



STATEMENT OF ENVIRONMENTAL EFFECTS

2 Bardwell Crescent, Earlwood NSW 2206



Development Application

*Dwelling alterations and use of garage
as home office and home gym*



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1 Introduction

Council Approval Group has been engaged by Kalven Chang to prepare and submit a Development Application (DA) for remedial building works to the rear of the existing dwelling, and for an existing garage to be used as a home office and home gym, at 2 Bardwell Crescent, Earlwood.

This statement should be considered in conjunction with a separate application for a Building Information Certificate (BIC) for additions and alterations to the rear of the existing dwelling and alterations to the existing garage, which are works which have been completed with first obtaining the required approval.

We are pleased to present this SoEE in support of this DA, and in support of the application for a BIC, which, once approved will thereby regularise the rear additions and permit the use of the garage as proposed in accordance with the plans and submitted with this application.

Specifically, this Statement of Environmental Effects (SoEE) includes:

- an analysis of the subject site and the surrounding locality;
- a description of the proposed development;
- an analysis of the proposal against the provisions of the Canterbury-Bankstown (LEP 2023), relevant SEPPs and other relevant statutory controls that apply to the site; and
- conclusion.

This SoEE is submitted in accordance with the requirements of the *Environmental Planning and Assessment Act 1979* (the EP&A Act) and Part 3 of the *Environmental Planning and Assessment Regulation 2021* (the EP&A Regulation) for the purposes of:

- demonstrating that the environmental impact of the development has been considered; and
- outlining the steps to be undertaken to protect the environment and to mitigate any potential harm, if necessary.

This SoEE concludes that the proposal is consistent with the objectives and provisions of the *LEP 2023*.

As the works that are the subject of this application have been completed this statement also supports an application for a Building Information Certificate under section 6.23 of the EP&A Act.

We thank Canterbury-Bankstown Council compliance staff who have been of assistance during the formulation phase of this Development Application.

2 The Subject Site and Locality

2.1 Description of site and surroundings

The site is located on the northeastern side of Bardwell Crescent, approximately 30 metres of its intersection with Morgan Street.

The site is relatively flat with a slight fall to the rear of the property. The site is improved with a single-storey brick dwelling house with tile roof, and a rear deck area. Additionally, an existing garage at the rear of the site has been converted for use ancillary to the dwelling. A carport is located in the southern side setback area and this provides covered carparking for two tandem parked cars. A small, covered BBQ area is also provided in the rear, northern corner of the site.

A survey of the site showing the property, existing buildings and relevant levels (RLs to AHD) is provided as **Appendix A**.

Details of the site are provided in the table below, and the location of the subject property is shown on the location and aerial maps at **Figures 1** and **2**. A Google Street image of the property is included at **Figure 3**.

Address	Title Details	Site Area	Site Frontage
2 Bardwell Crescent, Earlwood NSW 2206	Lot A, DP335112	346 sqm (approx.)	13.32 metres (approx.)



Figure 1: Site location (Source: Landchecker)



Figure 2: Site aerial (Source: Landchecker)



Figure 3: Google Street View (Image Capture date: Mar 2022)

2.2 Development history

A search of Council's online database reveals no recent development history.

