

STATEMENT OF ENVIRONMENTAL EFFECTS

To be read in conjunction with the development application for

PROPOSED CONVERSION OF AN EXISTING GARAGE TO A DETACHED SECONDARY
DWELLING WITH STORAGE SPACE ON LOT 43 DP 19799 No. 7 MOLLER AVENUE,
BIRRONG



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1. INTRODUCTION

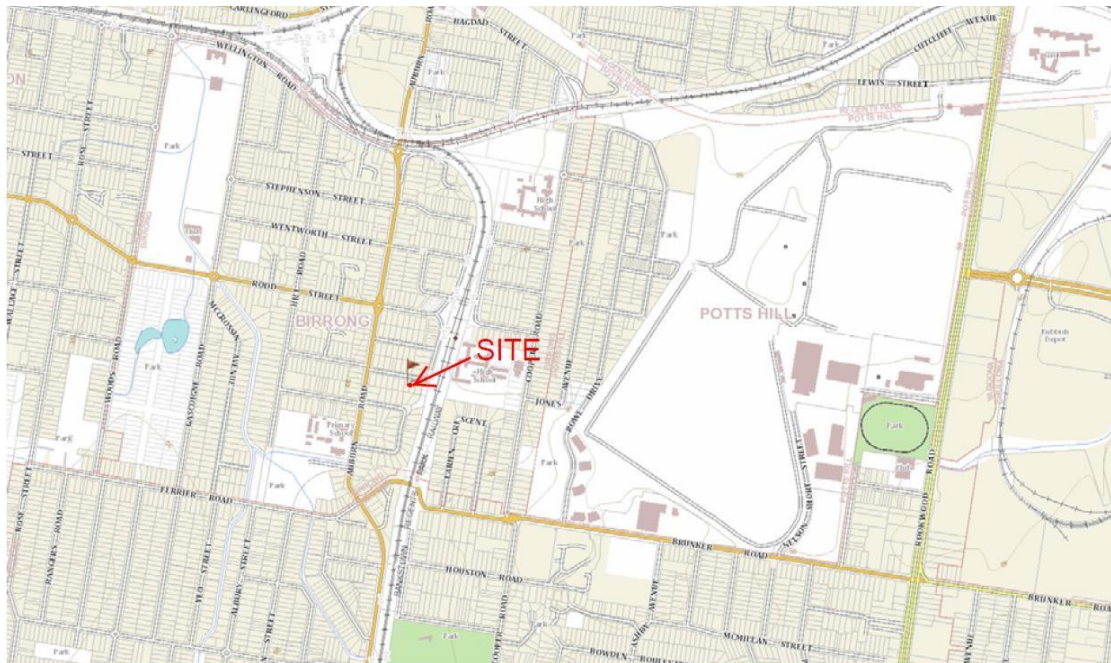
This Statement of Environmental Effects (SEE) accompanies a Development Application (DA) for converting an existing single-storey outbuilding to a 59m² secondary dwelling, including 4m² of storage space, at 7 Moller Avenue, Birrong. The 63m² outbuilding contains two bedrooms, open living, dining and kitchen, bathroom and outdoor storage.

This report examines the characteristics of the subject property, the nature of the surrounding locality, the zoning of the property and details of the proposed facilities. The report then assesses the proposal in Section 4.15 of the Environmental Planning and Assessment Act 1979 (as amended). Conclusions are drawn, and relevant illustrative material and supporting specialist reports are attached. A complete set of architectural drawings, including a site analysis, is provided separately with the Development Application.

2. THE SITE AND LOCALITY

The subject land is described as Lot 43 DP 19799 No. 7 Moller Avenue, Birrong. The site is located on the southern side of Moller Avenue, 120m southwest from Birrong Railway Station (see **Figure 1 – Location** below).

Figure 1 - Location



The site is rectangular in shape, with a total area of 518.5m². It is 15.24m to Moller Avenue and 34.14 m deep. The site contains a single-story detached dwelling with brick exterior walls and a tile roof. A large single-story outbuilding with brick exterior walls and a tile roof is located in the rear southwest corner of the site, with a small shed adjacent to the north.

A driveway extends south from Moller Avenue on the western side of the site. At the northern end of the driveway, an open single-car-width carport can accommodate two cars in a stacked parking arrangement. A site plan is shown below in Figure 2. An aerial view of the site is shown further below in **Figure 3**.

