



Statement of Environmental Effects for a Development Application at
23 Robinson Street North Wiley Park.

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Planning considerations prepared by Flossiy Rutter, DA Angels, Phone 0400 480 781.

1 Introduction

This Statement of Environmental Effects relates to a Development Application seeking Council's consent to the construction of an addition at the rear of the dwelling at 23 Robinson Street North Wiley Park 2195.

This Statement:

- describes the site and its surrounding area,
- details the nature of the proposed development,
- undertakes an assessment of the proposal regarding compliance with relevant Canterbury-Bankstown council planning instruments, and
- undertakes an assessment of the proposal under all other heads of consideration in Section 4.15 of the Environmental Planning and Assessment Act, 1979.

The conclusion reached is that the proposal is acceptable with regard to all relevant planning issues.

2 Site and Surroundings

The site is the land described as Lot 13 in deposited plan DP 18815, located in the suburb of Wiley Park. The zoning is R3 Medium Density Residential in Canterbury-Bankstown Council 2023.

The site is a regular block accessed via a driveway off Robinson street North. The land slopes to the front, with a frontage of 11.885 m to Robinson Street North. The lot has a length of 40.905 meters. There is a total area of 486.15m². The land currently has a dwelling on it.

The neighbouring properties are a mix of single storey and two storey dwellings, of brickwork and tiled roofs. The neighbouring areas have established amenities including primary and secondary schools, a shopping centre, and access to transport.

The site has no existing trees or shrubs to be removed.

3 Proposed Development

This application proposes the replacement of existing pergola at the rear of dwelling, plus two new smaller pergolas one located at rear door and one located at side entrance at front of property. There is also a proposed carport at the front of the property of 23.40 m² area .

Page 1



4 Environmental Planning Instruments

Canterbury-Bankstown Local Environmental Plan 2023, Zoning R3 Medium Density

Canterbury-Bankstown Plan 2023 states that objectives of Zone R3 as.....

Zone R3 Medium Density Residential

1 Objectives of zone

- 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 certain 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 residential 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.

2 Permitted without consent

Home occupations

3 Permitted with consent

Attached dwellings; Bed and breakfast accommodation; Boarding houses; Building identification signs; Business identification signs; Car parks; Centre-based child care facilities; Community facilities; Dwelling houses; Early education and care facilities; Environmental facilities; Environmental protection works; Exhibition homes; Flood mitigation works; Group homes; Home businesses; Multi dwelling housing; Neighbourhood shops; Oyster aquaculture; Places of public worship; Recreation areas; Respite day care centres; Roads; Secondary dwellings; Seniors housing; Tank-based aquaculture

4 Prohibited

Any development not specified in item 2 or 3

The proposal as an alteration to an existing dwelling is permissible

4.3 Height of buildings

(1) The objectives of this clause are as follows—

- (a) to establish the height of development consistent with the character, amenity and landform of the area in which the development will be located,
- (b) to maintain the prevailing suburban character and amenity by limiting the height of development to a maximum of 2 storeys in Zone R2,
- (c) to provide appropriate height transitions between development, particularly at zone boundaries,
- (d) to minimise overshadowing to existing buildings and open space,
- (e) to minimise the visual impact of development on heritage items and heritage conservation areas,
- (f) to support building design that contributes positively to the streetscape and visual amenity of an area.



(2) The height of a building on any land is not to exceed the maximum height shown for the land on the [Height of Buildings Map](#).

(2A) Despite subclause (2), the following maximum building heights apply—

(a) 6m for a secondary dwelling that is not attached to the principal dwelling in Zone R2 in Area 1,

(b) 8.5m for a dwelling house in Zone R4 in Area 2,

(c) 11m for a building on a lot that is less than 5,000m² on land identified as “Area 1” on the [Height of Buildings Map](#) that is in Zone B6,

(2B) The maximum wall height for a secondary dwelling that is not attached to the principal dwelling in Zone R2 in Area 1 is 3m.

(2C) The maximum wall height for a dwelling house or dual occupancy in Zone R2 in Area 1 is 7m.

(2D) In this clause—

wall height means the vertical distance between the ground level (existing) and the higher of—

(a) the underside of the eaves at the wall line, or

(b) the top of the parapet or the flat roof.

