

CANTERBURY-BANKSTOWN COUNCIL

STATEMENT OF ENVIRONMENTAL EFFECTS

**DEVELOPMENT APPLICATION FOR CHANGE OF USE OF EXISTING
STORAGE SHED INTO PROPOSED SECONDARY DWELLING (STUDIO) AND
ASSOCIATED WORKS**

8 RUSSELL STREET RIVERWOOD NSW 2210

Prepared by Platinum Planning Solutions

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SITE DETAILS

Address	8 Russell Street Riverwood NSW 2210
Lot/Section/Plan	41/-/DP13592
Local Authority	Canterbury-Bankstown Council
Local Environmental Plan	Canterbury-Bankstown Local Environmental Plan 2023
Development Control Plan	Canterbury-Bankstown Development Control Plan 2023
Zone	R3 Medium Density Residential
Overlays	Local Aboriginal Land Council (Metropolitan), Regional Plan Boundary (Greater Sydney), Lot Size Map (460m ²), Floor Space Ration Map (0.5:1), Height of Buildings Map (8.5m), Acid Sulfate Soils Map (Class 5), Local Provisions (Clause Application Map; SEPP (Western Sydney Aerotropolis) 2020 Wind Turbines Map), Special Provisions (Thermal Energy from Waste Prohibition Map – Greater Sydney; SEPP (Sustainable Buildings) 2022: Water Use Map, Climate Zones for BASIX Buildings Map; Climate Zones for BASIX Alterations Map) and Greater Sydney Tree Canopy Cover 2019 / 2022 (Canopy %)

DEVELOPMENT PROPOSAL DETAILS

Proposal Summary	Change of Use of Existing Detached Outbuilding (Store) into proposed Secondary Dwelling (Studio) and Associated Works
Assessment Controls	Canterbury-Bankstown Local Environmental Plan 2023 and Canterbury-Bankstown Development Control Plan 2023
Applicant	Bing Kang Tan

REVISION DETAILS

Version	1.0
Prepared by	Logan White (BRTP)
Signed	
Date	3/12/2024
Reviewed by	Felipe Cunha (MSustEnviron&Planning)
Signed	
Date	3/12/2024

1.0 INTRODUCTION

This Statement of Environmental Effects (SEE) has been prepared by Platinum Planning Solutions on behalf of Bing Kang Tan (the applicant) to accompany a development application to Canterbury-Bankstown Council over land located at 8 Russell Street Riverwood (the subject site).

The development application seeks development consent for a change of use of existing storage shed into a secondary dwelling (studio), and associated works as per the attached plans package. This SEE provides the following:

- A description of the subject site and surrounding development;
- Detailed description of the proposed development;
- Assessment of the proposed development in accordance with Section 4.15 of the Environmental Planning and Assessment Act 1979;
- Assessment of planning considerations related to the proposed development.

The proposal is seen to be a desirable outcome for the subject site and will not impact on the amenity of the surrounding area. This Statement of Environmental Effects is to be read in conjunction with the attached plans and supporting documents.

2.0 SITE DESCRIPTION AND CONTEXT

2.1 Subject Site

The subject site is located at 8 Russell Street Riverwood and is formally described as Lot 41 on DP13592. The subject site has an overall site area of 588.4m² and currently contains a dwelling house and detached garage and ancillary outbuildings (store room and shed) all of which are proposed to be retained, with the existing store room proposed to undergo a change of use into to a studio dwelling. The site has a frontage to Russell Street of approximately 12.57m, with existing vehicular access to the site to be retained. The site is part of an established residential area with a range of residential premises in the surrounding vicinity. The location of the subject site is indicated below in Figures 1 & 2.