Figure 2 - Site



Figure 3 – Aerial View of the Site



The site has a gentle fall towards the street. There are no watercourses on or near the site. Vegetation primarily comprises lawn and shrubs. A large tree is located in the northeast corner of the front yard of the site. A medium-sized street tree is located a short distance to the northwest within the grassed footpath reserve of Moller Avenue, southern side.

Photo 1 below shows a view of the site looking south from Moller Avenue. **Photos 2** and **3** further below show views of the existing outbuilding in the site's rear southwest corner. **Photo 1** shows the northern elevation of the outbuilding looking north from the driveway. **Photo 3** on the following page shows the outbuilding looking southwest from the rear terrace.

Photo 1 – View of the Site Looking South from Moller Avenue



Photo 2 - View of the Existing Outbuilding Northern Elevation





Photo 3

**Existing outbuilding
as viewed from the
existing rear terrace**

The site is adjoined to the east 2 storey detached single dwelling at No. 5 Moller Avenue, as shown below in **Photo 4** and adjoined to the west by a 1 storey detached single dwelling at No. 9 Moller Avenue, as shown further below in **Photo 5**.



Photo 4

**View Looking South
of No. 5 Moller
Avenue**



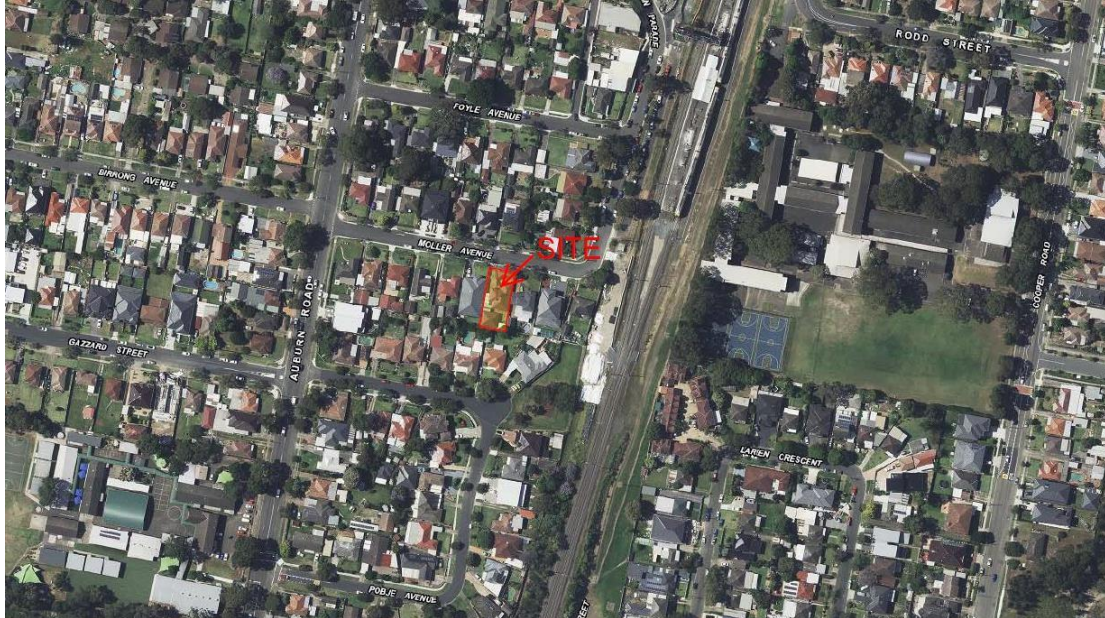
Photo 5

**View Looking South
of No. 9 Moller
Avenue.**

The locality is low density residential in nature, comprising 1 and 2 storey single detached dwellings in a range of architectural styles, generally constructed over the last 70 years, including a small number of contemporary 2 storey dwellings and dwellings

that have had a second storey added. An aerial view of the site and the locality is shown, below at **Figure 4**, below.

Figure 4 - Aerial View of the Site and the Locality



The site is adjoined to the east and west by one —and two-storey single detached dwellings fronting onto Moller Avenue. Birrong Station is 120m to the northeast of the site, and the railway line extends south from Birrong Station to Bankstown Station, located 80m to the east of the site.

