

Statement of Environmental Effects

Site

150 Homer Street, Earwood

Project

Torrens title subdivision into two (2) lots and construction of a detached double garage

16 December 2024



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1.0 Introduction

This Statement of Environmental Effects (SoEE) Report has been prepared in support a Development Application in relation to 150 Homer Street, Earlwood ('the subject site').

The application seeks approval to Torrens title subdivision into two (2) lots and construction of a detached double garage

The proposed development is defined as local development under Part 4 of the *Environmental Planning and Assessment Act 1979 (EP&A Act 1979)*, and Council is the consent authority.

The proposal is not defined as Integrated Development and does not require any additional approvals as outlined under Section 4.46 of the *EP&A Act 1979*.

This SoEE provides the following:

- Description of the site and surrounding development;
- Description of the proposed development; and
- Assessment of the proposal in accordance with Section 4.15 of the *Environmental Planning and Assessment Act 1979*.

2.0 Site Description

The site is identified as 150 Homer Street, Earlwood (Lot 122 DP 6684) and is located on the southwestern side of Homer Street.

The site is a Standard Lot with a primary frontage to Homer Street.

The site has an approximate area of 1214m² with a 15.57metres frontage to Homer Street, and a depth of 79.805metres.

The site contains a single storey detached dwelling fronting Homer Street.

A garage on the northern boundary and garage in the rear yard is approved to be demolished under a Complying Development Certificate.

The site slopes by approximately 5.02 metres, from the street (RL41.40) down towards the rear yard (RL36.38).

The site contains a 'Protected Trees' within the rear lower rear yard of the property. No works area proposed within the canopy of this tree.

The site is surrounded on each side by four (4) storey high residential flat buildings.



Figure 1: Location of the site



Figure 2: Front elevation of the dwelling fronting Homer Street. Dwelling is proposed to be retained.



Figure 3: Front elevation of the dwelling and relationship of the immediately adjoining four (4) storey residential flat buildings.



Figure 4: Rear yard of the subject site and relationship of the immediately adjoining four (4) storey residential flat buildings.



Figure 5: View of the lower rear yard of the dwelling and relationship of the immediately adjoining four (4) storey residential flat buildings. No works are proposed to this lower level.

3.0 The Project

The application seeks approval from Council to undertaken the following:

1. Torrens title subdivision into two (2) lots as follows:
 - Lot 1 – 460m² in area, with a street frontage of 11.739m to Homer Street
 - Lot 2 – Battle axe Lot with an area of 612.1m² (excluding the access handle) with a width of 15.57m and a depth of 35.567 / 41.760.
2. Construction of a single storey garage outbuilding within the rear of Lot 1 to provide 2 car spaces.

The application includes a concept plan of a 3 or 4 bedroom dwelling house to show that the lot is of adequate size, shape, and dimension to accommodate a new dwelling while maintaining sufficient amenity for the new lot and neighboring properties.

4.0 Planning Assessment: Section 4.15 Assessment

Section 4.15 of the *Environmental Planning and Assessment Act 1979* requires the consideration of the following matters:

Section 4.15(1) Matters for consideration—general

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:

(a) *the provisions of:*

- (i) any environmental planning instrument, and*
- (ii) 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 Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and*
- (iii) any development control plan, and*
- (iiia) 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*
- (iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph), and*
- (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) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,

(c) the suitability of the site for the development,

(d) any submissions made in accordance with this Act or the regulations,

(e) the public interest.

An assessment of the proposal against these matters is provided in the following Sections:

4.1 Provisions of Relevant Environmental Planning Instruments (clause 4.15(1)(a)(i))

4.1.1 State Environmental Planning Policies

State Environmental Planning Policy	Comment
<p>State Environmental Planning Policy (Biodiversity and Conservation) 2021</p> <p><i>This SEPP contains:</i></p> <ul style="list-style-type: none">- <i>planning rules and controls for the clearing of native vegetation in NSW on land zoned for urban and environmental purposes that is not linked to a development application.</i>- <i>the land use planning and assessment framework for koala habitat.</i>- <i>provisions seeking to protect and preserve bushland within public open space zones and reservations.</i>- <i>provisions to support the water quality objectives for the Sydney drinking water catchment.</i>- <i>provisions to protect the environment of the Hawkesbury-Nepean River system.</i>- <i>provisions to manage and improve environmental outcomes for Sydney Harbour and its tributaries.</i>- <i>provisions to manage and promote integrated catchment</i>	Not Applicable

management policies along the Georges River and its tributaries.	
<p>State Environmental Planning Policy (Sustainable Buildings) 2022</p> <p>This SEPP relates to:</p> <ul style="list-style-type: none"> - design and delivery of sustainable buildings, 	<p>The proposal is deemed to be 'BASIX excluded development', and accordingly a BASIX Certificate is not required to be issued or submitted with this application.</p> <p>The proposal does not include the erection of a new building with an estimated development cost of \$5 million or more, and accordingly the energy reduction measures under this SEPP do not apply.</p>
<p>State Environmental Planning Policy (Housing) 2021</p> <p>This SEPP relates to:</p> <ul style="list-style-type: none"> - Boarding houses, build-to-rent, seniors, group homes, secondary dwellings, social housing, co-living housing, independent living units, and retention of existing affordable housing. 	Not Applicable
<p>State Environmental Planning Policy (Industry and Employment) 2021</p> <p>This SEPP contains planning provisions:</p> <ul style="list-style-type: none"> - applying to employment land in western Sydney. - for advertising and signage in NSW. 	Not Applicable
<p>State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development</p>	Pursuant to clause 4(1)(c), this SEPP does not apply to the proposed development, as the building concerned does not contain 4 or more dwellings.
<p>State Environmental Planning Policy (Planning Systems) 2021</p>	Not Applicable

This SEPP:

- identifies State or regionally significant development, State significant Infrastructure, and critical State significant infrastructure.
- provides for consideration of development delivery plans by local Aboriginal land councils in planning assessment.
- allows the Planning Secretary to elect to be the concurrence authority for certain development that requires concurrence under nominated State environmental planning policies.

State Environmental Planning Policy (Precincts—Central River City) 2021

This SEPP contains planning provisions for precinct planning, which is a form of strategic planning applied to a specified geographic area. The precincts in this SEPP are located in the Central River City. This city is based the strategic planning vision of the 'three cities' regions identified in the Greater Sydney Region Plan – A Metropolis of Three Cities.

Not Applicable

State Environmental Planning Policy (Precincts—Eastern Harbour City) 2021

This SEPP contains planning provisions for precinct planning, which is a form of strategic planning applied to a specified geographic area. The precincts in this SEPP are located in the Eastern Harbour City. This city is based the strategic planning vision of the 'three cities' regions identified in the Greater Sydney Region Plan – A Metropolis of Three Cities.

Not Applicable

<p>State Environmental Planning Policy (Precincts—Regional) 2021</p> <p><i>This SEPP contains planning provisions for precinct planning, which is a form of strategic planning applied to a specified geographic area. The precincts in this SEPP are located in Regional NSW outside the Greater Sydney Region Plan.</i></p>	<p>Not Applicable</p>
<p>State Environmental Planning Policy (Precincts—Western Parkland City) 2021</p> <p><i>This SEPP contains planning provisions for precinct planning, which is a form of strategic planning applied to a specified geographic area. The precincts in this SEPP are located in the Western Parkland City. This city is based the strategic planning vision of the 'three cities' regions identified in the Greater Sydney Region Plan – A Metropolis of Three Cities.</i></p>	<p>Not Applicable</p>
<p>State Environmental Planning Policy (Primary Production) 2021</p> <p><i>This SEPP contains planning provisions:</i></p> <ul style="list-style-type: none"> - <i>to manage primary production and rural development including supporting sustainable agriculture.</i> - <i>for the protection of prime agricultural land of state and regional significance as well as regionally significant mining and extractive resources.</i> 	<p>Not Applicable</p>
<p>State Environmental Planning Policy (Resilience and Hazards) 2021</p> <p><i>This SEPP contains planning provisions:</i></p>	<p>A review of Council files and previous planning approvals relating to the site has determined the site has historically been used for residential purposes.</p>

- for land use planning within the coastal zone, in a manner consistent with the objects of the Coastal Management Act 2016.
- to manage hazardous and offensive development.
- which provides a state-wide planning framework for the remediation of contaminated land and to minimise the risk of harm.