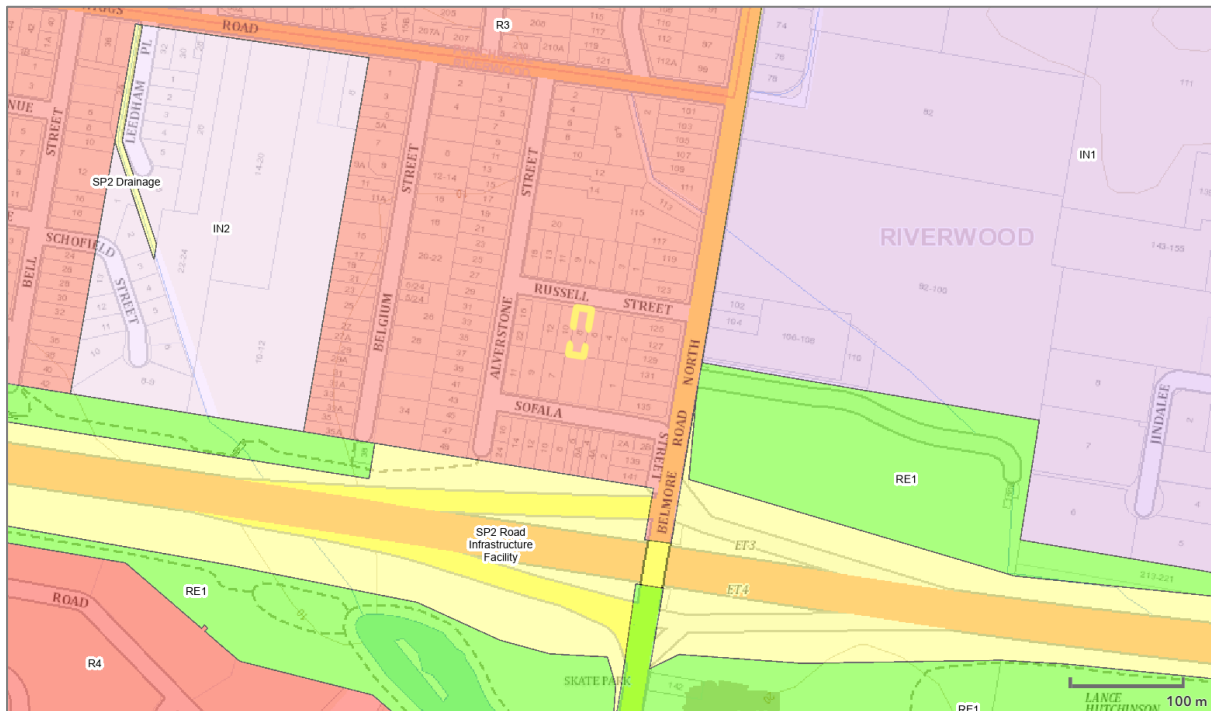


Figure 1: Subject Site Location



Figure 2: Subject Site Aerial Context

3.0 PROPOSED DEVELOPMENT

The proposed development is for a change of use for a secondary dwelling (studio) to reuse an existing detached outbuilding (store room), as well as associated ancillary works as per the attached plans package. The proposed change of use retains the existing dwelling and ancillary buildings and utilises the structure of the existing store room for a new habitable studio. Figure 3 displays the proposed front elevation and Figure 4 shows the site plan (please see floor plans attached to this application for details on the internal arrangement of the proposed studio).