To the north of the site, on the northern side of Moller Avenue, between Hudson Parade and Auburn Road, are 1 and 2 storey single detached dwellings. Similar low-density residential development extends south of the site, fronting onto Pobje Avenue.

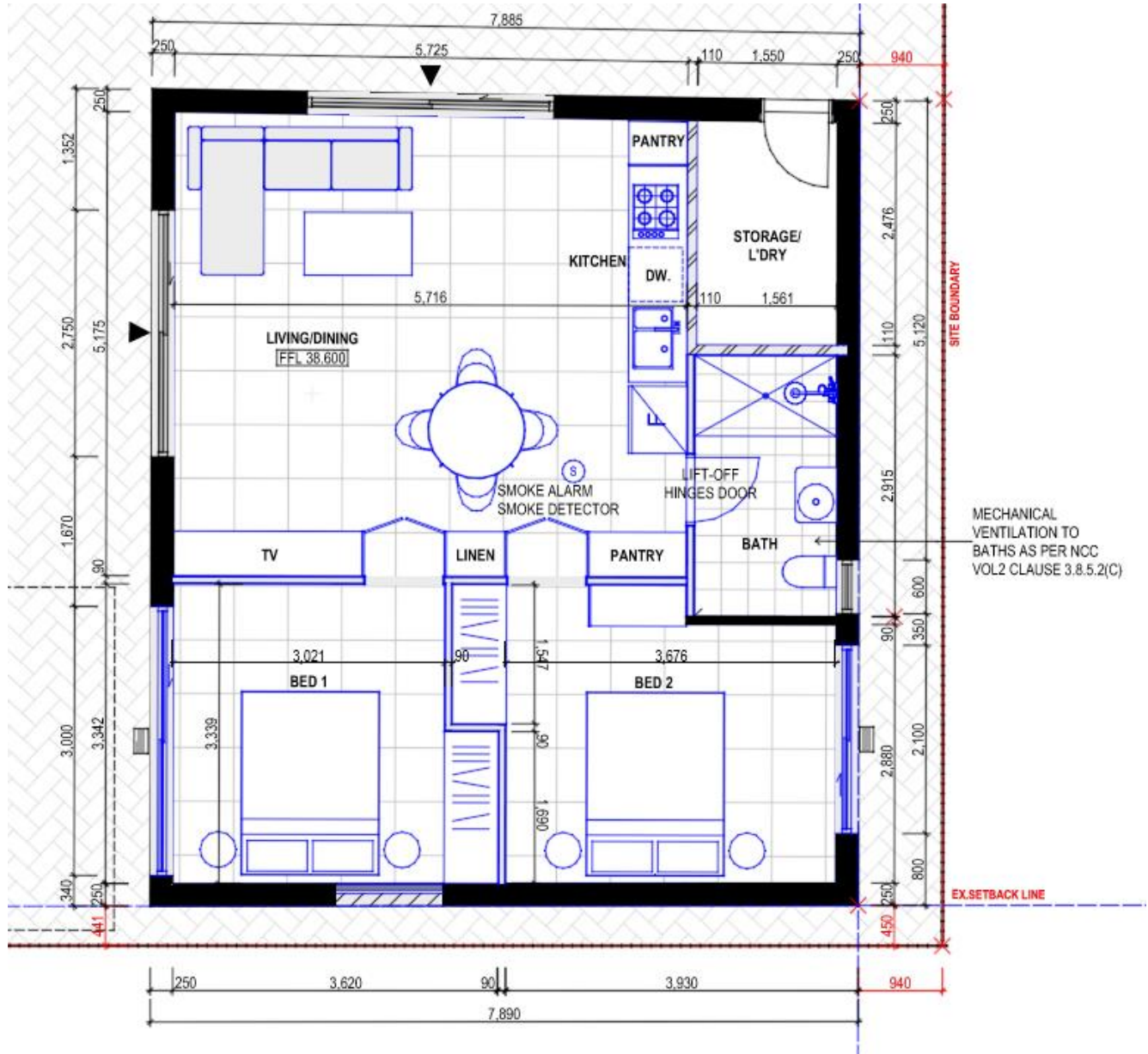
3. PROPOSED DEVELOPMENT

The proponent seeks approval to convert a 63m² single-storey outbuilding located in the property's rear yard to a secondary dwelling with two bedrooms, open space living, dining, kitchen and a toilet, storage area.

