m ²	60m ²	40%
900m ² or above	430m ²	60m ²	40%

Table 1: Maximum building footprint, floor area of outbuildings and site coverage

Development controls

- C1** Deep soil permeable areas must be provided in accordance with the table below:

Site area	Minimum deep soil area (% of site area)
Up to 449m ²	15%
450m ² to 599m ²	20%
600m ² or above	25%

Table 2: Minimum deep soil areas

- C2** Deep soil areas must have a minimum dimension of 2.5m.

SECTION 7—SECONDARY DWELLINGS

Secondary dwelling is defined under LEP. Secondary dwellings can be carried out under *State Environmental Planning Policy (Housing) 2021* and the LEP. Where a development application is required, an assessment of the relevant provisions of the Affordability SEPP and LEP will be undertaken.

Minimum frontage controls in this DCP supplement the LEP provisions to ensure only sites with suitable dimensions capable of providing adequate residential amenity are developed.

Objectives

- O1** 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.
- O2** To ensure there is adequate area for vehicle access and parking.
- O3** To ensure sites have sufficient dimensions to accommodate adequate landscaped open spaces.

Development controls

- C1** Where a development application to Council is made for a secondary dwelling, the minimum frontage required for secondary dwellings will be considered on merit taking into consideration compliance with Canterbury City Council's Secondary Dwelling (Granny Flat) Policy (adopted on 15 October 2009 by CDC Minute 295).
- C2** All development applications for secondary dwellings will be assessed against schedule 1 of the ARH SEPP 2009.

Division 2 Secondary dwellings permitted with consent

52 Development may be carried out with consent

- (1) Development to which this Part applies may be carried out with consent.
- (2) Development consent must not be granted for development to which this Part applies unless—
 - (a) no dwellings, other than the principal dwelling and the secondary dwelling, will be located on the land, and
 - (b) the total floor area of the principal dwelling and the secondary dwelling is no more than the maximum floor area permitted for a dwelling house on the land under another environmental planning instrument, and
 - (c) the total floor area of the secondary dwelling is—
 - (i) no more than 60m², or
 - (ii) if a greater floor area is permitted for a secondary dwelling on the land under another environmental planning instrument—the greater floor area.

53 Non-discretionary development standards—the Act, s 4.15

- (1) The object of this section is to identify development standards for particular matters relating to development for the purposes of a secondary dwelling that, if complied with, prevent the consent authority from requiring more onerous standards for the matters.

Note—

See the Act, section 4.15(3), which does not prevent development consent being granted if a non-discretionary development standard is not complied with.

- (2) The following are non-discretionary development standards in relation to the carrying out of development to which this Part applies—

- (a) for a detached secondary dwelling—a minimum site area of 450m²,
- (b) the number of parking spaces provided on the site is the same as the number of parking spaces provided on the site immediately before the development is carried out.

The proposed additions meets council requirements in setbacks, height and F.SR (see below).

Due to the size of the block the F.S.R is 0.5:1 under the current LEP and current housing code. See above and below table.

DCP 2023 CHAPTER 5/SECTION 7 ,NSW AFFORDABLE HOUSING CODE COMPLIANCE TABLE AND CANTERBURY CITY COUNCIL SECONDARY DWELLING POLICY			
SITE AREA	562.80m ²	550.00m ²	YES
LOT WIDTH	11.89m	12.000m	NO VARIATION
MAXIMUM SITE COVERAGE (includes garage, granny flat, ground floor, external walls)	209.31m ²	50% of site 464.90m ² = 232.45m ²	YES
MAXIMUM FLOOR AREA FOR SECONDARY DWELLING	60.00m ²	60.00m ²	YES
MAX FLOOR AREA FOR PRINCIPAL & SECONDARY DWELLING	203.71m ²	330.00m ² (incl. garage,granny flat, ground floor, first floor , external walls)	YES
LANDSCAPED AREA	218.71m ²	20% of total site area 562.80m ² = 112.56m ²	YES
GRANNY FLAT REAR SETBACK	3.00m	3.000m	YES
GRANNY FLAT SIDE SETBACK	0.920m	0.9m	YES

Variation to housing code site width:

We seek a variation for the site width of 12m under the current State Environmental Planning policy (housing) 2021. Our proposed site width at the front building line is 11.89m approx. 110mm less than the required 12m width.

