

11 King Street,  
Ashbury NSW 2193

## **Statement of Environmental Effects**

On behalf of the landowners, Kate  
Bartlett and Yanos Fill-Dryden

29 October 2024

The Planning Studio acknowledges the traditional custodians of the lands + waters of Australia, particularly the Gadigal People on whose traditional lands our office is located, and pay our respects to Elders past, present + emerging. We deeply respect the enduring Connection to Country + culture of Aboriginal and Torres Strait Islander peoples and are committed to walk alongside, listen + learn with community as we plan for equitable, sustainable, generous, and connected places. Always was, Always will be.


# Project Director

Harjeet Spence

# Contributors

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Revision	Revision Date	Status	Authorised	
			Name	Signature
V1	29 October 2024	Final	Harjeet Spence	

\* This document is for discussion purposes only unless signed and dated by the persons identified. This document has been reviewed by the Project Director.

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# 1

## Introduction

This Statement of Environmental Effects (SEE) has been prepared on behalf of the landowners, Kate Bartlett and Yanos Fill-Dryden to support a Development Application (DA) to Canterbury Bankstown Council (Council) for alterations and additions to an existing dwelling house at 11 King Street, Ashbury NSW 2193.

The SEE includes an assessment of the proposed works in terms of the matters for consideration as listed under Section 4.15 of the Environmental Planning and Assessment Act 1979 (EPAA) and should be read in conjunction with information annexed to this report as outlined in the Table of Contents.

Specifically, the SEE includes the following information:

- Description of the site in its local and regional context;
- Identification of the proposed works;
- Assessment of the project against Council's controls and policies;
- Assessment of all environmental impacts of the project; and
- Identification of measures for minimising or managing the potential environmental impacts.

The DA seeks approval for alterations and additions to an existing dwelling house, which includes:

- Demolition of existing single storey later extension to the rear of the house (dated from approximately 1990s);
- Alterations and additions to the original dwelling house, including retention and restoration of original house layout and primary roof form;
- New two-storey pavilion addition to the rear of the original house sitting below the ridge-line of the existing roof;
- Restoration of existing front façade of the dwelling house to reflect heritage conservation principles of Ashbury, and retention of hardstand car space and pathway;
- New entry portico on northern side of dwelling house to provide weather protection and a sense of entrance at dwelling side door; and
- Installation of PV panels on the rear roof addition.

Cost Plan have calculated the cost of development for the proposal to be **\$491,295 excl. GST** refer to **Appendix 3: Cost Estimate**.

A comprehensive planning and environmental assessment of the proposal is provided in **Section 4** of this report. This SEE is also accompanied by the following Appendices:

Appendix 1: Architectural Drawings

Appendix 2: BASIX Certificate

Appendix 3: Cost Estimate

Appendix 4: Heritage Impact Statement



Appendix 5: DCP Compliance Table

Appendix 6: Stormwater Management Plan and Sediment Control Plan

Appendix 7: Survey

Appendix 8: Waste Management Plan

1.1 Proponent and Project Team

The Development Application and SEE Report have been prepared on behalf of the landowners, Kate Bartlett and Yanos Fill-Dryden.

Table 1 – Project Team	
Specialty	Consultant
Architecture / Waste	Carter Williamson Architects
Heritage	Architectural Projects
Urban Planning	The Planning Studio
BASIX	Damian O'Toole Planning
Cost Estimate	Cost Plan
Stormwater	Engineering Studio





## 2 The Site

### 2.1 Site Location

The subject site of 11 King Street, Ashbury NSW 2193 is located within the Canterbury Bankstown Local Government Area (LGA) on one lot; 39/DP12677. The site has an area of approximately 422.7m<sup>2</sup> and is occupied by a single storey dwelling house, hardstand car space accessed from King Street, a swimming pool and pergola to the rear of the site. The property is rectangular in shape with a 10.365m frontage to King Street and a 9.45m rear boundary directly adjacent Peace Park. The site is located within the Ashbury Heritage Conservation Area (HCA) under Canterbury-Bankstown Local Environmental Plan (CBLEP)

The locality around the site is low to medium density residential, neighbourhood shops and Peace Park located directly to the rear of the site. The site is also located with 500m of Wagner Oval to the northwest, Ashbury Public School to the west, Canterbury Racecourse and Canterbury Park to the south. The site is in close proximity to Canterbury Road, Liverpool Road, Ashfield Town Centre and Canterbury Village, which provides access to a number of amenities including medical facilities, local businesses and hospitality venues.

The site is serviced by a number of bus services that operate along King Street and provide connections to Ashfield, Campsie, Canterbury and Sydney CBD. A bus stop is located directly adjacent to the site on King Street. The site is also located in close proximity of the future Canterbury metro station to the south of the site.

Photos of the site and its surroundings are provided in the Figures below.



**Figure 1:** Subject site (SIX Maps)







**Figure 2:** View of the existing dwelling on the site from King Street from northern side boundary (supplied by landowners).



**Figure 3:** View of the existing dwelling on the site from King Street on southern side boundary (supplied by landowners).





**Figure 4:** View of the rear addition of the dwelling house on the site to be demolished (supplied by landowners).



**Figure 5:** View of the rear yard including in-ground swimming pool approved under Complying Development (supplied by landowners).



## 2.2 Site Description

The table below provides the legal description, and a brief summary of the site and surrounding context.