The land at 23 Robinson Street North shows on the Height of Buildings Map as a standard of 8.5 meters above natural surface. The proposed heights are under the height limit so the project complies with the controls.

4.4 Floor space ratio

(1) The objectives of this clause are as follows—

(a) to establish the bulk and maximum density of development consistent with the character, amenity and capacity of the area in which the development will be located,

(b) to ensure the bulk of non-residential development in or adjoining a residential zone is compatible with the prevailing suburban character and amenity of the residential zone,

(c) to encourage lot consolidations in commercial centres to facilitate higher quality built form and urban design outcomes,

(d) to establish the maximum floor space available for development, taking into account the availability of infrastructure and the generation of vehicular and pedestrian traffic,

(e) to provide a suitable balance between landscaping and built form in residential areas.

(2) The maximum floor space ratio for a building on any land is not to exceed the floor space ratio shown for the land on the [Floor Space Ratio Map](#).

(2A) Despite subclause (2), the maximum floor space ratio for a building on land specified in Column 1 of the table to this subclause with a lot width at the front building line less than the width specified in Column 2 is the floor space ratio specified in Column 3.

Column	Column 2	Column 3
“Area 1” on the Floor Space Ratio Map	18m	2:1
“Area 2” on the Floor Space Ratio Map	18m	1:1
“Area 3” on the Floor Space Ratio Map	30m	2:1
“Area 4” on the Floor Space Ratio Map	30m	1:1

(2B) Despite subclause (2), the following maximum floor space ratios apply—

(a) for a building used for non-residential purposes—

(i) on land in Zone R2 in Area 1—0.4:1, and

(ii) on land in Zone R2 or R3 in Area 2—0.5:1, and

(iii) on land in Zone R4 in Area 2—0.75:1,

(b) for a building used for the purposes of dwelling houses or semi-attached dwellings on land in Area 2—

(i) for a site area less than 200m²—0.65:1, and

(ii) for a site area greater than 200m² but less than 600m²—0.55:1, and



- (iii) for a site area of 600m² or more—0.5:1,
- (c) for a building used for the purposes of dual occupancies on land in Zone R2 in Area 2—0.5:1,
- (d) for a building on land identified as “Area 5” on the [Floor Space Ratio Map](#), where mid-block connections of at least 20m wide are not provided for public use—2:1.

The FSR map shows 0.5:1 for this property. The project has no change to the FSR therefore the proposal complies.

The proposal complies with all Canterbury-Bankstown Local Environmental Plan 2023.
And Canterbury-Bankstown Development Control Plan 2023.

It is unclear which of the former LGAs this site belonged to so it has been assessed under both DCP's.

Outbuildings

5.1 – Former Bankstown LGA

SECTION 12—ANCILLARY DEVELOPMENT (OUTBUILDINGS)

Objectives:

- O1 To ensure an outbuilding is established in conjunction with the principal dwelling on the same site and is used solely for non-habitable purposes.*
- O2 To limit the number and size of outbuildings on a site.*
- O3 To ensure the building form is subservient to the principal dwelling on the same site in terms of visual bulk and scale.*
- O4 To ensure the building form and building design of outbuildings do not adversely impact on the amenity of neighbouring sites in terms of visual bulk, access to sunlight and privacy.*
- O5 To ensure the building form of outbuildings in the foreshore protection area preserves the existing topography, land and rock formations, and the unique ecology of natural bushland and mangrove areas.*

Development controls Restrictions

12.1 Council allows a maximum of one outbuilding on a site.

12.2 The outbuilding must be established in conjunction with the principal dwelling on the same site and must ensure that: (a) it is separate from the principal dwelling and any secondary dwelling on the same site, and (b) it is not used as a separate dwelling, and (c) it does not contain cooking facilities, toilet and shower, and (d) it does not function or can be adapted to function for industrial purposes. NA

Site cover

12.3 The maximum site cover of the outbuilding is: (a) 36m² where the site is less than 300m² in area (b) 45m² where the site is 300m² to 600m² in area (c) 60m² where the site is greater than 600m² in area. For the purposes of this clause, site cover means the site area covered by the outbuilding and any attached roof, awning, balcony, deck, patio, pergola, terrace, verandah, carport, garage and the like.