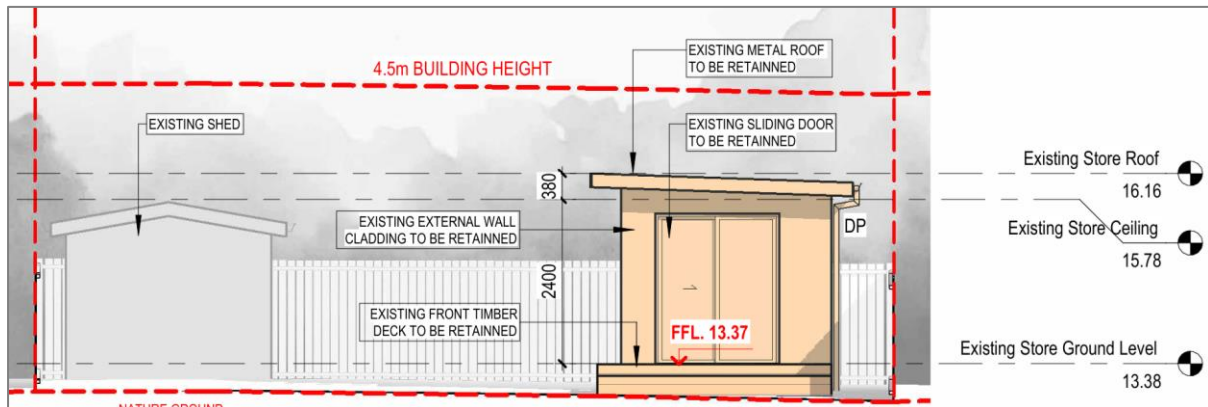


Figure 3: Front Elevation of Proposed Dwelling Studio

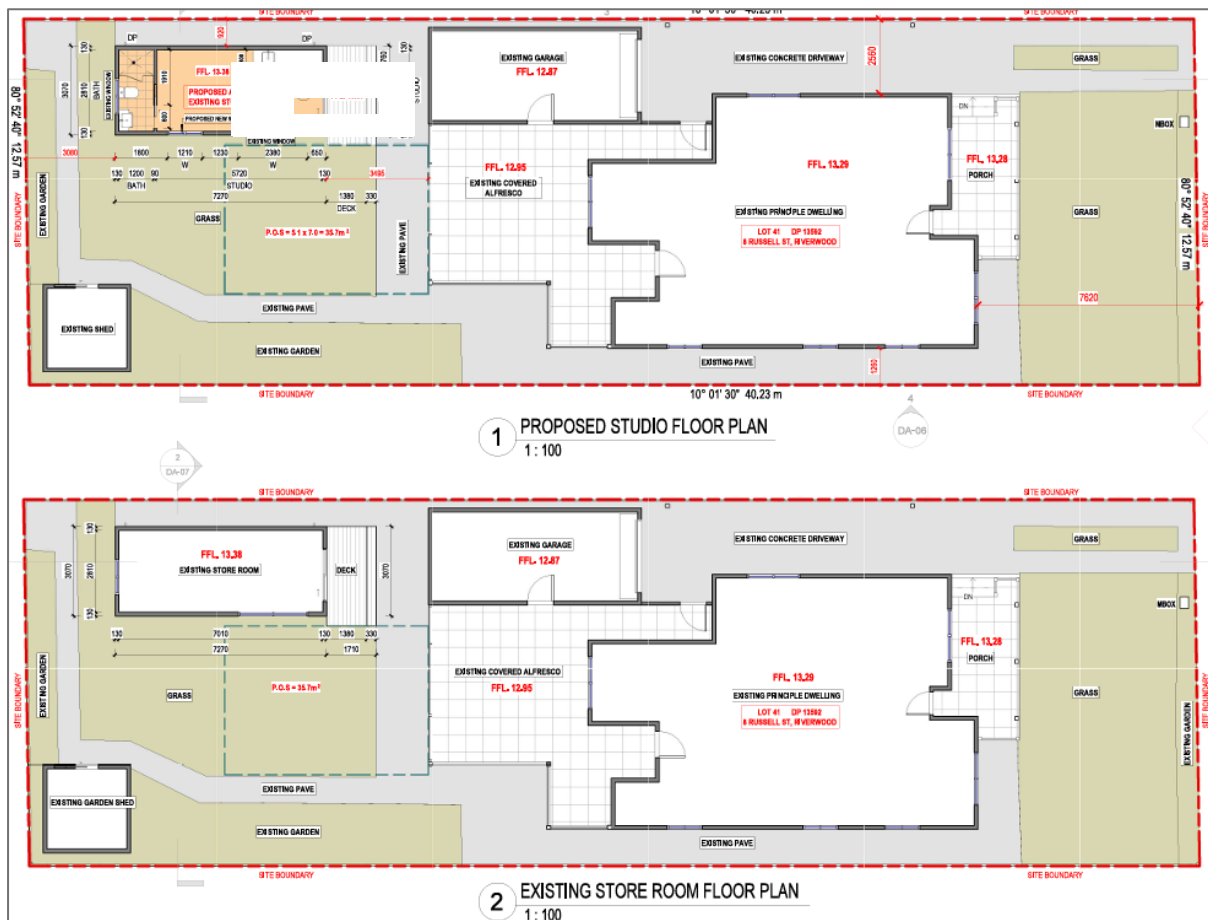


Figure 4: Existing and Proposed Site Plan

4.0 TOWN PLANNING ASSESSMENT

4.1 Environmental Planning and Assessment Act 1979

The Environmental Planning and Assessment Act 1979 (the Act) is the statutory planning instrument in New South Wales in which Council must use to assess development applications. In determining a development application, Council must take into consideration the following matters under Section 4.15 of the Act:

- 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 Director-General 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*
 - iv. *any planning agreement that has been entered into under section 93F, or any draft planning agreement that a developer has offered to enter into under section 93F, and*
 - v. *the regulations (to the extent that they prescribe matters for the purposes of this paragraph), and*
 - vi. *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.*

This Statement of Environmental Effects addresses the relevant provisions of the following planning instruments:

- Canterbury-Bankstown Local Environmental Plan 2023
- Canterbury-Bankstown Development Control Plan 2023

A detailed Section 4.15 assessment is provided as part of this overall Statement of Environmental Effects and in Section 4.4 of this report.

4.2 Canterbury-Bankstown Local Environmental Plan 2023

The Canterbury-Bankstown Local Environmental Plan 2023 (LEP) is the principle local planning instrument that applies to the site.

4.2.1 Zoning & permissibility

The subject site is zoned as R3 Medium Density Residential under the LEP. The objectives of the zone are as follows:

- *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 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 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.*