Table 2 – Site Description Summary	
Item	Description
Legal Description	39/DP12677
Total Area	422.7m <sup>2</sup> (approx.)
Location	11 King Street, Ashbury NSW 2193
Street Frontage	10.365m to King Street and 9.45m rear boundary adjacent Peace Park.
Site Description	<p>The site is occupied by a single storey dwelling house, hardstand car space accessed from King Street, a swimming pool and pergola to the rear of the site. The property is rectangular in shape and is located within the Ashbury HCA under CBLEP.</p> <p>The locality around the site is low to medium density residential, neighbourhood shops and Peace Park is located directly to the rear of the site. The site is also located with 500m of Wagner Oval to the northwest, Ashbury Public School to the west, Canterbury Racecourse and Canterbury Park to the south. The site is in close proximity to Canterbury Road, Liverpool Road, Ashfield Town Centre and Canterbury Village, which provides access to a number of amenities including medical facilities, local businesses and hospitality venues.</p>
Public Transport	<p>The site is serviced by a number of bus services that operate along King Street and provide connections to Ashfield, Campsie, Canterbury and Sydney CBD. A bus stop is located directly adjacent to the site on King Street. The site is also located in close proximity of the future Canterbury metro station to the south of the site.</p>

## 2.3 Planning Background

### 2.3.1 CD-582/2022

A Complying Development Certificate issued by a Private Certifier on 16 May 2022 for the removal of an existing pool and construction of a new inground swimming pool on the site.



### 2.3.2 Pre-lodgement advice

The landowners and architects submitted a concept scheme to Council in December 2023 and received pre-lodgement advice on the scheme. The Table below outlines the feedback from Council, and how it has been addressed in the submitted DA.

Table 3 – Pre-lodgement feedback	
Council Comment	Applicant Response
Direct roof extension from the original roof form will not be supported. The main roof form will need to be retained intact. If a connection of sorts is required between the two storey addition and the original roof form (presumably to house the staircase) then it will need to sit min. 300mm below the original main ridge.	<p><b>Complies</b></p> <p>Design has been amended so that the main roof form is intact, with the exception of a small connection on the south-east hipped part of the roof to house the staircase as noted by Council.</p> <p>The new pavilion addition has been amended to sit 300mm below the original main ridge of the house, which will be re-tiled with appropriate terracotta tiles in keeping with the character of the area.</p>
Side walls to the first floor will have to be in line with GF walls of the original dwelling to mitigate bulk and massing.	<p><b>Complies</b></p> <p>Sidewalls of the first floor have been amended to be in line with ground floor walls of the original dwelling.</p>
New windows and doors to the front elevation of the original dwelling will need to be consistent with the interwar style and use existing openings.	<p><b>Complies</b></p> <p>Refer to the architectural drawings and Heritage Impact Statement for further detail regarding the style and materials.</p>
No dimensions on the drawings so I'm not sure what sort of floor to ceiling heights are proposed. Based on previous applications from Carter Williamson floor to ceiling heights are usually quite generous. The ridge of the new two storey addition should match the ridge of the original main roof form so it sits as low as possible and retains the single storey character of the dwelling and streetscape generally.	<p><b>Complies</b></p> <p>The floor-to-ceiling heights have been slightly reduced so that the new pavilion addition will sit 300mm below the ridge of the original roof, to retain the single storey character of the dwelling and streetscape.</p>
No details are provided about the potential shower/wc near the pool. I don't have an issue with this from a heritage point of view in principle, it will come down to the design of the	<p>This has been removed from the application.</p>



**Table 3 – Pre-lodgement feedback**

<b>Council Comment</b>	<b>Applicant Response</b>
structure. Any design should be simple in form, kept low and located off the back fence.	
There appears to be a solid boundary wall and gate at the northern end of the site (near the building entrance). This will need to be sufficiently detailed to ensure compatibility with the garden setting of the dwelling.	<b>Complies</b>  A new portico or entrance area is proposed to provide weather protection and a sense of address to the dwelling's side entrance. Refer to details in the architectural drawings that demonstrates compatibility with the garden setting of the dwelling.





## 3 The Proposal

### 3.1 Development Summary

The DA seeks approval for the partial demolition of an existing dwelling house and carry out alterations and additions to the ground floor level and construct a first floor level at 11 King Street, Ashbury NSW 2193. In general, the proposal includes:

- Demolition of existing single storey later extension to the rear of the house (dated from approximately 1990s);
- Alterations and additions to the original dwelling house, including retention and restoration of original house layout and primary roof form;
- New two-storey pavilion addition to the rear of the original house sitting below the ridge-line of the existing roof;
- Restoration of existing front façade of the dwelling house to reflect heritage conservation principles of Ashbury, and retention of hardstand car space and pathway;
- New entry portico on northern side of dwelling house to provide weather protection and a sense of entrance at dwelling side door; and
- Installation of PV panels on the rear roof addition.

It is noted that the subject application is not seeking approval for any changes to the existing landscaping or pool, which were approved through a CDC in 2022.



**Figure 6:** Photomontage of the rear addition (Carter Williamson Architects)

Architectural Drawings have been provided in **Appendix 1: Architectural Drawings**. Further detail regarding key planning elements of the proposal is provided in the table below.





**Table 4 – Summary of Proposed Development**

Planning Matter	Proposed
Site Area (minimum 460m <sup>2</sup> )	No change to existing lot size
Height (max 8.5m)	6.5m
Height in storeys	Part one storey, part two storey
Gross Floor Area (232.49m <sup>2</sup> )	166.26m <sup>2</sup>
Floor Space Ratio (0.55:1)	0.39:1
Site coverage (max 60%)	39.84%
Private Open Space (min 35%)	37.97% (160.48m <sup>2</sup> )
Deep soil (min 15%)	25.94%
Landscaping (min 25%)	31.75% (134.22m <sup>2</sup> )
Setbacks	<ul style="list-style-type: none"> <li>• Front setback (western boundary): 6.445m-6.65m;</li> <li>• Side Setback (northern side boundary): Min. 1.08m (rear addition) to align with existing dwelling setback;</li> <li>• Side Setback (southern side boundary): Min 9.85mm setback to align with existing dwelling;</li> <li>• Rear setback (eastern boundary): 18.92m-19.297m rear setback.</li> </ul>
Car Parking	1 car space accessed from King Street (existing)