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

The site being 486.15sqm allows for 45m² of outbuilding, the total being applied for is 33.72m² for the pergolas and 23.38m² for the carport, while this is 12.10m² over the allowable area for outbuildings we ask that this be assessed on merit. The larger pergola is being replaced, and the pergolas over the staircases are necessary for the functioning of the house.



Height

12.5 The storey limit for the outbuilding is single storey. An attic or basement is not permitted in the outbuilding.

12.6 The maximum building height for the outbuilding is 4.5m above ground level (existing).

12.7 The siting of the outbuilding 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. Street setbacks

12.8 The outbuilding must be located behind the front building line.

12.9 Side and rear setbacks The minimum setback to the side and rear boundaries of the site is: (a) zero setback for carports or masonry walls that do not contain windows, eaves and gutters provided the structures comply with the National Construction Code; or (b) 0.45m for non-masonry walls that do not contain a windows, eaves and gutters; or (c) 0.9m for walls with windows.

All the pergolas meet these requirement

12.10 The minimum setback to a dwelling, building, roof, awning, balcony, deck, patio, pergola, terrace, verandah, carport, garage and the like on the same site is 1.8 m. Building design

The development meets the requirements for height regulations however the carport does not meet the requirements as it is proposed to be in front of the building line. We ask that the council considers this as it will reduce the impact of the hardstand area in front of the property, there is also precedent up and down this street including numbers 41, 35, 19, 17, 9 and 7 Robinson Street North on the same side as number 23 and 18, 8, 4 and 2 opposite. All of these houses have carports or awnings in front of the building line so this proposal is within the streetscape of Robinson Street North

12.11 The maximum roof pitch for the outbuilding is 25 degrees.

The proposal is for flat roofs on all the pergolas and the carport. This proposal meets this standard.

12.12 Council does not allow the outbuilding to have roof-top balconies and the like.

12.13 Development must retain and protect any significant trees on the site and adjoining sites. To achieve this clause, the development may require a design alteration or a reduction in the size of the outbuilding. NA

The proposal does not meet all of the requirements under this DCP however we feel there is a merit based argument for allowing this proposal. Where the proposal does not comply with the DCP guidelines, there is precedent for similar non-compliance in the street.



Chapter 5.2. Former Canterbury LGA

2.14 Outbuildings and swimming pools

Objectives

O1 To ensure an outbuilding is established in conjunction with the principal dwelling on the same site and is used solely for non-habitable purposes.

O2 To limit the number and size of outbuildings on a site.

O3 To ensure the building form is subservient to the principal dwelling on the same site in terms of visual bulk and scale.

O4 To ensure the building form and building design of outbuildings do not adversely impact on the amenity of neighbouring sites in terms of visual bulk, access to sunlight and privacy.

Development controls Outbuildings

C1 Council allows a maximum of one outbuilding on a site.

C2 The outbuilding must be established in conjunction with the principal dwelling on the same site and must ensure that: (a) it is separate from the principal dwelling and any secondary dwelling on the same site, and (b) it is not used as a separate dwelling, and (c) it does not contain cooking facilities, toilet and shower, and (d) it does not function or can be adapted to function for industrial purposes.

C3 The maximum site cover of the outbuilding is: (a) 36m² where the site is less than 300m² in area (b) 45m² where the site is 300m² to 600m² in area (c) 60m² where the site is greater than 600m² in area. For the purposes of this clause, site cover means the site area covered by the outbuilding and any attached roof, awning, balcony, deck, patio, pergola, terrace, verandah, carport, garage and the like.

The site being 486.15sqm allows for 45m² of outbuilding. The total being applied for is 33.72m² for the pergolas and 23.38m² for the carport While this is 12.10 m² over the allowable area for outbuildings we ask that this be assessed on merit. The larger pergola is being replaced, and the pergolas over the staircases are necessary for the functioning of the house.

C4 The outbuilding must not result in the principal dwelling on the site having less than the required landscaped area and private open space.

The landscaping will remain the same

C5 The storey limit for the outbuilding is single storey. An attic or basement is not permitted in the outbuilding.

Proposal is single storey only

C6 The maximum building height for the outbuilding is 4.5 m above ground level (existing).

Proposal is less than 4.5m above ground level.

C7 The outbuilding must locate behind the front building line.