The proposed secondary dwelling is permissible with consent in the zone. The site is located within a residential area which is designed for proposals of this nature. The site has access to the appropriate services required and is accessible from the existing road network. The proposed secondary dwelling is seen to be in line with the existing streetscape and surrounding built form and to meet the prescribed intent of the zone. Therefore, the proposal is seen as a desirable outcome for the subject site and will not adversely affect the amenity of the surrounding area.

4.2.2 Height of buildings (Clause 4.3)

The proposed change of use does not alter the height of the existing buildings on site, which all comply with the 8.5m limit for the subject site under Clause 4.3 of the LEP.

4.2.3 Floor space ratio (Clause 4.4)

The proposed change of use results in a floor space ratio that complies with the allowable maximum floor space ratio of 0.5:1 for the subject site under Clause 4.4 of the LEP.

4.2.4 Architectural roof features (Clause 5.6)

The proposed change of use does not result in any architectural roof features projecting above the maximum building height under Clause 4.3, therefore Clause 5.6 of the LEP is not applicable.

4.2.5 Heritage conservation (Clause 5.10)

The site is not identified as containing a heritage item, and is not located within a heritage conservation area, therefore Clause 5.10 of the LEP is not applicable.

4.2.6 Flood planning (Clause 5.21) and Special flood considerations (Clause 5.22)

The subject site is not identified as being subject to flooding or flood planning controls, therefore Clauses 5.21 and 5.22 of the LEP are not applicable.

4.2.7 Acid sulfate soils (Clause 6.1)

The subject site is affected by Class 5 acid sulfate soils, however no works below ground level are proposed and therefore the proposal complies with Clause 6.1 of the LEP.

4.2.8 Earthworks (Clause 6.2)

No earthworks are proposed as the site is retaining all structures and adaptively re-using an existing external store room to become a studio dwelling. Therefore, Clause 6.2 of the LEP is not applicable.