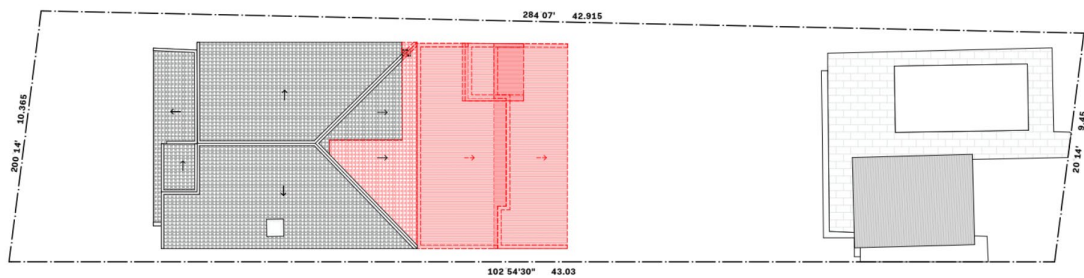
## 3.2 Demolition

The development seeks the partial demolition of the non-original, single storey extension to the rear of the site dated from approximately 1990. The room layout and roof form of the majority of the original house is to remain in-tact.





**Figure 7:** Proposed floor demolition plan (Carter Williamson Architects)



**Figure 8:** Proposed roof demolition plan (Carter Williamson Architects)

### 3.3 Built Form and Design

The alteration and additions propose a one part two storey form that respects and preserves the existing streetscape. The proposal seeks to repair and retain the appearance of the existing single storey dwelling house (identified as an Inter-War Californian Bungalow) along the King Street frontage and proposes a two storey contemporary pavilion form to the rear.

The rear two storey form will not be visible from the streetscape as the addition is designed to have a substantial front setback and is to sit below the existing ridge level (RL43.49) of the existing dwelling house with a ridge level of RL43.19 (or 300mm). The two-storey addition incorporates both contemporary and traditional materials and finishes such as a zincalume flat roof form and painted aluminium windows with face and patterned brick.

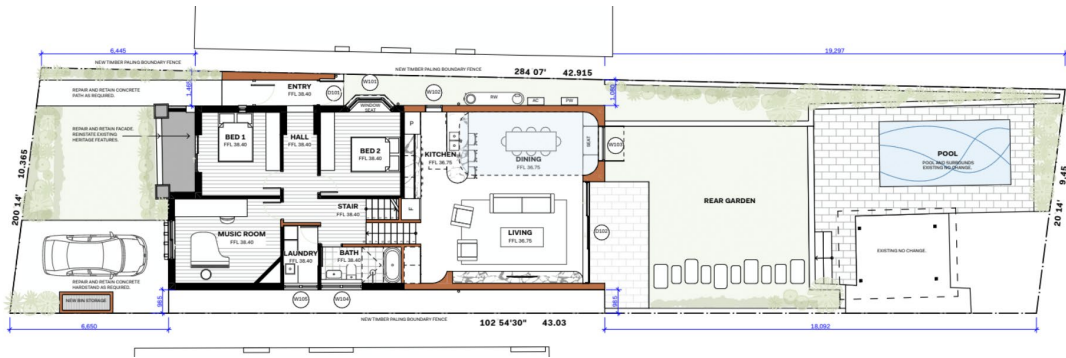
The overall development is shown in the following floor plans:

#### **Ground Floor:**

The ground floor level is to consist of:

- An entrance hallway, two bedrooms, music room, laundry, bathroom, open plan living/dining/kitchen directly accessed from the rear private open space and staircase access to the first floor level;
- An existing swimming pool and pergola to the rear of the site;
- An existing hardstand car space accessed from King Street with bins storage area and pedestrian pathway; and
- Existing landscaped areas.

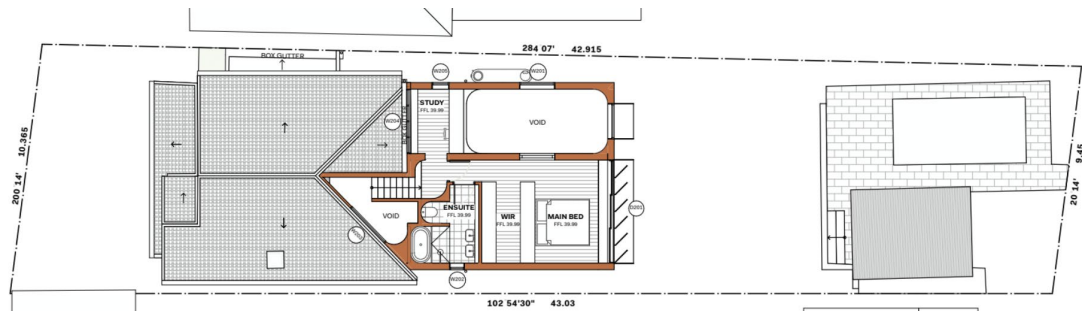




**Figure 9:** Proposed ground floor plan (Carter Williamson Architects)

### First Floor

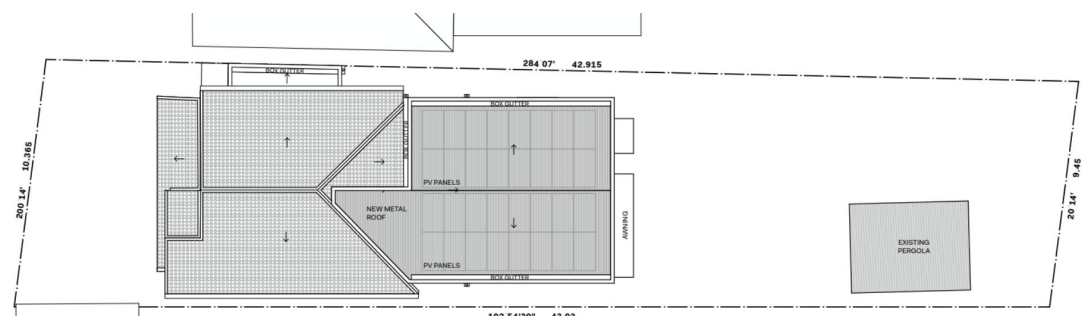
The first floor level at the rear of the property is to consist of a main bedroom, walk in robe, en-suite, study and void over the dining area.