The area of the outdoor storage space (4m²) is excluded from calculating the assessable gross floor area (GFA). The secondary dwelling has a proposed assessable GFA of 59m².

Figure 5 shows a floor plan of the proposed secondary dwelling conversion within the existing outbuilding.

Figure 5 – Floor Plan of Proposed Secondary Dwelling



The existing dwelling, which has a modest assessable GFA floor area of 122m² will be retained as is. The total combined assessable GFA of the existing dwelling and the proposed secondary dwelling (including storage space) is 181m².

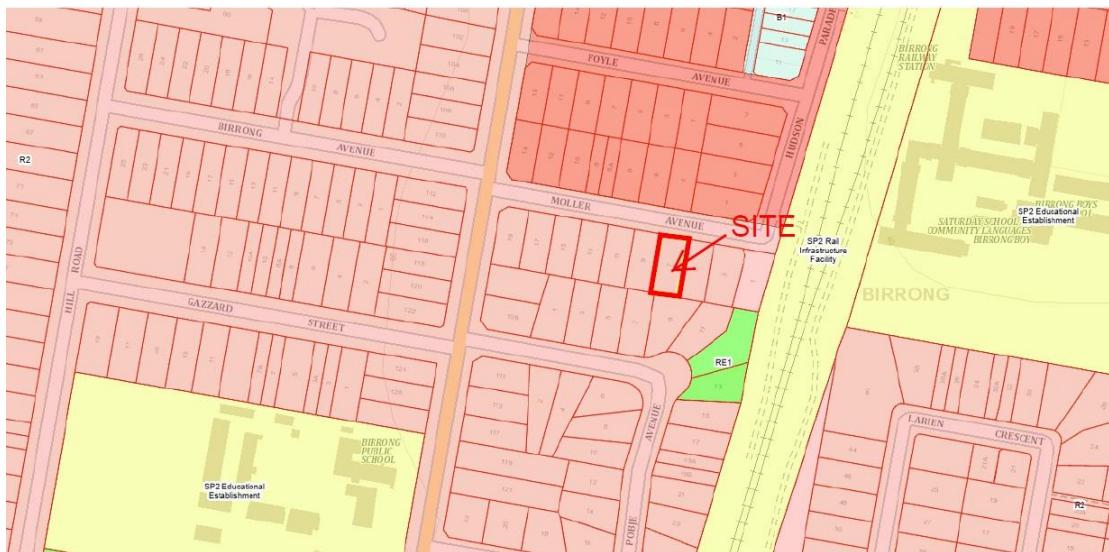
The existing driveway, carport and 2 stacked car spaces on the western side of the dwelling are retained, as are existing fencing, soft landscaped area (119m²), pathways and rear paved terrace area.

4. ZONING & PRIMARY DEVELOPMENT CONTROLS

4.1 ZONING & PERMISSIBILITY

The subject land is zoned R2 Low Density Residential pursuant to Canterbury-Bankstown Local Environmental Plan 2023. A zoning map extract for the site and locality is shown below, in **Figure 6 – Zoning**.

Figure 6 – Zoning



Dwelling houses and secondary dwellings are identified as permissible development, with consent in the R2 Zone land uses table applying to the site. Accordingly, the proposed conversion of a portion of the existing outbuilding to a secondary dwelling is permissible development.

The objectives of the R2 Zone are:

- *To provide for the housing needs of the community within a low density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To ensure suitable landscaping in the low density residential environment.*
- *To minimise and manage traffic and parking impacts.*
- *To minimise conflict between land uses within this zone and land uses within adjoining zones.*
- *To promote a high standard of urban design and local amenity.*

The proposal is consistent with the applicable R2 Zone objectives by providing for the housing needs of the community within a low-density residential environment in a manner that is consistent with the landscaped character of the locality. The proposal provides adequate off-street parking, results in minimal increase in traffic, does not create any conflict of land uses and provides for an appropriate standard of urban design with no material impacts on local amenity. The zone objective relating to land uses other than residential, is not applicable to the proposed development.

4.2 Primary Development Controls

The following planning and development controls are applicable to the proposed development.

- State Environmental Planning Policy (Resilience & Hazards) 2021
- State Environmental Planning Policy (Sustainable Buildings) 2022
- State Environmental Planning Policy (Biodiversity & Conservation) 2021
- State Environmental Planning Policy (Housing) 2021
- Canterbury-Bankstown Local Environmental Plan 2023.
- Canterbury-Bankstown Development Control Plan 2023.