The site is not considered to be contaminated, and the remediation of the site is not required for the following reasons:

- The site does not appear to be used by the activities listed in Table 1 of the NSW Government's Managing Land Contamination - Planning Guidelines 1998, SEPP 55 Remediation of Land.
- The site currently contains a residential dwelling, and has historically been used for residential purposes.
- The proposal does not seek to undertake any excavation works to the site, and is unlikely to expose any contaminants, if any.
- The proposal does not seek to alter the current land use of the site.

The site will remain for a residential use, and for the above reasons it is reasonable to conclude that the site is suitable for the proposed purpose. The site is unlikely to pose a significant risk of harm to human health or the environment, and is suitable for the intended use. No further investigation or remediation is deemed necessary.

State Environmental Planning Policy (Resources and Energy) 2021

This SEPP contains planning provisions:

- for the assessment and development of mining, petroleum production and extractive material resource proposals in NSW.
- which aim to facilitate the development of extractive resources in proximity to the population of the Sydney Metropolitan Area by identifying

Not Applicable

land which contains extractive material of regional significance.	
<p>State Environmental Planning Policy (Transport and Infrastructure) 2021</p> <p>This SEPP contains planning provisions:</p> <ul style="list-style-type: none"> - for infrastructure in NSW, such as hospitals, roads, railways, emergency services, water supply and electricity delivery. - for child-care centres, schools, TAFEs and Universities. - planning controls and reserves land for the protection of three corridors (North South Rail Line, South West Rail Link extension and Western Sydney Freight Line). 	Not Applicable

4.1.2 Canterbury-Bankstown Local Environmental Plan 2023

Part 2 – Land Use

Permissibility

The site is zoned R2 – Low Density under *Canterbury-Bankstown Local Environmental Plan 2023*

The proposed works seeks to undertake subdivision to create a single dwelling on each lot, and a garage to ancillary service the existing dwelling house. The proposed development is permissible within the zone.

Zone Objectives

The proposal meets the housing needs of the community within a low density residential environment. This is consistent with the objectives of the zone.

Part 4 - Development Standards

Clause 4.1 – Minimum Subdivision Lot Size.

A minimum lot size of 460m² applies to the site.

Lot 1 achieves a minimum lot size of 460m² and complies.

Lot 2 achieves a minimum lot size of 612.1m² excluding the access handle and complies.

Clause 4.1A - Minimum lot sizes for dual occupancies.

Not applicable

Clause 4.1C - Minimum lot sizes for dwelling houses on battle-axe lots in certain residential zones

Lot 2 achieves a minimum lot size of 612.1m² excluding the access handle and complies.

Clause 4.3 - Height of buildings

A 8.5 metre building height control applies to the site.

The new garage achieves a height of less than 4.5m and complies with the building height control.

Clause 4.4 - Floor space ratio

The floor space ratio control for the site is 0.55:1 for Lot 1 and 0.5:1 for Lot 2 (clause 4.4(2B)(b)).

Lot 1 achieves a floor space of 173.8m², resulting in a FSR of 0.38:1, and is less than the permitted maximum floor space ratio.

Lot 2 achieves a floor space of 0m², resulting in a FSR of 0:1, and is less than the permitted maximum floor space ratio.

The proposal complies with the development standard.

Part 5 – Miscellaneous Provisions

Clause 5.10 - Heritage conservation

The site is not identified as a heritage item, and is not located within a heritage conservation area. Accordingly, this clause is not applicable to the proposed development.

An assessment against Clause 5.10 is provided below:

Clause 5.21 – Flood Planning

The site is not identified as being located within flood liable land.