3 The Proposed Development

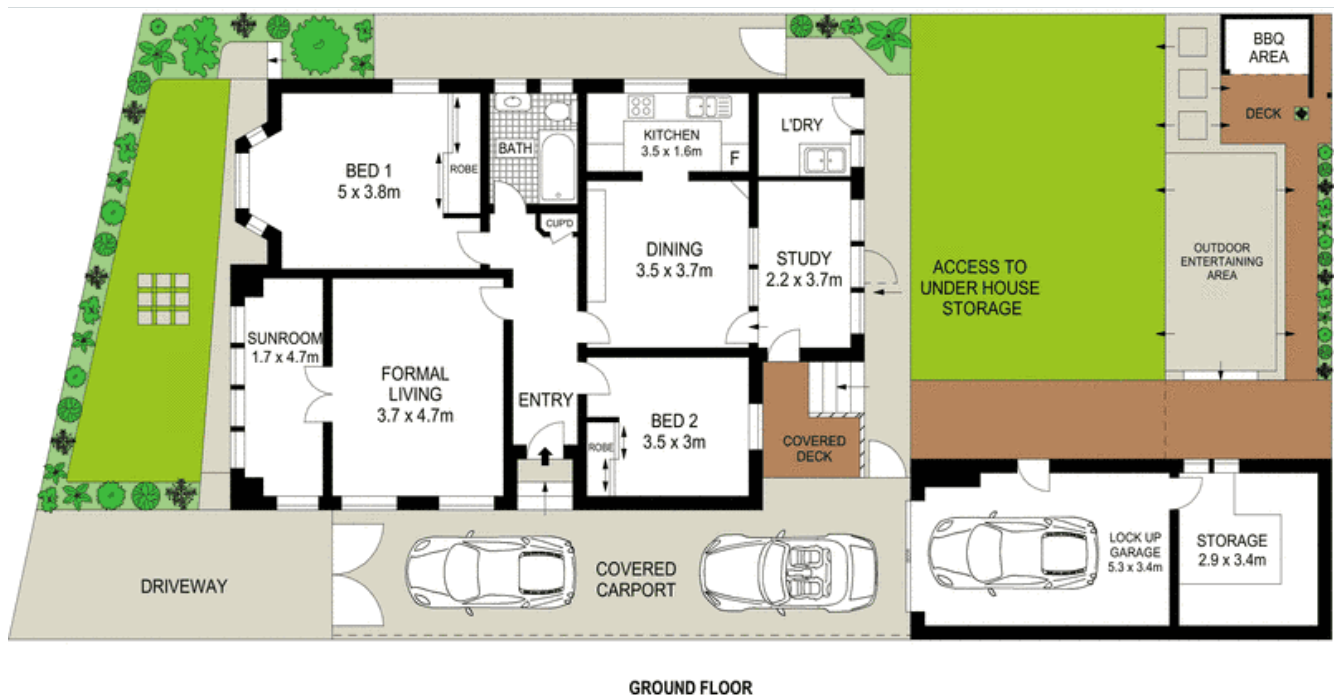
3.1 Description of proposed development

The DA seeks consent for remedial building works to the rear of the existing dwelling, and for an existing garage to be used as a home office and home gym. This is to be considered in conjunction with a separate application for a Building Information Certificate (BIC) for additions and alterations to the rear of the existing dwelling and alterations to the existing garage, which are works which have been completed without first obtaining the required approval.

3.2 Background

It is understood that internal additions and alterations to the rear of the existing dwelling and a rear deck were constructed by previous owners of the property sometime between 2011 and 2022. Alterations to the garage were also undertaken by previous owners during this time.

This is evidenced by site/floor plans included with real estate advertisements for the property when up for sale in 2011 and in 2022 as shown in **Figure 4** and **Figure 5** below.



0 1 2 3 4 5

Scale in metres. Indicative only. Dimensions are approximate. All information contained herein is gathered from sources we believe to be reliable. However we cannot guarantee its accuracy and interested persons should rely on their own enquiries.



2 Bardwell Crescent, Earwood

McGrath

Figure 4: Floor plans 2011 (Source: Realestate.com.au)



Figure 5: Floor plans 2024 (Source: Realestate.com.au)

Since purchasing the site September 2024 the current owners of the site undertook further work to the property including the construction of a small addition to the rear of the existing dwelling above a section of the rear deck area.

As a result of a complaint to Council, an inspection of the site was undertaken and the Council issued a Notice of Proposed Order on 20 December 2024 to:

- **Demolish and remove** the unauthorised addition to the existing dwelling located at the western side of the premises.
- **Demolish and remove** the unauthorised alteration and addition constructed to the existing outbuilding located at the eastern side of the premises.

The time for completion of these works stated in the Notice of Proposed Order was initially 20 January 2025, and has been extended by Council until 22 May 2025.

3.3 Details of proposed development

As built plans for the proposed development are provided as **Appendix B**, and these include floor plans and elevations highlighting the work undertaken to the rear of the dwelling and to the former rear garage building.

Dwelling additions

The work undertaken to the rear of the existing dwelling, prior to 2024 includes:

- The conversion of the former living area to the main bedroom of the dwelling.
- Internal alterations to convert a former bedroom, the dining area and a study into an open plan living/dining area contiguous with the existing kitchen area. This work also involved a small addition to the rear western corner of the existing dwelling of approximately 3.6m².
- The construction of a rear deck area which measures approx. 2.6 metres width by 6.5 metres in length across the rear of the existing dwelling. The deck is approx. 1.2 metres above ground level and is located 1.2 metres from the north western boundary of the site. The deck is provided with 1m high glass balustrades around its perimeter and is accessed via a short flight of steps on its south eastern end.

The work undertaken to the rear of the existing dwelling, at the end of 2024 includes:

- The construction of a 2.4m by 2.4m (5.61m²) addition to the rear of the existing dwelling above a section of the rear deck area on its north western end.
- The addition is for the purposes of a laundry area for the dwelling, with the former internal laundry/bathroom area now being solely used as a bathroom.
- The addition is constructed in cement board with a rendered finish painted to match the rear of the existing dwelling, and is under an extension to the existing corrugated iron roof with guttering and downpipes connecting into existing stormwater disposal from the site.

Photographs of the rear laundry addition are provided in **Figure 6** and **7** below.



