

Statement of Environmental Effects

Proposed Secondary dwelling & Attached Garage

155 Proctor Parade Sefton

**Apex Intelligent Design
John Kechagias
Architect registration number 9138
0408231911**

1.0 Introduction

This statement of environmental affects is written in respects The Environmental Planning and Assessment Act 1979, as amended, and specifically to Section 4.15. of the Act. It takes into consideration;

- 1 Canterbury-Bankstown Local Environmental Plan 2023
- 2 Canterbury-Bankstown Development Control Plan 2023, Chapter 5

1.1 General description

The site is located on the Corner of Proctor Parade and O'Hagon Street Sefton. The site drains towards the rear with a moderate slope and contains moderate sized exotic trees.

The site has an area of 654.6 m² and has a width of 18.2 m, with an irregular boundary along O'Hagon Street. The site is legally known as Lot 1 of D.P. 35586.



Fig 1. Aerial image of site

The site is serviced by an easement, and the proposed. The site contains a single storey brick house that is well setback from both the primary and secondary street frontages.



Fig 2. Existing Dwelling on site with significant secondary setback



Fig 3. Garage to be demolished and various Fruit trees, Left is a loquats, front centre is a pear tree, to the right behind is a nectarine tree.

1.2 Description of the proposal and Design Concept

The proposal is to demolish the garage at the rear and remove some of the trees on the site and construct a secondary dwelling with an attached garage adjacent to the rear boundary. As can be seen above the neighbour has a driveway and a carparking space adjacent to the proposed location of the secondary dwelling.

The site is quite large and long and can accommodate a secondary dwelling. Its unfortunate how the principal dwelling is located with so much of the site given to the primary and secondary setback.

1.3 Zoning and Planning

The site is in the City of Canterbury Bankstown Local Government Area. The planning instruments relevant to this proposal are as follows;

- 1 Canterbury-Bankstown Local Environmental Plan 2023
- 2 Canterbury-Bankstown Development Control Plan 2023, Chapter 5

The proposed secondary dwelling also needs to take note of Division 2, Secondary dwellings, SEPP Housing 2021.

The site is zoned R2, Low Density Residential. The proposal for a dwelling and secondary dwelling is permitted development with consent.

1.4 Building height

The proposed building height is 4.53 m. The LEP height limit in this area is 9.0 m. The proposal complies with the height limit

1.5 Floor space ratio

The proposed gross floor area is 169.4 m² this represents an FSR (floor space Ratio) of 0.258. The floor space ratio permitted in this area is 0.5:1. The site complies with the floor space ratio requirements in the LEP

1.6 Heritage Consideration

The site does not contain a heritage item nor is there a heritage item in the vicinity.

1.7 Controls relating to miscellaneous permissible uses

The controls for secondary dwelling found in section 5.4.9 of the LEP are as follows;

(9) Secondary dwellings on land other than land in a rural zone If development for the purposes of a secondary dwelling is permitted under this Plan on land other than land in a rural zone, the total floor area of the dwelling, excluding any area used for parking, must not exceed whichever of the following is the greater—

- (a) 60 square metres,*
- (b) 10% of the total floor area of the principal dwelling.*

The secondary dwelling includes a garage, the floor area of the garage is not included in the floor area of the secondary dwelling.

2.0 Assessment against DCP controls, Chapter 5 of the DCP

The addition of a secondary dwelling may affect the amenity of the dwelling, we will complete a partial assessment of the proposal on the existing dwellings amenity.