5. MATTERS FOR CONSIDERATION UNDER SECTION 4.15 OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979.

Section 4.15 of the *EPA Act* states that:

"In determining a development application, a consent authority is to take into account consideration of such of the following matters as are of relevance to the development subject of the development application".

5.1 The provisions of:

(i) any environmental planning instrument.

(a) State Environmental Planning Policy (Resilience & Hazards) 2021

State Environmental Planning Policy (Resilience & Hazards) 2021 (SEPP RH 2021) addresses a range of hazards to development. The land is not subject to any risks that would impact the proposed alterations and additions or its ongoing use for residential purposes. Chapter 4 of the SEPP relates to remediation of contaminated land to reduce risk to human health and/or the environment. The provisions of Chapter 4 require consideration of the potential for it to contain land contamination.

The subject land is not identified as having risk of contamination. The land and neighbouring properties have been utilised for residential purposes for many years. Given these circumstances, the subject land is unlikely to contain land contamination, and undertaking a formal Contamination Assessment is not considered necessary.

Prior to any works commencing an assessment will be undertaken of the existing outbuilding, with respect to potential hazardous or contaminated building material, such as asbestos, and if encountered suitable management and disposal undertaken before construction works commence.

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

State Environmental Planning Policy (Sustainable Buildings) 2022 (SEPP SB 2022) is primarily designed to encourage the design and delivery of sustainable buildings and ensure the consistent assessment of the sustainability of buildings.

Chapter 2 of the SEPP sets out standards for residential buildings and requires submission of a BASIX Certificate demonstrating compliance with BASIX requirements. A BASIX Certificate confirming such compliance with BASIX Requirements is attached at **Appendix I**.

(c) State Environmental Planning Policy (Biodiversity & Conservation) 2021

State Environmental Planning Policy (Biodiversity & Conservation) 2021 (SEPP BC 2021) applies to biodiversity and conservation issues such as vegetation, koala habitat, River Murray lands, bushland in bushland in urban areas, canal estates, Sydney drinking water catchment, Hawkes-Nepean River, Sydney Harbour Catchment, Georges River Catchment, and the Willandra Lakes Region World Heritage Property.

Chapter 6 of SEPP BC 2001 applies to land within nominated water catchments, including the Georges River Catchment. The subject land drains into Salt Pan Creek which is part of the Georges River Catchment.

Chapter 6 applies to the waterways and land adjoining the waterways, within the nominated catchments, including the Georges River Catchment. As the subject land is located within the boundaries of the land to which Chapter 6 of the SEPP applies, Chapter 6 Clause 6.6 – Water quality and quantity, and clause 6.7 – Aquatic ecology, are applicable to the proposed development.

The proposal does not result in any increased stormwater runoff or changes to the existing stormwater drainage system of the site. The site drains by gravity to the Council's existing drainage system in Moller Avenue. There will be no change in impacts on water quality entering any waterway as a result of the proposed conversion of a portion of an existing outbuilding on the site to a secondary dwelling.

The proposal will maintain the level and quality of the water table and substantially maintain existing water quantity flow to the Georges River. As no external works are proposed it is not necessary to provide erosion and sedimentation controls measures. There is no potential for sedimentation or other adverse stormwater discharge effects into any watercourse or natural water body.

The subject land is not located within a riparian area and will not result in clearing of any riparian vegetation. The proposed development will not have a direct, indirect or cumulative adverse impact on any terrestrial, aquatic or migratory animals or vegetation.

The proposal complies with the objectives and requirements of Chapter 6 of SEPP BC 2021.

(d) State Environmental Planning Policy (Housing) 2021

State Environmental planning Policy (Housing) 2021 (SEPP Housing) applies to a range of housing typologies and is designed to facilitate housing diversity and at Chapter 3 – Part1 sets out planning provisions relating to secondary dwellings. These provisions apply to sites with a minimum area of 450m² and include maximum floor areas and exempt secondary dwellings from the need to provide additional car parking.

As secondary dwellings are permitted on the subject land pursuant to CBLEP 2023, the Development Application (DA) is not submitted under SEPP Housing, rather is submitted under the provisions of CBLEP 2023. Accordingly, an assessment of the DA under SEPP Housing is not required.