Figure 6: Photo of Rear Elevation



Figure 7: Photo of Side Elevation

Existing garage

The site is provided with a covered carparking area for two tandem parked cars under a carport constructed in the south eastern side setback area of the property. The presence of this carport structure is shown in the real estate plan from 2011, see **Figure 4** above.

Subsequent to 2011 the existing garage in the northeastern corner of the site was converted for use for additional accommodation with bathroom facilities. This change of use involved the following alterations to the existing building:

- Installation of a kitchen sink and cupboards, over a tile floor in the garage area
- Installation of shower, toilet, and vanity over a tile floor in the rear 'storage' space.
- Installation of a sliding door on the side/northern elevation of the garage and closing of other openings in this elevation.

It is not proposed to continue the use of the garage for habitable purposes.

Photographs of the work to this structure are provided in **Figures 8, 9** and **10** below.



Figure 8. Internal rear garage



Figure 9: Bathroom facilities in rear garage



Figure 10: Opening in side elevation of rear garage (from rear deck area)

Proposed works

This application seeks approval for the existing garage to be used as a home office and home gym with gym equipment. Other uses of this room may include crafts, games room (e.g. pool/table tennis) and storage associated with the dwelling on this site.

The building will not be used as a separate dwelling or as a bedroom, i.e. it will not be a habitable building. Accordingly, the existing kitchen sink and surrounding cupboards along the internal northern wall of this building are to be removed. Additionally, the toilet and shower installed in the rear of the former garage will also be removed. It is proposed to retain the existing basin/vanity in the rear of the former garage. The remainder of this space will only be used for storage associated with the home office and the dwelling located on this site. This work is shown on the development plans included at **Appendix B**.

A separate application for a Building Information Certificate (BIC) is lodged for additions and alterations to the rear of the existing dwelling and alterations to the existing garage, which are works which have been completed with first obtaining the required approval. Accordingly, a report from Davis Group has been obtained to document the assessment of the works against the relevant Deemed-to-Satisfy Provisions of the Building Code of Australia (BCA). A copy of this report is provided at **Appendix C**.

The BCA recommends a number areas where either certification is to be provided or where remedial works are to be undertaken to the existing buildings to meet the requirements of the BCA.

Following the BCA report, and in accordance with its recommendations advice from a structural engineer has been sought. The structural engineer has identified that some remedial works are required to supporting posts, bearers and joists in order for a structural adequacy certificate to be provided. A statement from the Structural Engineer dated 7 May 2025 is provided at **Appendix D**.

These additional works are the subject of this DA.

This work could not be undertaken prior to the revised Council deadline of 22 May 2025. However all issues identified in this report will be addressed and necessary remedial building and structural work will be undertaken once development consent has been obtained and prior to the issue of a BIC in relation to these works.

4 Statutory Assessment

4.1 Section 4.15 of the EP&A Act

This development application is made under Division 4.3 of the EP&A Act. Section 4.15 sets out the statutory matters for consideration against which the proposed development is to be evaluated and the relevant matters are summarised in the following table:

Matters for Consideration	Comment
Section 4.15 (1) (a)(i) – The provisions of any relevant environmental planning instrument <ul style="list-style-type: none"> Canterbury-Bankstown Local Environmental Plan 2023 State Environmental Planning Policy (Resilience and Hazards) 2021 State Environmental Planning Policy (Sustainable Buildings) 2022 	Refer to Section 5.1 of this SoEE
Section 4.15 (1) (a)(ii) – The provisions of any proposed instrument	None applicable
Section 4.15 (1) (a)(iii) – The provisions of any development control plan <ul style="list-style-type: none"> Canterbury-Bankstown Development Control Plan 2023 	Refer to Section 5.2 of this SoEE
Section 4.15 (1) (a)(iia) – The provisions of any planning agreement or any draft planning agreement	None applicable
Section 4.15 (1) (a)(iv) – The Regulations (to the extent that they are prescribed for the purposes of this paragraph)	Relevant requirements of the Regulations have been considered in the preparation and lodgement of the DA
Section 4.15 (1) (b) – The likely impacts of the development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality	Refer to Section 5.3 of this SoEE
Section 4.15 (1) (c) – The suitability of the site for the development	Refer to Section 5.4 of this SoEE
Section 4.15 (1) (d) – Any submissions made in accordance with the EP&A Act or Regulations	This is a matter for the Council to consider following any public exhibition of the DA
Section 4.15 (1) (e) – The public interest?	Refer to Section 5.5 of this SoEE

4.2 Other approvals / legislation

The existing building works have been completed, retrospective approval to either a Construction Certificate or a Complying Development Certificate cannot be granted. The building works can only be 'authorised' by approval to a Building Information Certificate (BIC) under section 6.23 of the *Environmental Planning and Assessment Act, 1979*.