**Figure 10:** Proposed first floor plan (Carter Williamson Architects)

### Roof

The rear addition is proposed to have a zincalume flat roof form that includes the installation of PV panels. The development retains the existing pitched roof form on the front portion of the dwelling house with the existing terracotta tiles to be replaced with new terracotta.



**Figure 11:** Proposed roof plan (Carter Williamson Architects)



## Elevations

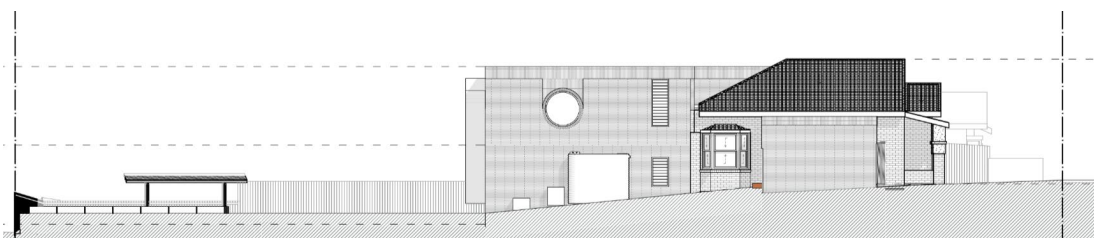
The alteration and additions propose a part-one, part-two storey form that respects and preserves the existing streetscape. The proposal seeks to repair and retain the appearance of the existing single storey dwelling house along the King Street frontage and proposes a two-storey contemporary but sympathetic form to the rear in a simple pavilion form that will have very limited visibility from the street.



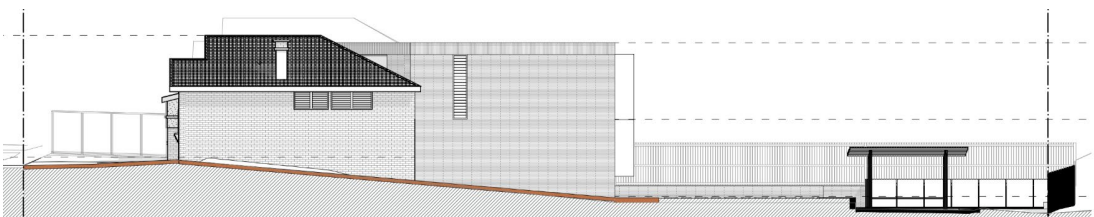
**Figure 12:** West Elevation - King Street (Carter Williamson Architects)



**Figure 13:** East Elevation – Rear Garden (Carter Williamson Architects)



**Figure 14:** North Elevation (Carter Williamson Architects)

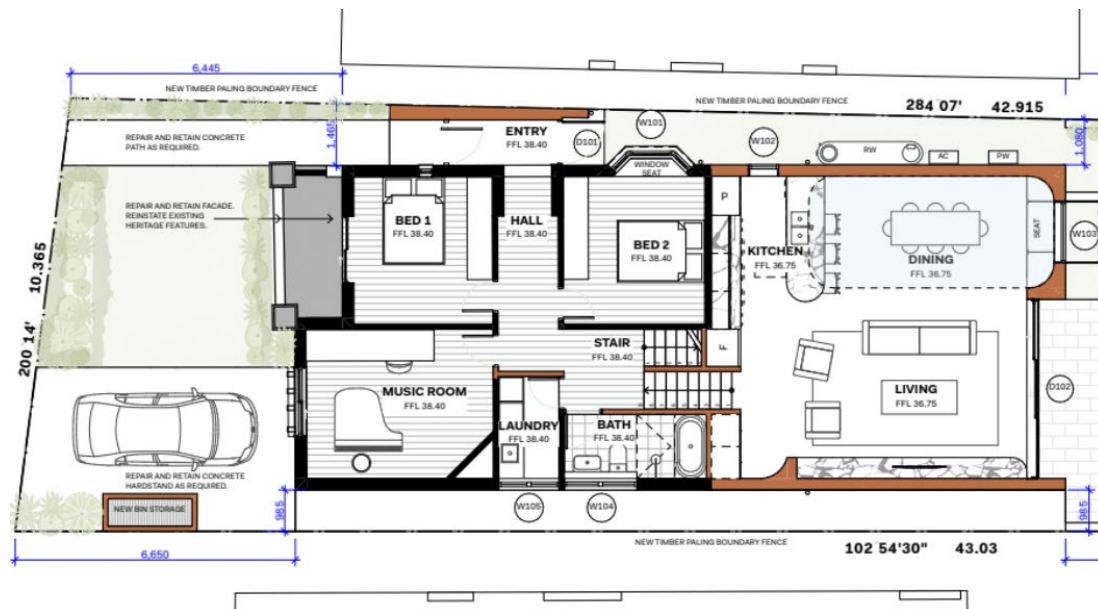


**Figure 15:** South Elevation (Carter Williamson Architects)



### 3.4 Access and Parking Provisions

The development seeks to repair and retain the existing driveway and hardstand car space accessed from King Street within in the front setback.



**Figure 16:** Proposed ground floor plan with hardstand space (Carter Williamson Architects)

### 3.5 Landscaping

The development proposes a total landscaped area of 134.22m<sup>2</sup> or 31.75% consisting of turfed area, and shrub plantings. The deep soil area amounts to 109.66m<sup>2</sup> or 25.94%. The site currently does not have any significant trees that require removal as part of this application.

### 3.6 Materials

The development proposes to repair, retain and reinstate the materials and finishes of the existing original portion of the dwelling house (ie the Inter-War Californian Bungalow). The materials to be retained and repaired include the external face brick façades with portions of the front being rendered and the terracotta tiled roof form. The window and door openings, along with the front porch framing will also be repaired and reinstated with timber framing. The development also seeks to reinstate other significant heritage features of the dwelling including the timber awning above the primary window facing King Street and the fireplace in the proposed music room.