4.2.9 Stormwater management and water sensitive urban design (Clause 6.3)

It is to be noted that no changes are proposed to external factors that could affect existing stormwater management on the site. All stormwater collected is appropriately managed and directed to a lawful point of discharge. Stormwater management measures are in place to ensure that no negative impacts on adjoining properties or environmental features will be resultant from the proposed development. Further to this, an appropriate erosion and sedimentation control plan (ESCP) is in place which can be conditioned on the DA as considered appropriate. The subject site is not identified as being part of a flooding area or flood prone land. Please refer to attached material for further details on stormwater management and compliance with Clause 6.3 of the LEP.

4.2.10 Biodiversity (Clause 6.4)

The proposed change of use is responsive to the environmental values of the site and the proposed dwelling siting location negates site disturbance by ensuring that the existing building footprints are retained in situ. Additionally, the subject site is not classified as having protected terrestrial biodiversity, threatened species or fauna corridors and no buffer zones are applicable to the subject site. Therefore, it is asserted that no negative effects will be delivered on significant flora and fauna species, or habitats as a result of this proposal. Moreover, no vegetation is proposed to be cleared in order to adaptively re-use the existing detached outbuilding, and complementary landscaping exists on the site, which will be remain unchanged. Therefore, the proposal complies with Clause 6.4 of the LEP.

4.2.11 Riparian land and watercourses (Clause 6.5)

The proposed change of use is responsive to the environmental values of the site and the proposed adaptive reuse of the detached outbuilding (store) ensures site disturbance is negated by ensuring that no changes to vegetation, earthworks or other landscaping elements are required. Native fauna and flora will not be affected by the proposed development as no vegetation clearance will be. Appropriate measures to protect biodiversity will be put in place and a complementary landscape plan is retained on site. In addition, riparian lands and watercourses are not affected by the proposed development and therefore, the proposal complies with Clause 6.5 of the LEP.

4.3 Canterbury-Bankstown Development Control Plan 2023

The Canterbury-Bankstown Development Control Plan 2023 (DCP) is the planning instrument that provides comprehensive development controls for the local area. The relevant matters to be considered under the DCP for the proposed development are outlined below.

4.3.1 Chapter 2 – Site Considerations

Control / Objective	Compliance	Comments
Chapter 2.1 – Site Analysis	Complies	Please refer to attached plans package for further details.
Chapter 2.2 – Flood Risk Management	N/A	The site is not identified as affected by flood prone land.
Chapter 2.3 – Tree Management	Complies	No trees will be impacted by the proposed change of use development. Tree removal is not proposed.
Chapter 2.4 - Pipeline Corridors	N/A	The site is not identified as being adjacent to a pipeline corridor.

4.3.2 Chapter 3 – General Requirements

Control / Objective	Compliance	Comments
Chapter 3.1 – Development Engineering Standards	Complies	The existing structures were designed in accordance with engineering requirements and complies with the design requirements for a dwelling house and ancillary buildings under the DCP. The existing driveway and access will be retained unchanged. Additionally, the proposal ensures that clear sightlines are retained to ensure safety and visibility between vehicles on the driveway, pedestrians on the footway and vehicles on the road. Furthermore, vehicular access complies with AS2890.1. All stormwater collected is appropriately managed and directed to a lawful point of discharge. Additionally, on-site retention and re-use of stormwater runoff is provided. Moreover, there are stormwater management measures in place to ensure that no negative impacts on adjoining properties or environmental features will be resultant from the proposed development. Further to this, an appropriate erosion and sedimentation control plan (ESCP) will be in place which can be conditioned on the DA as considered appropriate. The subject site is not identified as being part of a flooding area or flood prone land. Please refer to attached material for further details on stormwater management.
Chapter 3.2 – Parking	Complies	The existing dwelling house provides adequate provision of car parking spaces which will be retained on site. The proposed change of use does not warrant the provision of additional parking spaces. The proposal is therefore considered to comply with the minimum parking rate of two spaces per dwelling house. The existing driveway allows for the shortest and most direct access over the nature strip and to be retained.
Chapter 3.3 – Waste Management	Complies	Waste will be managed appropriately as per the Waste Management Plan provided with the application, and compliance with the appropriate waste management procedures and requirements can be conditioned on the DA as considered appropriate. Adequate storage for waste is provided on site, incorporated with landscape design and site planning, easily transportable to the collection areas and designed to minimize amenity issues related with smells. Please refer to attached Waste