This DA seeks approval for:

- An extension of the existing use (dwelling house) by virtue of the additions made to the existing dwelling.
- Changes to the existing garage for use as home office and home gym.
- Remedial building works identified in the BCA report at **Appendix C**.
- Structural works indicated in the Structural Engineers Statement at **Appendix D**.

Development consent is not sought for additions and alterations (building works) to the existing dwelling and the existing garage. An application for a BIC is made concurrent to this DA for these works and this Statement and the supporting documentation should also be taken in support of that BIC application.

5 Environmental Assessment

5.1 Environmental Planning Instruments

5.1.1 SEPP (Resilience and Hazards) 2021

Clause 4.6 of this Policy requires consent authorities to whether or not the land is contaminated and, if it is contaminated, whether or not remediation is required to make the land suitable for the proposed development. The site has only been used for residential purposes and no further consideration of contamination is required.

5.1.2 SEPP (Sustainable Buildings) 2022

This application does not seek approval for the construction of the completed works to the existing dwelling or the existing garage building. Consent is only sought for the use of these building additions and for the remedial building works required to these structures. The value of these remedial building works will be less than \$12,000.

This SEPP only becomes relevant for development applications for new homes, or for any alterations and additions of \$50,000 or more to an existing home. Refer to subclause (c) of the definition of BASIX development in the EP&A Regulation. Subclause (b) of that definition is not relevant as the only 'change of use' under this application is to the existing garage building proposed to be used as a home office / home gym and this does not become a BASIX building also defined in the EP&A Regulation. This building remains a class 10 building under the BCA.

5.1.3 Canterbury-Bankstown Local Environmental Plan 2023

Canterbury-Bankstown Local Environmental Plan 2023 (LEP) applies to the subject site. The following provides an assessment of the proposed development against the relevant provisions of the Plan.

Zoning and Permissibility

Part 2 of LEP identifies that the subject site is zoned R2 – Low Density Residential. The Land Use Table for the zone is as follows:

2. Permitted without consent

Home occupations

3. Permitted with consent

*Bed and breakfast accommodation; Building identification signs; Business identification signs; Car parks; Centre-based child care facilities; Community facilities; Dual occupancies; **Dwelling houses**; Early education and care facilities; Environmental facilities; Environmental protection works; Exhibition homes; Flood mitigation works; Group homes; Health consulting rooms; Home businesses; Oyster aquaculture; Places of public worship; Pond-based aquaculture; Recreation areas; Respite day care centres; Roads; Secondary dwellings; Semi-detached dwellings; Tank-based aquaculture*

4. Prohibited

Any development not specified in item 2 or 3

The subject DA seeks approval for the use of the additions and alterations to the rear of the existing dwelling, including a rear deck, and for alterations to an existing garage to be used as a home office and home gym.

dwelling house means a building containing only one dwelling.

dwelling means a room or suite of rooms occupied or used or so constructed or adapted as to be capable of being occupied or used as a separate domicile.

The proposal is development permitted with consent.

Aims and Objectives

The aims of the LEP are set out in clause 1.2 of the Plan, and are to make local environmental planning provisions for land in Canterbury-Bankstown, with the particular aims of this Plan as follows—

- (aa) to protect and promote the use and development of land for arts and cultural activity, including music and other performance arts,
- (a) to manage growth in a way that contributes to the sustainability of Canterbury-Bankstown,
- (b) to protect landforms and enhance vegetation, especially foreshores and bushland, in a way that maintains the biodiversity values and landscape amenity of Canterbury-Bankstown,
- (c) to identify, conserve and protect the Aboriginal, natural, cultural and built heritage of Canterbury-Bankstown,
- (d) to provide development opportunities that are compatible with the desired future character and amenity of Canterbury-Bankstown,
- (e) to restrict development on land that is sensitive to urban and natural hazards,
- (f) to provide a range of residential accommodation to meet the changing needs of the population,
- (g) to provide a range of business and industrial opportunities to encourage local employment and economic growth and retain industrial areas,
- (h) to create vibrant town centres by focusing employment and residential uses around existing centres and public transport,
- (i) to provide a range of recreational and community service opportunities and open spaces to meet the needs of residents of and visitors to Canterbury-Bankstown,
- (j) to achieve good urban design in terms of site layouts, building form, streetscape, architectural roof features and public and private safety,
- (k) to ensure activities that may generate intensive car usage and traffic are located near public transport that runs frequently to reduce dependence on cars and road traffic,
- (l) to consider the cumulative impact of development on the health of the natural environment and waterways and on the capacity of infrastructure and the road network,
- (m) to support healthy living and enhance the quality of life and the social well-being and amenity of the community,
- (n) to ensure development is accompanied by appropriate infrastructure,
- (o) to promote ecologically sustainable development.