The rear pavilion addition proposes a combination of contemporary and traditional finishes such as a zincalume flat roof form and painted aluminium windows with face and patterned brick. It is considered that the rear pavilion compliments and respect the heritage context of the site. Refer to **Appendix 1: Architectural Drawings** for a schedule of material and finishes.



## 4 Planning Assessment

An assessment of the proposal against the relevant planning and environmental legislation and guidelines to identify potential environmental impacts and mitigation measures is provided in this Section.

### 4.1 State Environmental Planning Policies (SEPPs)

An overview of the proposal's consistency with the relevant SEPPs is outlined below.

#### 4.1.1 SEPP (Sustainable Buildings) 2022

The application is required to demonstrate compliance with NSW government's requirements for sustainability as outlined in SEPP (Sustainable Buildings) 2022. The application is accompanied by the necessary BASIX Certificate and information, as required by Chapter 2 and Schedule 1 of the SEPP. Refer to **Appendix 2: BASIX Certificate**.

#### 4.1.2 SEPP (Biodiversity and Conservation) 2021 – Chapter 2, Vegetation in Non-rural areas

The aims of this Policy are:

- to protect the biodiversity values of trees and other vegetation in non-rural areas of the State, and
- to preserve the amenity of non-rural areas of the State through the preservation of trees and other vegetation.

Council may authorise vegetation clearing provided that:

- the clearing does not exceed the biodiversity offsets scheme threshold pursuant to the Biodiversity Conservation Act 2016;
- the vegetation is not part of a heritage item or a HCA, or
- the vegetation neither is or forms part of an Aboriginal object or that is an Aboriginal place of heritage significance.

The site currently does not have any significant trees that require removal as part of this application. The subject application will not result in the clearing of any vegetation that exceeds the biodiversity offsets scheme, and does not involve clearing that is, or forms, part of a heritage item or a HCA, or is, or forms, part of an Aboriginal object or that is a known Aboriginal place of heritage significance. A street tree is located to the front of the site and suitable tree protection measures will be implemented for the protection of the street tree.

#### 4.1.3 SEPP (Resilience and Hazards) 2021 – Chapter 4 - Remediation of Land

The aim of Chapter 4 of the SEPP is to promote the remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspect of the environment. In accordance with Clause 4.6 of the SEPP, a consent authority must not consent to the carrying out of development on land unless:

- it has considered whether the land is contaminated, and





- 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
- 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.


This Policy applies to the whole of the State of New South Wales.

Clause 4.6 of the SEPP requires the contamination and remediation of land to be considered in determining development applications.

The land has in the past been used exclusively for residential purposes. There is no property history to suggest that any contaminating uses occurred on the site or in the vicinity. Council can therefore be satisfied that the land is not contaminated, and remediation of the land is not required. The land is therefore suitable for its continued use for residential purposes.

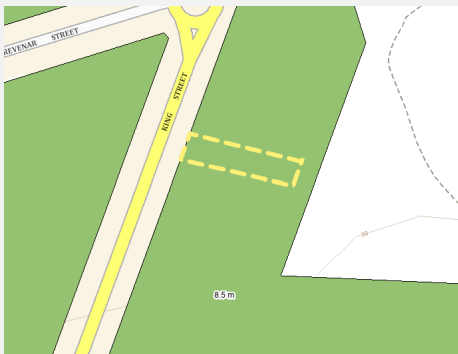

## 4.2 Canterbury-Bankstown Local Environmental Plan 2023

The table below provides the key local planning controls under the CBLEP 2023.

Table 5 – Canterbury-Bankstown LEP 2023		
Item	Control	Assessment
2.1 Land use zone	 <p>R2 - Low Density Residential</p>	<p><b>Complies</b></p> <p>The proposed alterations and additions are permissible within the R2 Low Density Residential zone.</p>
2.7 Demolition requires development consent	<p>The demolition of a building or work may be carried out only with development consent.</p>	<p><b>Complies</b></p>



**Table 5 – Canterbury-Bankstown LEP 2023**

Item	Control	Assessment
4.3 Height of buildings	 <p>8.5m</p>	<p><b>Complies</b></p> <p>The development proposes a building height of 6.5m which is below the height limit of 8.5m.</p>
4.4 FSR	<p>(2B) The following maximum floor space ratios apply—</p> <p>(b) for a building used for the purposes of dwelling houses or semi-attached dwellings on land identified as “Area 2” on the <a href="#">Clause Application Map</a>—</p> <p>(i) for a site area less than 200m<sup>2</sup>—0.65:1, and</p> <p>(ii) for a site area greater than 200m<sup>2</sup> but less than 600m<sup>2</sup>—0.55:1, and</p> <p>(iii) for a site area of 600m<sup>2</sup> or more—0.5:1.</p>	<p><b>Complies</b></p> <p>The site is located within Area 2 on the Clause Application Map and has a site area of 422.7m<sup>2</sup>. As such an FSR of 0.55:1 is applicable to the site. The proposed GFA for the development is 166.26m<sup>2</sup>, which is 0.39:1 FSR.</p>
5.10 Heritage	 <p>Ashbury Heritage Conservation Area - Significance (Local)</p>	<p><b>Complies</b></p> <p>The site is not identified as a heritage item; however the site is located within the Ashbury HCA. A Heritage Impact Statement prepared by Architectural Projects has been submitted with the application. Refer to <b>Appendix 4: Heritage Impact Statement</b></p> <p>Heritage is discussed further in Section 5.1 of this report.</p>
6.3 Stormwater Management and	<p>(3) Development consent must not be granted to development on land to which</p>	<p><b>Complies</b></p>