Control / Objective	Compliance	Comments
		Management Plan and site plan provided for further details on construction waste.
Chapter 3.4 – Sustainable Development	Complies	The proposed development is asserted to embrace and maximize the use of water efficient features, natural lighting, and natural cross ventilation and to minimise the energy consumption. Please refer to attached BASIX Certificate for further details.
Chapter 3.5 – Subdivision	N/A	Not proposed.
Chapter 3.6 – Signs	N/A	Not proposed.
Chapter 3.7 – Landscape	Complies	The existing landscape design is appropriate and will be retained. The proposed development minimises impacts on native vegetation and site disturbance by undergoing adaptive reuse of existing buildings. Additionally, the proposed soil modifications are not required as there are no external changes proposed to any of the existing buildings on site and no changes to the landscape design. Therefore, it is asserted that the proposed development retains the existing landscape, built form, scale and bulk that remains compatible with existing dwellings in the surrounding vicinity. Please refer to attached material for further details.

4.3.3 Chapter 5 – Residential Accommodation (Chapter 5.2 Former Canterbury LGA)

Control / Objective	Compliance	Comments
<i>Section 2 – Dwelling Houses and Outbuildings</i>		
2.1 Minimum Lot Size and Frontage	N/A	The proposal does not involve the erection of a dwelling house or outbuilding as it will convert an existing outbuilding into a studio dwelling.
2.2 Site Coverage	N/A	The proposed conversion of an existing building into a secondary dwelling does not change the existing site coverage on the subject allotment.
2.3 Landscaping	Complies	No changes are proposed to the existing landscaped area of the site. The proposal retains a landscaped area and deep soil area that complies with the minimum 20% area requirement and 2.5m dimension requirement under the DCP.
2.4 Layout and Orientation	Complies	The proposed development is utilises an existing building on site which is appropriately oriented and asserted to embrace and maximise the use of water efficient features, natural lighting, and natural cross ventilation and to minimise the energy consumption. Additionally, the site layout and design takes into consideration sunlight access and orientation, and is located accordingly to the existing building platform on the site, which is seen to decrease privacy and amenity impacts in regards to adjoining properties and therefore complies with the DCP.

Control / Objective	Compliance	Comments
		requirements. The proposal is equipped with openable doors and windows that can provide natural ventilation, by allowing cross-breezes and prevailing winds to pass through the building. The existing dwelling house and associated works retains casual surveillance of the street from the upper floor balcony and bedroom window and addresses the required and applicable CPTED principles.
2.5 Height	N/A	No changes are proposed to the height of existing buildings on the site.
2.6 Setbacks	N/A	No changes are proposed to the setbacks of the existing buildings on the site.
2.7 Building Separation	N/A	No changes are proposed to the location of existing buildings on the site.
2.8 General Building Design	N/A	No changes are proposed to the design of the existing buildings on the site.
2.9 Roof Design and Features	N/A	No changes are proposed to the roof form of existing buildings on the site.
2.10 Solar Access and Overshadowing	Complies	The proposed buildings designed in such a way that allows solar access to habitable areas, recreational space and private open spaces on the site and on neighbouring sites. It is to be noted that the store room / future secondary dwelling receives adequate sunlight. No changes are proposed that would affect the provision solar access on site or on adjoining properties.
2.11 Visual Privacy	Complies	The proposal will not have any adverse visual impacts as the existing buildings were designed to achieve great visual privacy between adjoining dwellings. Please note that additional privacy measures can be conditioned to the DA where council considers it to be appropriate.
2.12 Acoustic Privacy	Complies	Appropriate materials with acoustic properties are incorporated in the existing building in order to attenuate the acoustic impacts.
2.13 Fences	N/A	No changes are proposed to existing fences.
2.14 Outbuildings and Swimming Pools	N/A	Not proposed. An existing outbuilding will be converted into a secondary dwelling.
2.15 Building Services	Complies	The site has access to the appropriate services required, is accessible from the existing road network and therefore complies with section C1.6.3 of the DCP.
Section 7 – Secondary Dwellings		
Section 7 Controls	Noted	Noted.
Schedule 1 Complying Development – Secondary Dwellings within the State	Complies	<u>Lot Requirements:</u> The proposal will result in not more than 1 primary dwelling and 1 secondary dwelling. The site is