The objectives of the Zone R2 Low Density Residential are as follows:

- *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 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 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.*

It is considered that the proposal is consistent with the aims of the LEP and the objectives of the R2 Zone, in that:

- The development maintains a low-density residential character, with alterations and additions limited to the rear of the existing dwelling, and internal works to an existing outbuilding, preserving the site's single dwelling occupancy and avoiding overdevelopment.
- The size, height, bulk and location of the addition to the dwelling, and the separation to adjoining properties complying with relevant development standards and do not have any adverse impacts on adjoining properties.
- The works support the housing needs of the community by enhancing the functionality and liveability of the existing dwelling through improved internal spaces and amenities.
- The use of the garage as an ancillary home office and home gym remains compatible with the residential use of the site and does not introduce any disruptive or commercial activities that would impact the surrounding area.

Relevant LEP clauses

LEP Clause / Provision		Statement of Compliance
4.3 Height of buildings		
(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 .		COMPLIES The height of buildings for this property site is mapped at 8.5 metres. The maximum height of any part of the additions to the rear of the dwelling is no more than 4.2m in height and complies with this requirement.
6.1 Acid sulfate soils		
(2) Development consent is required for the carrying out of works described in the table to this subclause on land shown on the Acid Sulfate Soils Map as being of the class specified for those works.		COMPLIES The property is mapped as an Acid Sulfate Soil Class 5. The works associated with the additions to the rear of the existing dwelling are not likely to have resulted in a lowering of the water table below 1m AHD on Class 1, 2, 3 or 4 land which is over 200m from the subject site.
Class of land	Works	
5	Works within 500 metres of adjacent Class 1, 2, 3 or 4 land that is below 5 metres Australian Height Datum and by which the watertable is likely to be lowered below 1 metre Australian Height Datum on adjacent Class 1, 2, 3 or 4 land.	
6.9 Essential services		
Development consent must not be granted to development unless the consent authority is satisfied that the following services that are essential for the development are available or that adequate arrangements have been made to make them available when required— (a) the supply of water, (b) the supply of electricity, (c) the disposal and management of sewage, (d) stormwater drainage or on-site conservation, (e) waste management, (f) suitable vehicular access.		COMPLIES There is no change to the existing services provided to the site for the existing dwelling. Drainage from new roof areas have been connected into stormwater downpipes of the existing dwelling, and new facilities within the altered buildings have been connected to existing water supply and sewerage service connections. There is no change to the existing vehicle access to the site and (tandem) parking for two cars continues to be provided.

5.2 Development Control Plan

Canterbury-Bankstown Development Control Plan 2023 applies to the subject site. The following provides an assessment of the proposed development against the relevant provisions of the Plan, being:

DCP Clause / Provision		Statement of Compliance									
Chapter 3 General Requirements											
3.2 Parking											
<p>2.1 Development must use the Off-Street Parking Schedule to calculate the amount of car, bicycle and service vehicle parking spaces that are required on the site.</p> <table><tr><th>Land use</th><th>Car spaces</th><th>Bicycle spaces</th></tr><tr><td>Dwelling houses</td><td>2 car spaces</td><td>Not applicable</td></tr></table>		Land use	Car spaces	Bicycle spaces	Dwelling houses	2 car spaces	Not applicable	<p>COMPLIES</p> <p>Two tandem carparking spaces are available on-site, covered by the existing carport located in the southern side setback area.</p> <p>Tandem parking is considered acceptable for a single residential dwelling.</p> <p>Both spaces are located behind the front building line of the existing dwelling.</p>			
Land use	Car spaces	Bicycle spaces									
Dwelling houses	2 car spaces	Not applicable									
<p>3.4 Council may consider tandem parking in the following situations:</p> <p>(c) Tandem parking for a maximum of two vehicles is permissible in dwelling houses, dual occupancies, attached dwellings, secondary dwellings, semidetached dwellings, multi dwelling housing and multi dwelling housing (terraces) if the parking users reside in the same dwelling.</p>											
Chapter 5.2 - Former Canterbury LGA											
SECTION 2—DWELLING HOUSES AND OUTBUILDINGS											
2.2 Site coverage											
<p>C1 All development must comply with the numerical requirements contained in the table below:</p> <table><tr><th>Site Area</th><th>Maximum area of building footprint</th><th>Maximum floor area of all outbuildings</th><th>Maximum site coverage of all structures on a site</th></tr><tr><td>Up to 449m²</td><td>300m²</td><td>30m²</td><td>60%</td></tr></table>		Site Area	Maximum area of building footprint	Maximum floor area of all outbuildings	Maximum site coverage of all structures on a site	Up to 449m²	300m²	30m²	60%	<p>COMPLIES</p> <p>The works which are the subject of this DA and BIC only increase the site coverage on this site by the area of the laundry addition (5.61m2) to the rear of the existing dwelling.</p> <p>The site 346m2 in area and therefore subject to a maximum site coverage of 207.6m2.</p> <p>The site coverage achieved on this site is as follows:</p> <ul style="list-style-type: none">Dwelling 120m2Garage 26.5m2Carport 32.5m2Covered BBQ 5.3m2Total 184.3m2 <p>The site complies with the 'Maximum area building footprint' and 'Maximum site coverage' controls under this clause.</p> <p>All outbuildings are existing and there are no additional outbuildings proposed in this application.</p>	
Site Area	Maximum area of building footprint	Maximum floor area of all outbuildings	Maximum site coverage of all structures on a site								
Up to 449m²	300m²	30m²	60%								