The residential objectives in the DCP are as follows;

- O1 To ensure the building form, building design, setbacks and landscape of dwelling houses are compatible with the prevailing suburban character of the residential areas.*
- O2 To ensure the building form, building design, room sizes and internal layout of dwelling houses provide appropriate amenity to residents in terms of private open space, access to sunlight, privacy and useability.*
- O3 To ensure the building form and building design of dwelling houses do not adversely impact on the amenity of neighbouring sites in terms of visual bulk, access to sunlight and privacy.*
- O4 To ensure the size, location and design of private open spaces provide appropriate amenity to residents in terms of useability, access to sunlight, privacy and landscape.*
- O5 To ensure the landscape design contributes to a high quality streetscape and amenity.*
- O6 To provide deep soil zones to allow for and support healthy plant and tree growth.*
- O7 To ensure the building form of dwelling houses in the foreshore protection area preserves the existing topography, land and rock formations, and the unique ecology of natural bushland and mangrove areas.*
- O8 To minimise the visual impact of off-street parking on the streetscape.*
- O9 To ensure basements are well-designed and integrate into the overall design of the development.*

The proposal changes the private open space, landscaping and parking on the site.

2.1 Parking

Currently the site has a detached garage with 4 m setback off O'Hagan Street boundary. Effectively the site has one parking spot. The proposal is to have an attached garage to the secondary dwelling setback 5.5 m from O'Hagan Street and a hard stand area adjacent. This increases the site parking to 3 parking spots.

2.2 landscaping.

The landscape area on the site is decreased by the addition of the secondary dwelling. Nevertheless the site contains 3 areas of deep soil planting they are;

- 1 The secondary setback on O'Hagan with a width of 5.8 m
- 2 The front setback area on Proctor Parade that has a width of 8.9 m
- 3 The Private open space with a width of 5.9 m.

The site continues to have ample deep soil planting with 57.1% of the site remaining landscaped.

2.3 Private open space.

The private open space to the dwelling is reduced but one portion of 5.9 m x 12.6 m remains and a second area of 5.8m x 5 m adjacent to the hard stand area. This equates to 103.3 m² and meets the requirements of 80 m²

The open space will not be overshadowed by the proposed secondary dwelling and the amenity of the POS remains substantially the same.

3.0 Secondary Dwelling Controls

The objectives for secondary dwellings are as follows;

- O1 To ensure secondary dwellings are established in conjunction with the principal dwelling on the same site.*
- O2 To ensure the building form is subservient to the principal dwelling on the same site in terms of visual bulk and scale.*
- O3 To ensure the building form, building design and setbacks of secondary dwellings are compatible with the prevailing suburban character of the residential areas.*
- O4 To ensure the building form, building design, room sizes and internal layout of secondary dwellings provide appropriate amenity to residents in terms of private open space, access to sunlight, privacy and useability.*
- O5 To ensure the building form and building design of secondary dwellings do not adversely impact on the amenity of neighbouring sites in terms of visual bulk, access to sunlight and privacy.*
- O6 To ensure the size, location and design of private open spaces provide appropriate amenity to residents in terms of useability, access to sunlight, privacy and landscape.*
- O7 To ensure the landscape design contributes to a high quality streetscape and amenity.*
- O8 To provide deep soil zones to allow for and support healthy plant and tree growth.*
- O9 To ensure the building form of secondary dwellings in the foreshore protection area preserves the existing topography, land and rock formations, and the unique ecology of natural bushland and mangrove areas.*

The secondary dwelling meets the setback requirements in the DCP for corner sites. It is single storey and has a floor area less than the principal dwelling. The site continues to have ample landscaping and private open space. The secondary dwelling has access to the private open space. The proposal is consistent with the objectives in the DCP

3.1 Lots sizes

The control is as follows;

A secondary dwelling is permissible on a site with a minimum lot size of 450m².

The has an area of 654.6 m² and meets the DCP Control.

3.2 Site cover

The controls are as follows;

Council must not consent to development for the purpose of secondary dwellings unless:

- (a) the total floor area of the principal dwelling and the secondary dwelling is no more than the maximum floor area allowed for a dwelling house on the land under an environmental planning instrument; and*
- (b) the total floor area of the secondary dwelling is no more than 60m² or, if a greater floor area is permitted in respect of a secondary dwelling on the land under an environmental planning instrument, that greater floor area.*

The proposed secondary dwelling is 60 m² excluding the attached garage. It is of note as per section 5.4.9 of the LEP that the floor area is calculated excluding parking.