(e) Canterbury-Bankstown Local Environmental Plan 2023

Canterbury-Bankstown Local Environmental Plan 2023 (CBLEP 2023) is the local environmental planning instrument that applies to the subject land and includes a range of local development controls applying to development. The provisions of CBLEP 2023 that are applicable to the proposed development are identified and considered in the following assessment.

Clause 4 – Principal development standards

Clause 4 of CBLEP 2023 relates to principal development standards, including matters such as minimum lot size for subdivision, maximum building height and maximum floor space ratio. Subdivision controls, such as minimum lot size are not applicable as no subdivision is proposed.

The Building Height Map to Clause 4.3 of CBLEP 2023 prescribes a maximum building height of 9m for the subject land. All existing buildings on the site, including the outbuilding proposed for conversion to a secondary dwelling, are single storey and well below the maximum permitted building height of 9m. No additions are proposed and there are no changes to existing compliant building height.

The Floor Space Ratio Map to Clause 4.4 of CBLEP 2023 prescribes a maximum floor space ratio (FSR) of 0.5:1 for the subject land. Based on a site area of 518.5m², a maximum assessable gross floor area (GFA) of 269.25m² is permitted. The proposal provides for a compliant assessable GFA of 168.3m² equating to a readily compliant FSR of 0.3246:1.

Clause 4.6 – Exceptions to development standards

Clause 4.6 of CBLEP 2023 allows for exceptions to development standards to provide for an appropriate degree of flexibility in the application of certain development standards applicable to particular development and to achieve

better outcomes for and from development, by allowing flexibility in particular circumstances.

As no variation to any development standard is proposed or required, the provisions of clause 4.6 are not applicable.

Clause 5.4 - Controls relating to miscellaneous permissible uses

Clause 5.4 of CBLEP 2023 relates to controls for various miscellaneous uses, including secondary dwellings. Subclause 5.4(9) requires that a secondary dwelling must not have a total floor area, excluding any area used for parking, that exceeds whichever is the greater of 60m² or 10% of the total floor area of the principal dwelling. The proposal has an assessable GFA (including storage area but excluding the floor area of the car space) of 57m², which complies with the maximum 60m² permitted.

There are no other planning provisions applying to the proposal pursuant to CBLEP 2023. The proposal complies with the applicable objectives and controls of CBLEP 2023.

- (ii) *any draft environmental planning instrument that is or has been placed on public exhibition and details of which have been notified to the consent authority.*

There are no draft environmental planning instruments that are of relevance to the proposed school development.

5.2 *Any development control plan.*

5.2.1 Canterbury-Bankstown Development Control Plan 2023

Canterbury-Bankstown Development Control Plan 2023 (CBDPCP) provides detailed development objectives and guidelines for development to which CBLEP 2023 applies. Chapter 1 of the DCP provides an introduction to the DCP, including administrative matters.

Chapter 2 of the CBDPCP relates to site considerations. The architectural plans are accompanied by a site analysis plan. The subject land is not subject to flooding risk and is not located within or adjoining any pipeline corridors. No trees are proposed to be removed or impacted. The proposal complies with the provisions of Part 2 of the DCP.

Chapter 3 of the DCP relates to matters such as development engineering standards, parking, waste management, sustainable development, subdivision, signs and landscape. Section 3.1 of the DCP is not applicable as no civil engineering or drainage works are proposed. The existing stormwater drainage system on the site is retained and there is no increase in stormwater runoff.

Section 3.2 of Chapter 3 CBDCP relates to parking and is not applicable to the proposal as no changes to existing car parking are proposed, and no additional car parking is required for a secondary dwelling. Two stacked car spaces located within the existing carport are retained for the existing dwelling. The existing car space within the existing outbuilding is retained (including the roller shutter access door) and has compliant car space dimensions.

Section 3.3 of Chapter 3 of CBDCP relates to waste management. Existing waste management facilities are retained, and no additional waste management facilities are required for the proposal. The proposal complies with Section 3.3 of the DCP.

Section 3.4 of Chapter 3 of CBDCP relates to sustainable development. The secondary dwelling will include water and energy-efficient appliances. A BASIX Certificate confirming that the proposal complies with residential energy efficiency requirements is attached at Appendix C.

Section 3.5 – Subdivision and Section 3.6 – Signs of Chapter 3 of CBDCP are not applicable to the proposal as no subdivision or signs are included in the proposed development.