**Table 5 – Canterbury-Bankstown LEP 2023**

Item	Control	Assessment
water sensitive urban design	<p>this clause applies unless the consent authority is satisfied that the development—</p> <p>(a) is designed to maximise the use of water permeable surfaces on the land having regard to the soil characteristics affecting on-site infiltration of water, and</p> <p>(b) includes, if practicable, on-site stormwater retention for use as an alternative supply to mains water, groundwater or river water, and</p> <p>(c) avoids significant adverse impacts of stormwater runoff on the land on which the development is carried out, adjoining properties and infrastructure, or if the impact cannot be reasonably avoided, minimises and mitigates the impact, and</p> <p>(d) includes riparian, stormwater and flooding measures, and</p> <p>(e) is designed to incorporate the following water sensitive urban design principles—</p> <p>(i) protection and enhancement of water quality, by improving the quality of stormwater runoff from urban catchments,</p> <p>(ii) minimisation of harmful impacts of urban development on water balance and on surface and groundwater flow regimes,</p> <p>(iii) integration of stormwater management systems into the landscape in a way that provides multiple benefits, including water quality protection, stormwater retention and detention, public open space and recreational and visual amenity.</p>	<p>Stormwater Management Plans prepared by Engineering Studio have been submitted with the application. Refer to <b>Appendix 6: Stormwater Management Plan and Sediment Control Plan.</b></p> <p>Stormwater has been discussed in Section 5.4 of this report.</p>



### 4.3 Canterbury-Bankstown Development Control Plan 2023

An overview of the proposal's consistency with key DCP controls is provided in **Appendix 5: DCP Compliance Table**.

The heritage controls contained in Chapter 4 of the DCP have been addressed in detail in the Heritage Impact Statement prepared by Architectural Projects provided in **Appendix 4: Heritage Impact Statement** and further addressed in Section 5.1 of this report



## 5 Environmental Assessment

An assessment of the proposal against the relevant environmental consideration and guidelines to identify potential environmental impacts and mitigation measures is provided in the subject section. The potential environmental impacts and their mitigation measures are discussed below.

### 5.1 Heritage

The site is not identified as a heritage item; however, the site is located within the Ashbury HCA under CBLEP. The site is occupied by an intact Inter-War Californian Bungalow that is in good condition and contributes positively to the HCA. The Statement of Significance for the HCA identifies that Ashbury is a relatively intact example of a residential area characterised by predominately Inter-War Californian Bungalows, late Inter-War dwellings and late Federation houses.

Architectural Projects have prepared a Heritage Impact Statement which is provided in **Appendix 4: Heritage Impact Statement**. The HIS has assessed the proposed development in accordance with the relevant heritage provisions under Clause 5.10 of CBLEP and Chapter 4 of CBDP. In accordance with CBDP, the HIS identifies that the existing dwelling house on the site is a Ranking 2 - Contributory Building which means that the building has been altered but still is identifiable as dating from a key period of significance for the HCA and retains its overall form and fabric.

Section 21 of CDCP prescribes specific controls for the Ashbury HCA. It is considered that the proposed rear addition satisfies the relevant controls as follows:

- The rear addition proposes a two storey form that will not be visible from the streetscape as the addition is designed to have a substantial front setback and is to sit below the existing ridge level (RL43.49) of the existing dwelling house with a ridge level of RL43.19 (or 300mm). As such, the development will maintain a single storey appearance to King Street.
- The development maintains the existing front and rear predominant building lines. Also, the rear addition generally complies with the side setback requirements prescribed by Chapter 5.2 of CBDP.
- The development proposes to repair, retain and reinstate the materials and finishes of the existing original portion of the dwelling house (ie the Inter-War Californian Bungalow fronting King Street).
- The rear addition proposes a combination of contemporary and traditional finishes to ensure it compliments and respects the heritage context of the site.
- The development proposes to have an open space area of 37.97% (160.48m<sup>2</sup>) which complies with the 35% requirement under Section 21 of CBDP.
- The development proposes to have a landscaped area of 31.75% (134.22m<sup>2</sup>) which complies with the 25% requirement under Section 21 of CBDP.

The HIS concludes that the overall impacts on the heritage significance of the HCA is considered acceptable for the following reasons:

- Demolition of the existing dwelling is limited to minor internal areas of the primary form and the non-original extension.



- The proposed alterations and additions will not impact the significant fabric of the contributory building of the HCA.
- The proposed works removes the non-original extension to the rear and replaces it with a contemporary addition that responds well to the existing primary form.
- The proposal will not impact on significant views and vistas, including views to, from and within the HCA due to its location at the rear of the site.
- The proposal retains landscape elements that contribute to the heritage significance.
- The addition will not be readily visible from the streetscape therefore no impact is foreseen on the streetscape of King Street and the integrity of the HCA is retained.

The HIS recommends the following measures to help mitigate any adverse impacts on the HCA, which have been incorporated into the design:

- Retention of the primary form, which has been kept;
- Ensure that additions do not dominate or protrude above the existing ridge height, with the additions sitting 300mm beneath the existing ridge height; and
- Locate additions solely to the rear and ensure compliance with the statutory and non-statutory controls, which has occurred.

## 5.2 Solar Access

In accordance with Chapter 5.2 of CBDP 2023 the development is required to receive and provide adjoining properties a minimum of 3 hours of sunlight between 8.00am and 4.00pm on 21st June to primary living areas and sunlight to at least 50% of the open space area.

The application is accompanied by detailed shadow diagrams for 21 June (mid-winter), 21 September (equinox) and 21 December (summer solstice) at hourly intervals between 8am-4pm. The site has an east-west orientation, and the shadow diagrams indicates the site is shadowed by No. 9 King Street located to the north and the site will shadow No. 13 King Street located to the south of the site. The following table summarises the solar access received by the site and No. 13 King Street.