The total proposed gross floor area is 169.4 m² which is a space ratio of 0.258:1 with the site having a permitted FSR up to 0.5:1.

The proposal is complying with site coverage controls.

3.3-3.5 Storey limit (not including basements)

The controls in the DCP are as follows;

- 3.3 *The storey limit for attached secondary dwellings is two storeys.*
- 3.4 *The storey limit for detached secondary dwellings is single storey and the maximum wall height is 3m.*
- 3.5 *The siting of secondary dwellings and landscape works must be compatible with the existing slope and contours of the site and any adjoining sites. Council does not allow any development that involves elevated platforms on columns; or excessive or unnecessary terracing, rock excavation, retaining walls or reclamation.*

The proposal is single storey with a maximum wall height in one corner of 3 m. There is a small retaining wall at the rear to provide access to the private open space without steps, The retaining wall is minor having a maximum height of 300 mm.

The proposal is consistent with the controls in the DCP

3.8 Setback restrictions

The control in the DCP is as follows;

- 3.8 *The erection of secondary dwellings is prohibited within 9m of an existing animal boarding or training establishment.*

The site is not in the vicinity of an existing animal boarding or training establishment.

3.9- 3.10 Street Setbacks

The DCP Has the following controls;

- 3.9 *The minimum setback for a building wall to the primary street frontage is:*
 - (a) *5.5m for the first storey (i.e. the ground floor); and*
 - (b) *6.5m for the second storey.*
- 3.10 *The minimum setback to the secondary street frontage is:*
 - (a) *3m for a building wall; and*
 - (b) *5.5m for a garage or carport that is attached to the building wall.*

The proposal faces a secondary street with proposed setbacks of 3 m for the building wall of the secondary dwelling and 5.5 m for the garage, and is consistent with the DCP controls.

3.12-3.13 Side and rear setbacks

The controls in the DCP are as follows;

- 3.11 *For the portion of the building wall that has a wall height less than or equal to 7m, the minimum setback to the side and rear boundaries of the site is 0.9m.*
- 3.12 *For the portion of the building wall that has a wall height greater than 7m, the minimum setback to the side and rear boundaries of the site is 1.5m.*

The proposal has a side setback of 2.3 m and a rear setback of 0.91 m and is complying with the requirements for secondary dwellings with wall heights less than 7m.

3.13 Private open space

The control in the DCP is as follows;

Secondary dwellings must not result in the principal dwelling on the site having less than the required landscaped area and private open space.

The principal dwelling is to have a private open space of 103.3 m² and will meet the DCP requirement of 80 m² with a minimum width of 5 m.

3.14-3.16 Access to sunlight

The controls in the DCP are as follows;

- 3.14 *At least one living area must receive a minimum three hours of sunlight between 8.00am and 4.00pm at the mid-winter solstice. Council may allow light wells and skylights to supplement this access to sunlight provided these building elements are not the primary source of sunlight to the living areas.*
- 3.15 *At least one living area of a dwelling on an adjoining site must receive a minimum three hours of sunlight between 8.00am and 4.00pm at the mid-winter solstice. Where this requirement cannot be met, the development must not result with additional overshadowing on the affected living areas of the dwelling.*
- 3.16 *A minimum 50% of the private open space required for the principal dwelling on the site and a minimum 50% of the private open space of a dwelling on an adjoining site must receive at least three hours of sunlight between 9.00am and 5.00pm at the equinox. Where this requirement cannot be met for a dwelling on an adjoining site, the development must not result with additional overshadowing on the affected private open space.*

The living area has a north facing window and the secondary dwelling would receive solar access from 9AM to 3 PM.

The site, adjacent to the secondary dwelling, has a driveway adjacent. The proposal does not affect the solar access to the living spaces to the neighbour as the effective setback to that dwelling is 3.2 metres.