DCP Clause / Provision		Statement of Compliance								
2.3 Landscaping										
<p>C1 Deep soil permeable areas must be provided in accordance with the table below:</p> <table><tr><th>Site area</th><th>Minimum deep soil area (% of site area)</th></tr><tr><td>Up to 449m²</td><td>15%</td></tr></table> <p>C2 Deep soil areas must have a minimum dimension of 2.5m.</p>		Site area	Minimum deep soil area (% of site area)	Up to 449m²	15%	<p>COMPLIES</p> <p>The works which are the subject of this DA and BIC do not diminish the amount of deep soil area provided on this site.</p> <p>The site 346m2 in area and therefore requires 51.9m2 of deep soil area. This is met by the front setback area (31.83m2) and the rear grassed area (22.06m2). These are shown on the 'Deep Soil Plan' included in the Development Plans at Appendix B.</p> <p>In total 53.89m2 of <i>deep soil permeable area</i> is provided on the site and more half of this area is provided from ward of the building line.</p>				
Site area	Minimum deep soil area (% of site area)									
Up to 449m²	15%									
2.5 Height										
<p>C1 Development for the purposes of dwelling houses must not exceed the following numerical requirements:</p> <p>a) A maximum two storey built form.</p> <p>b) A maximum external wall height of 7m where the maximum height of buildings standard under the LEP is 8.5m.</p> <p>Note: Skillion and flat roof forms will be considered on merit.</p>		<p>COMPLIES</p> <p>The dwelling remains as a single storey dwelling which complies with the LEP maximum height limit of 8.5m, and the laundry addition to the rear of the existing dwelling has a maximum wall height of 4.2m.</p> <p>The extension of the skillion roof form over the laundry addition minimises bulk and scale and is considered appropriate to the rear of the dwelling.</p>								
2.6 Setbacks										
<p>Front, side and rear setbacks</p> <p>C1 Development, including basement and sub-floor areas, fronting a major road must have a minimum front setback of 9m.</p> <p>C2 Development must comply with the minimum front, side and rear setbacks as detailed in the following tables:</p> <table><tr><th>Setback</th><th>Controls</th></tr><tr><td>Front Setback</td><td><ul style="list-style-type: none">Minimum setback of 5.5m from the front boundary.Maximum 2m recess for the main entrance from the front building line.Where the existing front setback is less than 5.5m, further encroachments by alterations and additions are not acceptable.</td></tr><tr><td>Side Setback</td><td><ul style="list-style-type: none">Minimum setback of 900mm from side boundaries.Alterations and additions may be in line with the existing ground level walls.</td></tr><tr><td>Rear Setback</td><td><ul style="list-style-type: none">Minimum setback of 6m from the rear boundary.</td></tr></table> <p>Table 4: Dwelling houses with frontages widths of 12.5m or greater</p>		Setback	Controls	Front Setback	<ul style="list-style-type: none">Minimum setback of 5.5m from the front boundary.Maximum 2m recess for the main entrance from the front building line.Where the existing front setback is less than 5.5m, further encroachments by alterations and additions are not acceptable.	Side Setback	<ul style="list-style-type: none">Minimum setback of 900mm from side boundaries.Alterations and additions may be in line with the existing ground level walls.	Rear Setback	<ul style="list-style-type: none">Minimum setback of 6m from the rear boundary.	<p>COMPLIES</p> <p>There has been no change to the front setback provided to the existing dwelling.</p> <p>The setback provided to the northwestern side boundary is 1.2m and complies with this requirement.</p> <p>The setback provided from the laundry addition to the rear boundary is approximately 7.1m and complies with this requirement.</p>
Setback	Controls									
Front Setback	<ul style="list-style-type: none">Minimum setback of 5.5m from the front boundary.Maximum 2m recess for the main entrance from the front building line.Where the existing front setback is less than 5.5m, further encroachments by alterations and additions are not acceptable.									
Side Setback	<ul style="list-style-type: none">Minimum setback of 900mm from side boundaries.Alterations and additions may be in line with the existing ground level walls.									
Rear Setback	<ul style="list-style-type: none">Minimum setback of 6m from the rear boundary.									