Part 6 – Local Provisions

Clause 6.1 - Acid sulfate soils

The site is identified as containing Class 5 acid sulfate soils.

Subclause (2) requires consent for works that are '*within 500 metres of adjacent Class 1, 2, 3 or 4 land that is below 5 metres Australian Height Datum and by which the watertable is likely to be lowered below 1 metre Australian Height Datum on adjacent Class 1, 2, 3 or 4 land*'.

The proposed works are located within 200 metres of Class 2 Acid Sulfate Soils, however no substantial excavation works are proposed below RL5.00 AHD.

Considering the proposed depth of the excavation works are minor, and do not extend below RL5.00AHD, and nor will the development penetrate the water table, an Acid Sulfate Soil Management Plan is not required.

Clause 6.2 - Earthworks

The proposal seeks to undertake minor earthworks to construct the concrete footings to the new addition.

These works are not considered to result in any significant earthworks or associated groundwater dewatering that is likely to be disruptive of, or detrimental effect on, drainage patterns and soil stability in the locality of the development.

No further environmental assessment is required under this clause.

Clause 6.3 - Stormwater management and water sensitive urban design

No change is proposed to the existing stormwater arrangements for Lot 1.

Stormwater for Lot 2 will be provided with the construction of any future new dwelling, and sufficient access is provided along the access handle to the street.

4.2 Provisions of Draft Proposal Environmental Planning Instruments (clause 4.15(1)(a)(iii))

There are no relevant Draft Environmental Planning Instruments applicable to the site and the proposed development.

4.3 Provisions of Development Control Plans (clause 4.15(1)(a)(iii))

4.3.1 Canterbury-Bankstown Development Control Plan [DCP No.]

Chapter 3 – Subdivision

Section 2 – Battle-Axe lots (Lot Dimensions and Access handles)

The proposed lots achieves complies with this Part as follows:

- Each Lot achieves a minimum lot area of 450m² and complies.
- Each lot achieves 'a rectangle buildable area with sides of 10m and 15m behind the setbacks of the proposed building.'
- The access handle achieves a width of 3.831m and is to be constructed in concrete and complies

Chapter 5 – Residential Accommodation

Part 5.2 – Former Canterbury LGA (Section 2 – Dwellings Houses and outbuildings)

The proposed lots achieves complies with this Part as follows:

Control	Comments
2.1 - Lot Size and Frontage	<p>Lot 1 achieves a width 11.7m and is rectangular in shape. Whilst the lot width is less than 15m, the size, shape and dimensions of the Lot ensures a 4 bedroom dwelling with 2 car spaces can be accommodated on the lot with superior occupant amenity in accordance with the objectives of the control.</p> <p>Lot 2 achieves a minimum width of 15m and is rectangular in shape and complies</p>
2.2 - Site coverage	<p>Lot 1 achieves a maximum building foot print that is less than 330m² and complies.</p> <p>The proposed garage outbuilding has a maximum building footprint of less than 45m² and complies.</p>

	Lot 2 demonstrates an indicative building footprint of less than 380m ² can be accommodated on the new Lot.
2.3 – Landscaping	<p>Lot 1 achieves a minimum landscape area of 20% and complies</p> <p>Lot 2 demonstrates at least 25% of the site area can be dedicated with landscape area.</p>
2.4 – Layout and orientation	The layout and orientation of the two lots ensure the Existing dwelling on Lot 1 and any proposed dwelling on Lot 2 can maintain sufficient solar access, cross ventilation and privacy.
2.5 – Height	<p>No change is proposed to the height of the existing dwelling.</p> <p>The proposed garage out Building has a height of less than 4.5 m and complies.</p>
2.6 – Setbacks	<p><u>Lot 1</u></p> <p>No change is proposed to the front and side setbacks of the existing dwelling.</p> <p>The existing dwelling maintains a minimum setback of 6m from the proposed rear boundary and complies.</p> <p>The proposed garage has a setback of 1 m from the side of rear boundaries and this setback is considered reasonable for the following reasons:</p> <ul style="list-style-type: none"> • The location of garage maximises the private open space area of the existing dwelling. • As shown on the submitted shadow diagrams, the proposed garage does not result any