**Table 6 – Summary of Solar Access/Overshadowing**

	Subject Site	13 King Street
21 June - Mid-Winter	<ul style="list-style-type: none"> <li>• The music room window facing King Street (northwest) will receive 3 hours of solar access between 1pm to 4pm.</li> <li>• The circular dining area window within the side façade (north) will receive 7 hours of solar access between 8am to 3pm.</li> </ul>	<ul style="list-style-type: none"> <li>• The living area windows facing the rear (southeast) will receive 1 hour of solar access between 8am to 9am.</li> <li>• The living area window within the side façade (north) will not receive solar access.</li> </ul>





**Table 6 – Summary of Solar Access/Overshadowing**

	Subject Site	13 King Street
	<ul style="list-style-type: none"> <li>• The living room/kitchen facing the rear (southeast) will receive 1 hour of solar access between 8am to 9am.</li> <li>• At least 50% of the private open space will receive 3 hours of solar access.</li> </ul>	<ul style="list-style-type: none"> <li>• At least 50% of the private open space will receive 3 hours of solar access.</li> </ul>
21 September - Equinox	<ul style="list-style-type: none"> <li>• The music room window facing King Steet (northwest) will receive 3 hours of solar access between 1pm to 4pm.</li> <li>• The circular dining area window within the side façade (north) will receive 6 hours of solar access between 8am to 2pm.</li> <li>• The living room/kitchen facing the rear (southeast) will receive 2 hours of solar access between 8am to 10am.</li> <li>• At least 50% of the private open space will receive 3 hours of solar access.</li> </ul>	<ul style="list-style-type: none"> <li>• The living area windows facing the rear (southeast) will receive 2 hours of solar access between 8am to 10am.</li> <li>• The living area window within the side façade (north) will not receive solar access.</li> <li>• At least 50% of the private open space will receive 3 hours of solar access.</li> </ul>
21 December Summer Solstice	<ul style="list-style-type: none"> <li>• The music room window facing King Steet (northwest) will receive 2 hours of solar access between 2pm to 4pm.</li> <li>• The circular dining area window within the side façade (north) will receive 2 hours of solar access between 8am to 10am.</li> <li>• The living room/kitchen facing the rear (southeast) will receive 2 hours of solar access between 8am to 10am.</li> </ul>	<ul style="list-style-type: none"> <li>• The living area windows facing the rear (southeast) will receive 2 hours of solar access between 8am to 10am.</li> <li>• The living area window within the side façade (north) not receive solar access.</li> <li>• The private open space to at least 50% of the private open space will receive 3 hours of solar access.</li> </ul>



**Table 6 – Summary of Solar Access/Overshadowing**

	Subject Site	13 King Street
	<ul style="list-style-type: none"> <li>At least 50% of the private open space will receive 3 hours of solar access.</li> </ul>	

The above table indicates that the development provides the required solar access to internal living areas of the site in accordance with the requirements of CBDP. In addition, the development complies with the solar access provisions for private open spaced areas within the site and for the adjoining property at No. 13.

However, the living areas within the single storey dwelling house at No. 13 do not receive the required solar access. As such, the planning principles revised by Senior Commission Morre within the judgement of *Benevolent Society v Waverly Council* (2010) NSWLEC 1082 has been considered and compliance with the solar access provisions is unreasonable as detailed below.

***The ease with which sunlight access can be protected is inversely proportional to the density of development. At low densities, there is a reasonable expectation that a dwelling and some of its open space will retain its existing sunlight. (However, even at low densities there are sites and buildings that are highly vulnerable to being overshadowed.) At higher densities sunlight is harder to protect and the claim to retain it is not as strong.***

The site and No. 13 are located within an R2-Low Density Residential zoning under CBLEP. The properties have east-west orientations and are considered to be highly vulnerable to being overshadowed as a result of any redevelopment of adjoining properties. In this case, the shadow cast by the proposed development on No. 13 is considered to be reasonable for the following reasons:

- The development proposes a maximum height of 6.5m, compliant with the 8.5m height limit under CBLEP.
- The development proposes a FSR of 0.39:1, compliant with the 0.55:1 FSR limit under CBLEP.

The private open space of No. 13 will receive 3 hours of solar access to at least 50% in accordance with Council's controls.

- The development has been designed and sited in accordance with the heritage and setback requirements of CBDP.
- The living area windows within the rear façade of No. 13 will provide solar access and natural light.

Due to the site orientation, it is considered any compliant form on the site would overshadowing No. 13. It is unreasonable to expect compliance with Council's overshadowing controls as it would limit the development opportunities of the site.

***The amount of sunlight lost should be taken into account, as well as the amount of sunlight retained.***



The existing dwelling and structures on the site currently cast less shadow on primary living area windows of No. 13 compared to the proposed development. However, the proposed development continues to provide the private open space of No. 13 with the required solar access in accordance with Council's controls. Due to the site orientation, it is considered any compliant form on the site would overshadowing No. 13. It is unreasonable to expect compliance with Council's overshadowing controls as it would limit the development opportunities of the site.

***Overshadowing arising out of poor design is not acceptable, even if it satisfies numerical guidelines. The poor quality of a proposal's design may be demonstrated by a more sensitive design that achieves the same amenity without substantial additional cost, while reducing the impact on neighbours.***

The proposal complies with the numerical development standards and controls under CBLEP and CBDCEP. The proposed development locates the two storey addition to the rear of the site to reduce any visual impacts on the heritage streetscape. Despite being a two storey form, the rear addition has been designed to have a modest height and has been sited to match the rear building alignment of the adjoining dwellings to minimise any impacts. Due to the site orientation any compliant form on the site would overshadowing No. 32. It is considered that the development has appropriately been designed within the existing constraints of the site.

***For private open space to be assessed as receiving adequate sunlight, regard should be had of the size of the open space and the amount of it receiving sunlight. Self-evidently, the smaller the open space, the greater the proportion of it requiring sunlight for it to have adequate solar amenity. A useable strip adjoining the living area in sunlight usually provides better solar amenity, depending on the size of the space. The amount of sunlight on private open space should ordinarily be measured at ground level but regard should be had to the size of the space as, in a smaller private open space, sunlight falling on seated residents may be adequate.***

The development provides at least 3 hours of solar access to at least 50% of the private open space of No. 13 in accordance with Council's requirements.

***Overshadowing by fences, roof overhangs and changes in level should be taken into consideration. Overshadowing by vegetation should be ignored, except that vegetation may be taken into account in a qualitative way, in particular dense hedges that appear like a solid fence.***

Fencing and roof overhangs will create small amount of overshadowing, however majority of shadow is cast by the proposed development on No. 13 due to the site orientation.