DCP Clause / Provision		Statement of Compliance				
<table><tr><th>Setback</th><th>Controls</th></tr><tr><td>Side Setbacks</td><td><ul style="list-style-type: none">External wall height over 2.7m a minimum setback of 450mm from the side boundary.External wall height not exceeding 2.7m may encroach into the minimum setback area.</td></tr></table> <p>Table 5: Outbuildings (including alterations and additions)</p>		Setback	Controls	Side Setbacks	<ul style="list-style-type: none">External wall height over 2.7m a minimum setback of 450mm from the side boundary.External wall height not exceeding 2.7m may encroach into the minimum setback area.	<p><u>PARTIALLY COMPLIES</u></p> <p>The existing garage is located within 450mm from the side and rear boundaries of the site. This building is constructed of brick walls and there are no external additions or changes proposed to the height or location of this structure.</p> <p>Generally this building has a wall height of less than 2.7m (2.4m along the rear boundary of the site, increasing to 2.8m at its southern end).</p> <p>The proposed use of this building as a home office and home gym will remain as ancillary to residential (dwelling) use of the site.</p> <p>The building will not be used as a separate dwelling or as a bedroom, i.e. it will not be a habitable building.</p>
Setback	Controls					
Side Setbacks	<ul style="list-style-type: none">External wall height over 2.7m a minimum setback of 450mm from the side boundary.External wall height not exceeding 2.7m may encroach into the minimum setback area.					
<p>2.10 Solar access and overshadowing</p> <p>C2 Principle areas of private open space must receive a minimum of 3 hours of sunlight between 8.00am and 4.00pm on 21 June to at least 50% of the open space surface area. Where existing overshadowing by buildings and fences is already greater than this control, sunlight is not to be reduced by more than 20%.</p> <p>C3 Proposed development must retain a minimum of 3 hours of sunlight between 8.00am and 4.00pm on 21 June for existing primary living areas and to 50% of the principal private open space.</p>		<p><u>COMPLIES</u></p> <p>The rear yard area of the existing dwelling is orientated to the northeast and will continue to get unaffected sunlight throughout the day.</p> <p>The only external addition which is the subject of this application is the laundry at the rear of the existing dwelling.</p> <p>The single storey addition is located 1.2 metres from the northwestern side boundary of the site and as such will not result in any additional overshadowing of neighbour properties.</p>				
<p>2.11 Visual privacy</p> <p>C2 Minimise direct overlooking of rooms and private open space through the following: (a) Provide adequate building separation, and rear and side setbacks; and (b) Orient living room windows and private open space towards the street and/or rear of the lot to avoid direct overlooking between neighbouring residential properties</p>		<p><u>COMPLIES</u></p> <p>The only window which has been installed on any wall facing an adjoining boundary is a high level bathroom window on the northeastern wall, and the sill height of this window is over 1.5m above the finished internal floor level. This window has been in existence for several years. It is not considered to have visual privacy impacts on adjoining properties.</p> <p>The rear deck area is 1.2m above ground level, however other buildings on this site, notable the existing garage and the laundry addition on the northeastern end of the deck, screen adjoining properties from any viewing opportunities from this deck area.</p>				
<p>2.14 Outbuildings and swimming pools</p>						

DCP Clause / Provision	Statement of Compliance
C1 Council allows a maximum of one outbuilding on a site.	<u>COMPLIES</u> C1 – There is only the existing garage with attached carport structure located on the 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.	<u>COMPLIES</u> C2(a) – the former garage space to be used as a home office / home gym is separate from the principal dwelling C2(b) – the former garage space to be used as a home office and home gym will not be used as a separate dwelling C2(c) – existing features within this building which have been installed without approval (namely the kitchen sink and cabinetry and the toilet and shower in the rear of the building) will be removed and this is shown on the plans submitted. It is proposed to retain the sink in the rear of the building which is acceptable under this clause. C2(d) - the former garage will not function and cannot be adapted to function for industrial purposes
C3 The maximum site cover of the outbuilding is: (b) 45m ² where the site is 300m ² to 600m ² 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.	<u>COMPLIES</u> The area of former garage is approx. 26.5m ² and complies with this requirement. The site also complies with the overall maximum site coverage requirement of the DCP.
C4 The outbuilding must not result in the principal dwelling on the site having less than the required landscaped area and private open space.	<u>COMPLIES</u> The site provides the required landscape area as detailed above and as shown on the landscape/deep soil plan submitted with the application.
C5 The storey limit for the outbuilding is single storey. An attic or basement is not permitted in the outbuilding.	<u>COMPLIES</u> The existing outbuilding is only single storey.
C6 The maximum building height for the outbuilding is 4.5m above ground level (existing).	<u>COMPLIES</u> The existing outbuilding is under 4.5m in height.
C7 The outbuilding must locate behind the front building line.	<u>COMPLIES</u> The existing outbuilding is located behind the front building line.
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.	<u>COMPLIES</u> The existing outbuilding is located within 900mm of the side and rear boundary however both external walls are of masonry construction.