The private open space for the neighbour to the south is not adjacent to the proposed secondary dwelling and is not affected by the proposed development. The private open space of the principal

dwelling is not overshadowed by the proposed secondary dwelling and will continue to receive similar solar access. The existing dwelling overshadows its own private open space, but there are large parts that receive solar access.

The proposal is consistent with the requirements in the DCP for solar access.

3.17-3.20 Visual privacy

3.17 *Where development proposes a window that directly looks into the living area or bedroom window of an existing dwelling, the development must:*

- (a) offset the windows between dwellings to minimise overlooking; or*
- (b) provide the window with a minimum sill height of 1.5 metres above floor level; or*
- (c) ensure the window cannot open and has obscure glazing to a minimum height of 1.5 metres above floor level; or*
- (d) use another form of screening to the satisfaction of Council.*

There are no adjacent windows to the proposed secondary dwelling

The garage has a window and, there is a window facing the private open space off the principal dwelling. That window has a window sill height of 1.65 m or a frame height of 1.7 m and generates no privacy concerns. There are no adjacent windows so that overlooking is to be a concern; either to the principal dwelling or the neighbour.

3.18 Private open space and overlooking

Where development proposes a window that directly looks into the private open space of an existing dwelling, the window does not require screening where:

- (a) the window is to a bedroom, bathroom, toilet, laundry, storage room, or other non-habitable room; or*
- (b) the window has a minimum sill height of 1.5 metres above floor level; or*
- (c) the window has translucent glazing to a minimum height of 1.5 metres above floor level; or*
- (d) the window is designed to prevent overlooking of more than 50% of the private open space of a lower-level or adjoining dwelling.*

The sill height of habitable window is 1.65 m. The proposal is consistent with the DCP.

3.19 Side and rear Balconies

Council may allow dwelling houses to have an upper floor side or rear balcony

No side or rear balconies are proposed.

3.20 Roof top Balconies

Council does not allow dwelling houses to have roof-top balconies and the like.

No roof top balconies are proposed.

3.21-3.26 Building design

3.21 *The maximum roof pitch for dwelling houses is 35 degrees.*

The proposed roof pitch of the secondary dwelling is 18 degrees.

3.22 *Council may allow dwelling houses to have an attic provided the attic design:*

- (a) accommodates no more than two small rooms (for the purposes of a bedroom and/or study) and a bathroom plus an internal link to the storey below; and
- (b) ensures the attic does not give the external appearance of a storey

No attics are proposed.

3.23 *The design of dormers must:*

- (a) *be compatible with the form and pitch of the roof; and*
- (b) *must not project above the ridgeline of the main roof; and*
- (c) *must not exceed a width of 2m; and*
- (d) *the number of dormers must not dominate the roof plane*

No dormers are proposed.

3.24 *The maximum roof pitch for detached secondary dwellings is 25 degrees. An attic or basement is not permitted as part of the dwelling.*

The proposed roof pitch is 18 degrees and no attic or basement proposed.

3.25 *Development in the foreshore protection area (refer to map in Appendix 1) must use non-reflective materials that are compatible with the natural characteristics and colours of the area (such as olive green, grey and dark brown).*

The site is not in a foreshore protection area.

3.26 *The change of use of outbuildings to secondary dwellings must comply with the National Construction Code.*

The proposal involves new construction.

3.27 Building design (carparking)

The control in the DCP are as follows;

- 3.27 *Secondary dwellings must not result in the principal dwelling on the site having less than the required car parking spaces.*

The proposal increases the spaces available from 1 to 3 spaces.

3.28 Landscaping

3.28 Development must retain and protect any significant trees on the allotment and adjoining allotments. To achieve this clause, the development may require a design alteration or a reduction in the size of the dwelling house.

The proposal involves the removal of fruit trees and the retention of one fruit tree the principal open space of non a native tree. Fruit trees are permitted to be removed without consent.

4.0 Conclusion

The proposed secondary dwelling is complying with the DCP controls. It does not cause any significant environmental effects to the site nor the surrounding sites. It adds additional affordable housing to the locality.

The Secondary dwelling should be considered for approval by the Council.