	<p>overshading impacts upon the adjoining apartments.</p> <ul style="list-style-type: none"> • The proposed garage does not result in any visual privacy impacts. • The provide garage is enclosed to minimize any acoustic privacy impacts.
2.10 – Solar access and overshadowing	<p>As shown on the submitted shadow diagrams:</p> <ul style="list-style-type: none"> • Lot 1 receives a minimum of 3 hours of sunlight between 10:30 – 1:30pm on 21 June to the living room window and private open space area • The proposed garage does not result any overshadowing impacts upon the adjoining the living room windows and balconies of the adjoining apartments. • Lot 2 receives a minimum of 3 hours of sunlight between 11am – 2pm on 21 June to the indicative private open space area =
2.11 – Visual privacy	<p>No privacy screens are required over the windows of the existing dwelling. Adequate visual privacies maintain to this existing dwelling.</p>
2.13 – Fences	<p>The proposal includes the construction of dividing fences between the proposed lots.</p>
2.14 – Outbuildings	<p>The proposed garage out Building for Lot 1 measures 38 m² with a height of less than 4.5 m and complies.</p>

4.4 Planning Agreements (clause 4.15(1)(a)(iii))

None applicable.

4.5 Environmental Planning and Assessment Regulations 2000 (clause 4.15(1)(a)(iv))

There are no relevant matters for consideration

4.6 The Likely Impacts of the Development (clause 4.15(1)(b))

The likely impacts of the development, including environmental impacts on both the natural and built environments, and social and environmental impacts in the locality have been adequately addressed within the body of this report.

The report demonstrates the development complies with Council's relevant LEP and DCP's controls. Where non-compliance has been identified, it has been demonstrated that the development satisfies the objectives of the relevant control.

Overall, the development will provide a positive urban development outcome for the site, and positive contribution to the locality. It has been designed to satisfy Council's desire future character for the local area, and has been designed to limit impacts upon adjoining properties.

4.7 Suitability of the Site (clause 4.15(1)(c))

The preceding sections of this report demonstrate that the site is suitable for the proposed development. There are no significant constraints that would hinder the proposal to be carried out as outlined in this report.

4.8 Any submissions made in accordance with this Act or the regulations (clause 4.15(1)(d))

This matter is to be considered by the consent authority.

4.9 Public Interest (clause 4.15(1)(e))

The preceding sections of this report demonstrate that the proposal satisfies the provisions of the LEP and DCP. The proposal will not result in any unacceptable detrimental social, environmental and economic impacts upon adjoining properties. Consequently, the proposal is considered to be in the public interest.

Conclusion

The application seeks approval to Torrens title subdivision into two (2) lots and construction of a detached double garage.

As further demonstrated in this report, the proposed development is considered appropriate and reasonable for the following reasons:

- The proposed subdivision complies with the minimum lot size requirements.
- The layout and orientation of the two lots ensure the Existing dwelling on Lot 1 and any proposed dwelling on Lot 2 can maintain sufficient solar access, cross ventilation and privacy.
- The proposal is compliant with the height and density controls.
- The proposal maintains compliant site coverage and landscape area to each lot, whilst providing sufficient area to accommodate a 4 bedroom dwelling on each lot.
- The proposal does not result in any privacy impacts upon adjoining properties
- The proposal retains solar access to the adjoining properties in accordance with Council's controls.
- The proposal retains the existing significant vegetation located in the rear yard, and the quantum of permeable area.
- The proposal retains the existing dwelling and the proposed development does not result in any streetscape impacts.
- The application includes a concept plan of a 3 or 4 bedroom dwelling house to show that the lot is of adequate size, shape, and dimension to accommodate a new dwelling while maintaining sufficient amenity for the new lot and neighboring properties.

Accordingly, the proposal does not result in any loss of amenity to adjoining properties, and improves the internal amenity of the occupants of the building.

The proposal is considered suitable and is a good planning outcome for the site, and the locality. It is therefore recommended that Council approve the development application.