Section 3.7 of Chapter 3 of CBDCP relates to landscape, including landscape design and biodiversity. The existing landscaping and landscaped area within the site are retained. There is no increase or decrease in landscaped area. Adequate landscaping is provided on the site and there will be no adverse impacts on the biodiversity values of the site or locality. The site does not adjoin bushland and there will be no adverse impact on any threatened or endangered flora or fauna.

Chapter 4 of CBDCP 2023 relates to heritage. There are no heritage items on or near the site and the site is not located within any heritage conservation area. An assessment under Chapter 4 of the DCP is not required.

Section 5.1 of Chapter 5 of CBDCP relates to residential accommodation in the former Bankstown Local Government Area and is the primary section of the DCP that is applicable to the proposed conversion of part of the existing outbuilding to a secondary dwelling.

Subsection 3 of Section 5.1 applies to secondary dwellings. The proposal achieves the objectives of Subsection 3 of the DCP by providing for compliance with the applicable development controls, maintaining residential character and amenity of the locality and providing suitable residential accommodation and amenity for future occupants of the proposed secondary dwelling. The proposal is assessed against the development controls of Subsection 3 in the following assessment.

Lot Size

The subject land has an area of 518.5m², which readily complies with the 450m² minimum area required in development control 3.1.

Site Cover

The total floor area of the existing dwelling and the proposed secondary dwelling are less than the maximum permitted floor area allowed for the site pursuant to CBLEP 2023 and the floor area of the proposed secondary dwelling (59m²) does not exceed 60m².

Storey limit (not including basements)

The proposed development is single storey only and the wall height of the secondary dwelling does not exceed 3m.

The siting of the secondary dwelling is compatible with the relatively flat topography of the site and adjoining properties. There are no elevated platforms or columns and no terracing, rock excavation, retaining walls or reclamation.

Fill

No land filling or excavation is required or proposed. Existing ground levels are retained. The ground floor perimeter of the secondary dwelling has a height that is less than 600mm above the ground level of adjoining sites, at the boundary.

Setback restrictions

There are no existing animal boarding or training establishments within 9m of the proposed secondary dwelling

Street setbacks

The secondary dwelling front setback to Moller Avenue exceeds 20m and is readily compliant with the 5.5m minimum front setback that is required. The site does not have a secondary street frontage.

Side and rear setbacks

CBDCEP 2023 requires a side and rear setback of at least 900mm where wall height is less than 7m. The proposal provides a readily compliant eastern side setback of 5.675m and compliant rear setback of 940mm.

The existing outbuilding has a 461mm setback to the western side boundary. However, the residential component of the proposed secondary dwelling has a readily compliant western side setback of more than 3m. Only the single car garage and storage area at the rear are located less than 900mm from the western side boundary.

Private open space

The proposal does not reduce existing landscaped area or private open space. A compliant landscaped area is provided including more than 45% of the front setback provided as soft landscaped area, which also includes 1 large tree. A compliant private open space area of more than 80m² is provided.

Access to sunlight

An extensive area of glazing is provided to the northern and eastern elevations of the residential component of the proposed secondary dwelling with well in excess of 3 hours of sunlight provided to the living area between 8am and 4pm at the mid-winter solstice.

The proposal does not result in any increase in shadowing to neighbouring residential properties. There is no reduction in solar access to the living rooms of neighbouring residential properties.

In excess of 50% of the private open space area for the principal dwelling on the subject land will retain more than 3 hours solar access between 9am and 5pm at the equinox. The proposal does not result in any increase in shadowing to the private open space of neighbouring residential properties. The private open space of these properties will continue to receive at least 3 hours of solar access at the equinox between 9am and 5pm.

Visual privacy

No windows provide any opportunities for overlooking into the living area or bedrooms of neighbouring dwellings. Existing retained boundary fencing prevents any potential for overlooking of neighbouring properties from within the proposed single storey secondary dwelling.

The window in the rear elevation is restricted to a small bathroom window. The window in the western elevation is of modest size and is for the garage, rather than a habitable room. North facing glazing does not face towards neighbouring properties and east facing glazing is setback some 5.675m from the eastern side boundary, with potential for any overlooking blocked by the existing solid eastern side boundary fence and existing retained garden shed.