Control / Objective	Compliance	Comments
Environmental Planning Policy (Housing) 2021.		12.575m and therefore complies with the minimum width requirement for establishment of a secondary dwelling on sites with area ranging between 450m² – 900m². The site has lawful access to a public road. No additional parking is provided or required. <u>Maximum Site Coverage of All Development:</u> The proposal will not alter the existing site coverage which complies with the 50% limitation for sites ranging between 450m² – 900m². <u>Maximum Floor Area for Principal and Secondary Dwelling:</u> The secondary dwelling will have a floor area that complies with the maximum 60m² limitation. The conversion of the existing outbuilding into a secondary dwelling will not cause the floor area for both primary and secondary dwelling (combined) to exceed the 330m² limitation for sites ranging between 450m² – 600m². <u>Setbacks and Maximum Floor Area for Balconies, Decks, Patios, Terraces and Verandahs:</u> The existing deck for the outbuilding which will be converted into a secondary dwelling has an area of less than 5m², is less than 600mm above ground level and will not be altered. <u>Building Height:</u> No changes are proposed to the height of the existing buildings. It is to be noted that the outbuilding to be converted into a secondary dwelling has a height that is less than 4.5m. <u>Setbacks from Roads, Other than Classified Roads:</u> The proposal utilises the location of an existing detached outbuilding which is located behind the primary dwelling on the site. <u>Setbacks from Classified Roads:</u> N/A <u>Setbacks from Side Boundaries:</u> The existing building to be converted into a secondary dwelling is 920mm from the nearest side boundary which complies with the minimum 0.9m requirement. No changes are proposed to the side setbacks of the existing buildings on site.

Control / Objective	Compliance	Comments
		<u>Setbacks from Rear Boundaries:</u> The existing outbuilding to be converted into a secondary dwelling has a rear setback of 3.02m which complies with the 3m requirement for lots ranging between 450m² – 900m². <u>Exceptions to Setbacks:</u> The eaves of the existing outbuilding encroach within the 900mm setback. <u>Building Articulation:</u> The secondary dwelling is at the rear of the site and does not encroach within the articulation zone. <u>Privacy:</u> The proposal will not have any adverse visual impacts as the existing buildings were designed to achieve great visual privacy between adjoining dwellings, noting that the secondary dwelling will be a single storey and sightlines for windows are not expected to be blocked by the fence and landscape features of the site. Additional privacy requirements can be conditioned to the DA by Council if required, however it is asserted that the privacy impacts posed by the development will be negligible. <u>Landscaped Area:</u> The proposal does not change the existing landscaped area on the site, which complies with the 20% requirement for sites ranging between 450m² – 600m². Landscaped areas are a minimum dimension of 2.5m with more than 50% located behind the primary building line. <u>Principal Private Open Space:</u> The site contains a principle private open space that complies with the 24m² area requirement and is directly accessible and adjacent to living areas. The PPOS is more than 4m wide and has a gradient less than 1:50. <u>Earthworks, Retaining Walls and Structural Support:</u> No earthworks are proposed and no changes to existing support structures are proposed. <u>Drainage</u> All stormwater collected is appropriately managed and directed to a lawful point of discharge. Additionally, on-site retention and re-use of