The carport does not meet the requirements as it is proposed to be in front of the building line. We ask that the council considers this as it will take away from the large expanse of bare concrete in front of the property. There is also precedent in this street including numbers 41, 35, 19, 17, 9 & 7 Robinson Street North on the same side as number 23 and 18, 8, 4 and 2 opposite. All of these houses have carports or awnings in front of the building line so this proposal replicates the streetscape of Robinson Street North



C8 The minimum setback to the side and rear boundaries of the site is: (a) zero setback for carports or masonry walls that do not contain windows, eaves and gutters provided the structures comply with the Building Code of Australia; or (b) 0.45m for non-masonry walls that do not contain a windows, eaves and gutters; or (c) 0.9m for walls with windows.

All the pergolas and the carport meet this requirement as shown on the plans attached.

C9 The minimum setback to a dwelling, building, roof, awning, balcony, deck, patio, pergola, terrace, verandah, carport, garage and the like on the same site is 1.8m.

C10 The maximum roof pitch for the outbuilding is 25 degrees.

Flat roofs are proposed.

C11 Council does not allow the outbuilding to have roof-top balconies and the like.

C12 Development must retain and protect any significant trees on the site and adjoining sites. To achieve this clause, the development may require a design alteration or a reduction in the size of the outbuilding.

The proposal does not meet all of the requirements under this DCP however we feel there is a merit based argument for allowing this proposal

5 Services

Searches have been made of all services. All services including water, sewer, power, gas, and telephone are all available on site.

6 Other considerations under State Environmental Planning Policies which apply to this property.

Stormwater Management has been considered by the applicant and this is reflected in the plan of storm water included in the application. There is no significant increase of roof area. All storm water is connected to the existing system.

The application does not require a certificate complying with to State Environmental Planning Policy (BASIX) 2004.

Consideration has been given to the potential contamination of the site pursuant to State Environmental Planning Policy (Resilience and Hazards) 2021 (Resilience and Hazards) as it applies to the site. The current use of the property for residential purposes makes it unlikely that the continued use of the property for residential purposes poses a risk.



Consideration has been given to State Environmental Planning Policy (Biodiversity and Conservation) 2021 (Biodiversity and Conservation SEPP). There are no Biodiversity values noted on the planning maps for this site.

Consideration has been given to State Environmental Planning Policy (Transport and Infrastructure SEPP) 2021 (Transport SEPP). Robinson Street North is not a classified road. There is no close transportation infrastructure that would require acoustic analysis.

7 Considerations under clause 4.15 of Environmental Planning and Assessment Act, 1979

Planning Agreements

No planning agreements apply to this land.

Regulations

The Development Application has been made in accordance with the requirements contained in the Environmental Planning and Assessment Regulation 2000.

Likely Impacts

The development will have no adverse impact on the availability of services, vehicular access, use of common facilities, and open space in the area of Wiley Park.

Suitability of the site

The site is presently used for residential purposes. The proposed works do not change the existing land use being residential.

Impact on the Built Environment

The development will have minimal impact on the built environment. The proposal is consistent with normal developments found in residential localities in the Canterbury Bankstown City Council area.

Public Interest

The proposal is not considered to be in conflict with the Canterbury Bankstown City Council Planning Scheme and meets with the objectives of CLEP 2023 for residential properties. Approval of the proposal would be in the public interest.

Planning Agreements

No planning agreements apply to this land.



Regulations

The Development Application has been made in accordance with the requirements contained in the Environmental Planning and Assessment Regulation 2000.

Submissions

We will consider any submissions that are put forward to Council after the notification period had ended.

Summary

The proposal seeks Council's consent to a Development Application seeking approval for the development of three pergolas and one carport.

The proposal complies with all Canterbury-Bankstown Local Environmental Plan 2023 controls and generally conforms to Canterbury-Bankstown Council Development Control Plan 2023 (former Bankstown and former Canterbury DCP) guidelines.

The proposal satisfies the relevant heads of consideration under Section 4.15 of the Environmental Planning & Assessment Act, 1979.

It is considered that the proposal provides an appropriate response to the planned development of the site and will assist in the orderly and economic development of the land. Accordingly, the application should be recommended for approval.

Floss Rutter,
Bachelor of Housing Construction, UWS
Master of Urban Management and Planning, UWS