Part 2 Site requirements

2 Lot requirements

- (1) Development for the purposes of a secondary dwelling or an ancillary structure may only be carried out on a lot that—
 - (a) at the completion of the development will have only 1 principal dwelling and 1 secondary dwelling, and
 - (b) for a lot other than a battle-axe lot—has a boundary with a primary road, measured at the building line, of at least the following—
 - (i) if the lot has an area of at least 450m² but not more than 900m²—12m,

This site also has an area greater than 450m² and complies with this code in area also complies with all council design objectives below.

4.6 Exceptions to development standards

- (1) The objectives of this clause are as follows—
 - (a) to provide an appropriate degree of flexibility in applying certain development standards to particular development,
 - (b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.
- (2) Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.
- (3) Development consent must not be granted to development that contravenes a development standard unless the consent authority is satisfied the applicant has demonstrated that—
 - (a) compliance with the development standard is unreasonable or unnecessary in the circumstances, and
 - (b) there are sufficient environmental planning grounds to justify the contravention of the development standard.

Note—

The *Environmental Planning and Assessment Regulation 2021* requires a development application for development that proposes to contravene a development standard to be accompanied by a document setting out the grounds on which the applicant seeks to demonstrate the matters in paragraphs (a) and (b).

- (4) The consent authority must keep a record of its assessment carried out under subclause (3).
- (5) (Repealed)
- (6) Development consent must not be granted under this clause for a subdivision of land in Zone RU1 Primary Production, Zone RU2 Rural Landscape, Zone RU3 Forestry, Zone RU4 Primary Production Small Lots, Zone RU6 Transition, Zone R5 Large Lot Residential, Zone C2 Environmental Conservation, Zone C3 Environmental Management or Zone C4 Environmental Living if—
 - (a) the subdivision will result in 2 or more lots of less than the minimum area specified for such lots by a development standard, or
 - (b) the subdivision will result in at least one lot that is less than 90% of the minimum area specified for such a lot by a development standard.
- (7) (Repealed)
- (8) This clause does not allow development consent to be granted for development that would contravene any of the following—
 - (a) a development standard for complying development,
 - (b) a development standard that arises, under the regulations under the Act, in connection with a commitment set out in a BASIX certificate for a building to which *State Environmental*

Planning Policy (Building Sustainability Index: BASIX) 2004 applies or for the land on which such a building is situated,

- (ba) clause 4.4, to the extent that it applies to land in Zone B4 that has a maximum floor space ratio of 3:1,
- (c) clause 5.4,
- (caa) clause 5.5,
- (ca) clause 6.27.

Under council policy council can review secondary dwellings on merit see below:

Development controls

C1 Where a development application to Council is made for a secondary dwelling, the minimum frontage required for secondary dwellings will be considered on merit taking into consideration compliance with Canterbury City Council's Secondary Dwelling (Granny Flat) Policy (adopted on 15 October 2009 by CDC Minute 295).

We seek council review this secondary dwelling on merit as this granny flat has no impact to the streetscape or neighbourhood and this small variation for this site width doesn't affect the property landscape area or private open space meeting all other requirements under this housing code.

Conclusion

The proposed secondary dwelling and carport to the existing dwelling are in aligned with Council's, and the wider community's, objectives. This is clear from the above consideration of planning policies that apply to the land, and from the above consideration of potential impacts.

The development will achieve its objective of providing additional parking for the owners. The proposed development satisfies the guidelines of the Act through providing an efficient land use, and makes orderly and efficient usage of existing infrastructure within the locality. Moreover, there are no significant adverse impacts on the 'public goods' such as air quality, noise, views and amenity.

The proposal is considered to be a suitable development for the site on which it is proposed and meets the relevant heads of consideration under Section 4.15 of the Act.

It is considered that the development will have no adverse environmental effects and has been designed to be cohesive with the characteristics of the site and the locality. The social and economic consequences on the locality are considered to be positive. In summation, the development proposed is in the interest of both Council and the broader public, and it will provide significant benefits within the locality over the long term. The proposal is recommended for this site and is considered positive and Council is requested to approve the application.

David De Chiara (Barch, BDAA, Accreditation Number 6541)