Control / Objective	Compliance	Comments
		stormwater runoff is provided. Moreover, there are stormwater management measures in place to ensure that no negative impacts on adjoining properties or environmental features will be resultant from the proposed development. Further to this, an appropriate erosion and sedimentation control plan (ESCP) will be in place which can be conditioned on the DA as considered appropriate. The subject site is not identified as being part of a flooding area or flood prone land. Please refer to attached material for further details on drainage management. <u><i>Setback of Secondary Dwellings and Ancillary Structures from Protected Trees</i></u> No new buildings are proposed, and no protected trees are on the property or will be affected by the proposal.

4.4 Section 4.15 Assessment

In determining a development application, the consent authority must take into consideration a number of matters under Section 4.15 of the Environmental Planning and Assessment Act 1979. This assessment is shown in the below table:

Evaluation	Assessment
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 93F, or any draft planning agreement that a developer has offered to enter into under section 93F, and	a) The proposal aligns with the relative matters of the LEP and DCP as per the compliance assessment in this Statement of Environmental Effects. The proposal is seen to generally satisfy the objectives of the relative planning controls and is seen as a desirable outcome for the subject site.

Evaluation	Assessment
(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.	b) The proposal will not have any negative impacts on any surrounding dwellings as the siting and design of the dwelling house and associated works is seen to be a desirable outcome. Appropriate sedimentation, waste management and noise controls will be in place which can be conditioned on the DA as considered appropriate. The proposal will not impact any significant environmental aspects of the surrounding area and is seen as a desirable outcome from an economic and social perspective as part of on-going investment and development. c) The site is located within a residential area which is designed for proposals of this nature. The site has access to the appropriate services required and is accessible from the existing road network. The proposal has been designed to adapt to the site constraints and is seen to meet the objectives of the relevant planning controls. d) As per the DCP requirements, the development application may be placed on public exhibition to invite submissions, and if applicable Council will assess these accordingly. e) The proposal is in the public interest as it satisfies the objectives of the relevant planning controls.

4.5 Other Considerations

4.5.1 Amenity

The proposal will not have any negative amenity impacts on the surrounding area or adjoining dwellings as the proposed siting and adaptive reuse on an existing building is compatible with the built form of the surrounding area in terms of height, bulk and scale.

4.5.2 Sedimentation Control

Appropriate sedimentation controls will be in place which can be conditioned on the DA as considered appropriate.

4.5.3 Noise and Vibration

The proposal is not expected to cause any adverse acoustic impacts and compliance with the acoustic requirements of the DCP and any other relevant acoustic requirements and construction hours can be conditioned on the DA as considered appropriate.

4.5.4 Landscaping

The proposal incorporates and retains the existing landscaping to the subject site and is seen as a desirable outcome.

4.5.5 Social and Environmental Impact

The proposal will not adversely impact any significant environmental aspects of the surrounding area and is seen to be a desirable outcome from an economic and social perspective as part of on-going investment and development.

4.5.6 Waste Management

Waste will be managed appropriately as per the Waste Management Plan provided with the application, and compliance with the appropriate waste management procedures and requirements can be conditioned on the DA as considered appropriate.

4.5.7 BCA Compliance

The proposed works will be capable of complying with the BCA which will be part of a detailed assessment prior to the issue of a Construction Certificate and can be conditioned on the DA as considered appropriate.

5.0 CONCLUSION

This Statement of Environmental Effects has reviewed the proposed change of use for a secondary dwelling (studio) to reuse an existing detached outbuilding (store room), and associated works to the subject site. It is considered that the proposed works, which are permissible with consent, are appropriate for the subject site. The proposal is not expected to have any adverse impacts on the surrounding natural or built environment. Ultimately the proposal complies with the intent and design objectives of the relevant planning controls and represents ongoing investment in the area. For these reasons it is seen that the proposed development should receive full development consent subject to reasonable and relevant conditions.