The proposal does not include any second storey, balconies or rooftop balcony. The proposal complies with the visual privacy requirements of the DCP.

Building design

The existing outbuilding proposed to be converted to a secondary dwelling generally complies with the building design provisions of the DCP and the National Construction Code with respect to secondary dwellings.

The DCP requires that detached secondary dwellings have a roof pitch of less than 25 degrees. 35 degrees is allowed for attached secondary dwellings. The existing outbuilding has a roof pitch of approximately 30 degrees, which matches the roof pitch of the existing building and complies with the maximum roof pitch for dwelling houses.

Given that the building is existing and roof pitch matches the existing building and there is no environmental planning or amenity benefit from reconstructing the existing outbuilding roof to provide a lower pitch of 25 degrees, it is considered reasonable to allow a roof pitch of 30 degrees in this case.

No attics or dormers are proposed, and the site is not located within a foreshore protection area.

Building Design (car parking)

The proposal does not result in any reduction in existing car spaces. The existing 3 car spaces are retained and exceed the minimum off-street parking requirement of 2 car spaces for a dwelling with 3 or more bedrooms. The DCP does not require separate parking for the secondary dwelling.

Landscape

The proposal does not require removal of any existing trees and will not impact on any existing trees on or near the site.

It is considered that the proposal achieves a satisfactory level of compliance with the objectives and controls of Section 5.1 of CBDP.

The remaining Chapters 6, 7, 8, 9, 10 and 11 of CBDP are not applicable to the proposed development.

1.1.1 Canterbury-Bankstown Local Infrastructure Contributions Plan 2022

Council's Section 7.11 developer contributions plan requires payment of a developer levy of \$4,692 for a 1 bedroom secondary dwelling, as at November 2024. This levy is payable to Council prior to the issue of a Construction Certificate or Occupation Certificate, where no Construction Certificate is required.

1.2 *Any matter prescribed by the regulations that apply to the land to which the development relates*

There are no matters prescribed by the regulations that are of relevance to the proposed development.

5.3 *The likely impacts of that development*

The likely impacts of the development have been assessed in Sections 5.1, and 5.2 of this SEE. There will be not material adverse impacts on the natural, social or economic environment, or neighbour amenity. The proposal will have positive social and economic impact by providing additional affordable housing close to public transport and services, with minimal impact on the environment or amenity of the locality. The likely impacts of the proposed development have been identified and suitable addressed in this Statement of Environmental Effects.

5.4 *The suitability of the site for the development*

The site is zoned residential and currently used for residential purposes and is suitable for the proposed inclusion of a secondary dwelling within the existing outbuilding located within the rear yard of the site.

All necessary reticulated urban services are available to the site. The site is not subject to development hazards such as landslip, mine subsidence, steep topography, flooding, bushfire or land contamination.

5.5 *Any submissions made in accordance with the Act or the regulations*

Any submissions made in respect to this application will be addressed by Council as part of the assessment process of this development. The proposal has been designed to minimise amenity impacts on adjoining residential properties.

5.6 *The public interest*

There are no matters of the public interest that would warrant refusal of the proposal.

7. CONCLUSION

The proposed development comprising conversion of an existing outbuilding to a secondary dwelling and storage area is an appropriate development of the subject land and will provide a high level of amenity for future occupants, while maintaining existing neighbour amenity in terms of privacy, solar access and views.

The proposal provides a compliant gross floor area and adequate landscaped area and private open space. The proposed development utilises an existing building with no change to height, bulk, scale or external appearance. The proposal provides an appropriate level of amenity for future occupants and is compatible with existing development on the site and with the streetscape and neighbourhood character.

The proposal will have a minimal if any impact on the natural environment and results in positive social and economic impacts. Adequate of-street parking is provided and there will be minimal if any increase in traffic generation.

The proposal complies with the objectives and controls of CBLEP 2023. The proposal achieves the objectives of the CBDP and achieves a reasonable level of compliance with the design controls and guidelines of the DCP relating to secondary dwellings.

We fully support the proposed development and respectfully seek Council's favourable consideration of the development application.

Appendix A

**Site Survey Plan Prepared by Supra
Consulting Engineers**

Appendix B

**A3 Architectural Plans and Site Analysis Prepared
by SIGNS Architects Pty Ltd**

Appendix C BASIX Certificate

prepared by Freline Studio Pty Ltd