DCP Clause / Provision	Statement of Compliance
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.	<p><u>DOES NOT COMPLY – Variation sought</u></p> <p>At its closest point the existing outbuilding is located 900mm from the rear of the existing dwelling. We seek for this existing situation to be accepted on the basis that it is a detached structure of masonry construction and access to the rear yard is both possible and suitable for a site of this size.</p>
C10 The maximum roof pitch for the outbuilding is 25 degrees.	<p><u>COMPLIES</u></p> <p>The existing outbuilding has a skillion type roof form with a slope of less than 25 degrees.</p>
C11 Council does not allow the outbuilding to have roof-top balconies and the like.	<p><u>COMPLIES</u></p> <p>The existing outbuilding does not have a roof tope balcony and no such feature can be installed on the building.</p>
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.	<p><u>COMPLIES</u></p> <p>The existing outbuilding will not be extended externally and does not impact on any existing trees on the subject site or the adjoining properties.</p>

5.3 The impacts of the development

The acceptability of the impacts of the proposed development on adjoining properties and the environment in general are in part determined by compliance with relevant provisions of the applicable planning controls.

The alterations and additions which have been undertaken to the existing dwelling comply with the development standards under the Council LEP and the relevant controls within the Council DCP, including site coverage, open space, building height and setback requirements. Where there is are minor non-compliance with the controls under the DCP these relate to the existing garage structure and there are no adverse impacts external to the site.

Importantly, the additions to the dwelling which were undertaken without approval do not have any adverse impacts on overshadowing or privacy of adjoining properties, and accordingly it would be acceptable to allow these additions to remain by approving the BIC application.

The use of the existing garage building as a home office and home gym, will remain as ancillary to the residential (dwelling) use of the site, and will also not have any adverse impacts on adjoining properties. This building will not be used as a separate dwelling or as a bedroom, i.e. it will not be a habitable building and the proposal is to removed existing facilities from this building to ensure that this does not occur.

5.4 Suitability of the site

The previous sections of this report have demonstrated the suitability of the site for the proposed usage, particularly in terms of:

- The proposal is consistent with the scale and density of existing development within the locality,
- The additional building works and use of the existing garage complies with relevant coverage, building height and setback controls,
- The proposal is consistent with the objectives and development standards applying to the land; and
- Overall the development is considered an appropriate usage of the site.

5.5 Public interest

The proposal is considered to accord with the wider public interest in that:

- It provides an appropriate use of the site;
- It will have a positive effect on the streetscape and immediate locality; and
- It is consistent with all relevant LEP aims and objectives

6 Summary and Conclusion

Council Approval Group is pleased to submit this SoEE and accompanying information which seeks development consent for remedial building works to the rear of the existing dwelling, and for an existing garage to be used as a home office and home gym, at 2 Bardwell Crescent, Earwood.

This statement should also be considered in conjunction with a separate application for a BIC for additions and alterations to the rear of the existing dwelling and alterations to the existing garage, which are works which have been completed with first obtaining the required approval.

This Statement of Environmental Effects for the proposed development has considered:

- The circumstances of the case;
- An analysis of the subject site and the surrounding locality;
- An analysis of the proposal against the provisions of the *LEP 2023*, as well as relevant DCPs, SEPPs and other relevant statutory controls that apply to the site; and
- Section 9.1 Directions.

This report concludes that the proposal is consistent with the objectives and vision of the Plan, Zone, and DCP in particular:

- The development maintains a low-density residential character, with alterations and additions limited to the rear of the existing dwelling and internal works to the garage for use as a home office and home gym, preserves the site's single dwelling occupancy and avoids overdevelopment.
- The size, height, bulk and location of the addition to the dwelling, and the separation to adjoining properties complying with relevant development standards and do not have any adverse impacts on adjoining properties.
- The works support the housing needs of the community by enhancing the functionality and liveability of the existing dwelling through improved internal spaces and amenities.
- The use of the garage as an ancillary home office and home gym remains compatible with the residential use of the site and does not introduce any disruptive or commercial activities that would impact the surrounding area.

6.1 Recommendation

Under all the circumstances of the case, it is therefore recommended to Council for favourable consideration.

Appendix A. Site Survey

Appendix B. As-built Development Plans

Appendix C. BCA Report

Appendix D. Structural Engineer's Statement