***In areas undergoing change, the impact on what is likely to be built on adjoining sites should be considered as well as the existing development.***

The development has been designed taking into consideration the future development potential of No. 9 and No. 13.

### 5.3 Landscape

The development proposes a total landscaped area of 134.22m<sup>2</sup> consisting of turfed area, and shrub plantings. The deep soil area amounts to 109.66m<sup>2</sup> or 25.94%, and soft landscaping amounts to 134.22m<sup>2</sup> or 31.75% which comply with the Council's controls. The site currently does not have any significant trees that require removal as part of this



application. Refer to **Appendix 1: Architectural Drawings** for landscaping details. A street tree is located to the front of the site and suitable tree protection measures will be implemented for the protection of the street tree. The applicant welcomes any condition to be imposed by Council regarding the street tree protection.

## 5.4 Stormwater

Engineering Studio have prepared stormwater management plan and sediment and erosion control plan, which are provided in **Appendix 6: Stormwater Management Plan and Sediment Control Plan**. The proposed stormwater system has been designed in accordance with the stormwater requirements within CBDP, the National Construction Code 2022 - Housing Provisions 3 Part 3.3 Drainage and AS/NZS 3500.3 National Plumbing and Drainage, Stormwater Drainage. The Stormwater Management Plan outlines that the combined impervious area is not greater than 75% and as such an on-site detention system is not required in accordance with CBDP. The development proposes a rainwater tank located along the northern side boundary which will collect water from the roof area of the new addition. Any overflow will be collected by the existing boundary pit and directed to the street via gravity.

## 5.5 Waste

A Waste Management Plan, prepared by Carter Williamson is provided in **Appendix 8: Waste Management Plan**. The Plan outlines the treatment of the construction, demolition and on-going waste and has been prepared in accordance with Council's requirements. A suitable waste storage area will be provided within the front setback area along the southern side boundary which will accommodate 1 x 140L waste bin, 1 x 240L recycling bin and 1 x 240L garden organics. Refer to **Appendix 1: Architectural Drawings**.

## 5.6 Site Suitability

The site is suitable for the proposed development in the following respects:

- The proposal is permissible within the R2 Low Density Residential zone and in keeping with the established local character;
- The subject site is located in an accessible area of Canterbury-Bankstown Council, with appropriate transport;
- The proposal will not result in any adverse impacts on the environment beyond those envisaged in the planning controls.

## 5.7 Public Interest

The proposed development is considered to be within the public interest for the following reasons:

- The proposal will provide a high-quality architectural development respectful of the character of the area and the heritage conservation objectives.
- The development will be of an appropriate height, bulk and scale and consistent with the surrounds and previous approvals on the site; and
- The proposed development complies with the relevant SEPP, LEP and DCP controls.



## 6 Summary and Conclusion

### 6.1 Section 4.15 Assessment Summary

The Table below provides an overview of the proposal's consistency with the requirements of Section 4.15 (Evaluation) of the Act.

Table 7 – Section 4.15 Assessment Summary		
Clause No.	Clause	Assessment
(1)	<p>Matters for consideration—general</p> <p>In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application:</p>	
(a)(i)	<p>The provision of:</p> <p>Any environmental planning instrument, and</p>	<p><b>Complies</b></p> <p>The proposal is consistent with the provisions of the CBLEP 2023 as relevant for a modification application.</p>
(ii)	<p>Any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Director-General has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and</p>	<p><b>Not Applicable</b></p> <p>There are no draft LEP's currently applicable to the land.</p>
(iii)	<p>Any development control plan, and</p>	<p><b>Complies</b></p> <p>The proposal is consistent with the provisions of the CBDCP 2023. Where variations occur to numerical controls, they are consistent with the objectives and are justified.</p>
(iiia)	<p>Any planning agreement that has been entered into under Section 7.4, or any draft planning agreement that a developer has offered to enter into under Section 7.4, and</p>	<p><b>Not Applicable</b></p>



**Table 7 – Section 4.15 Assessment Summary**

Clause No.	Clause	Assessment
(iv)	The regulations (to the extent that they prescribe matters for the purposes of this paragraph), and	<b>Not Applicable</b>
(v)	Any coastal zone management plan (within the meaning of the Coastal Protection Act 1979), that apply to the land to which the development application relates,	<b>Not Applicable</b>
(b)	The likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,	<b>Complies</b>
(c)	The suitability of the site for the development,	<b>Complies</b>
(d)	Any submissions made in accordance with this Act or the regulations,	<b>To be undertaken during assessment</b>
(e)	The public interest.	<b>Complies</b>

## 6.2 Conclusion

This SEE has been prepared on behalf of the landowners, behalf of the landowners Kate Bartlett and Yanos Fill-Dryden, to support a Development Application (DA) to Canterbury Bankstown Council (Council) for the partial demolition of an existing dwelling house and carry out alterations and addition to the ground floor level and construct a first floor level at 11 King Street, Ashbury NSW 2193.

This SEE describes the proposed works in the context of relevant planning controls and policies applicable to the form of the development proposed. In addition, the statement provides an assessment of those relevant heads of consideration pursuant to Section 4.15 of the Environmental Planning and Assessment Act 1979 (EPAA).

A Planning Assessment has been undertaken in Section 4 of this report, supported by additional consultant studies as per the requirements of Council, which are detailed in the Environmental Assessment in Section 5, which has found the associated impacts of the proposal to be minimal and manageable.

Therefore, we request that Council recommend that the proposed development be granted consent.





## 7 Appendices

Appendix 1: Architectural Drawings

Appendix 2: BASIX Certificate

Appendix 3: Cost Estimate

Appendix 4: Heritage Impact Statement

Appendix 5: DCP Compliance Table

Appendix 6: Stormwater Management Plan and Sediment Control Plan

Appendix 7: Survey

Appendix 8: Waste Management Plan

