

STATEMENT OF ENVIRONMENTAL EFFECTS

DEVELOPMENT APPLICATION FOR A NEW ATTACHED DUAL OCCUPANCY

To **Canterbury-Bankstown City Council**

For: **Mr. M. Nguyen.**

At: **38 Clarence Street Condell Park.**



Prepared by:

Ergo Designs P/L

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M a y , 2022.

1.00: INTRODUCTION:

This report has been prepared in support of the Development Application submitted to Canterbury Bankstown City Council on behalf of Mr. Ming Nguyen

For the property listed as **Lot D D.P 366883** and known as **38 Clarence Street Condell Park**.

All the design work has been carried out with considerable thought and consultation with Council's officers.

The application seeks approval for the following items:

- Demolish existing weatherboard & fibro & roof tile single storey dwelling and associated outbuildings.
- Construct a new attached two storey Dual Occupancy.
- Sub-divide the Dual Occupancy with a Torrens Sub division.

This statement is to be read in conjunction with the attached architectural plans numbered

322-104/1 to 9 dated 29th of April, 2022 and prepared by **Ergo Designs P/L**.

The proposal is designed to be of a high architectural quality, which is sensitive and protective of its local context. In this, the design aims to satisfy the objectives of Council's

COMPLIANCE WITH RELEVANT PLANS, CODES AND PLANNING POLICIES:

BANKSTOWN LOCAL ENVIRONMENTAL PLAN 2015

BANKSTOWN DEVELOPMENT CONTROL PLAN 2015.

- *PART B1- SECTION 4-DUAL OCCUPANCIES.*
 - *PART B5 –PARKING.*
 - *PART B13- WASTE MANAGEMENT MINIMISATION.*
- BUILDING CODE OF AUSTRALIA-NCC 2019.*

The proposed works are considered appropriate for the site and its locality and should be recommended for Council's favourable consideration.

This report further describes the design of the proposed development to this effect and provides a detailed assessment of its likely impacts.

2.00: SITE ANALYSIS.

2.10: Location & features of the site;

The land is located on the eastern side of Clarence street and is known as **Lot D D.P 366883** .

The land is 15.09m frontage with 53.865m depth and an area of 813.0m².

The zoning of the land is R2. Low Density Development.

The site contains a single storey weatherboard & fibro house with a tiled pitched roof and other associated outbuildings all need to be demolished and removed from the site.

The land has a slight gradual fall towards the rear of the site of approx. 2.25m.

There are no existing trees on the site or in the vicinity of the proposed works.

The adjoining property to the north is a 2 storey dwelling, whilst on the other side to the south is a single storey dwelling and an attached carport facing north and 2 secondary high windows.

The site is not affected with Acid Sulphate Soils and neither is known to be of contaminated soil as it always have been used as residential and no other use.

The site it is however flooding at the rear as per SSR report included with the application.



Aerial Photograph. (Source-six maps)



Proposed Front view perspective of the the proposed Dual Occupancy.

3.00: COMPLIANCE WITH RELEVANT PLANS, CODES & PLANNING POLICIES.

3.10: BANKSTOWN LOCAL ENVIRONMENTAL PLAN 2015.

The zoning of the site being **R2 Low Density Residential** under the provisions of this current LEP this zone does allow such a use.

Permitted with consent

*Bed and breakfast accommodation; Boarding houses; Boat sheds; Building identification signs; Business identification signs; Car parks; Child care centres; Community facilities; **Dual occupancies**; Dwelling houses; Emergency services facilities; Environmental facilities; Environmental protection works; Exhibition homes; Flood mitigation works; Group homes; Health consulting rooms; Home-based child care; Hospitals; Information and education facilities; Jetties; Multi dwelling housing; Places of public worship; Public administration buildings; Recreation areas; Respite day care centres; Roads; Secondary dwellings; Semi-detached dwellings; Seniors housing; Water recreation structures; Water supply systems*

LEP MAP REQUIREMENT	CONTROLS	PROPOSAL
Land area		813m ²
Land Zoning		R2 Low Density Residential.
FSR ratio	.50:1	.46:1
Height of Buildings	9.0m	8.995m Max.
Heritage	Not affected	N/A
Flood Planning	Not affected	N/A
Acid Sulfate Soils	Not affected	N/A
Aircraft noise	Not affected	N/A
Flooding	The site is flooding at the rear.	The proposed building is outside the flooding area-refer to SSR report include with the application.

PROPOSAL:

As mentioned above the proposal involves the following

- *Demolish existing weatherboard & fibro with roof tile single storey dwelling.*
- *Construct a new attached two storey Dual Occupancy.*
- *Sub-divide the Dual Occupancy with a Torrens Sub division.*

CALCULATIONS

Control	Requirement	Proposal
No.1 Site Area	- Minimum site area = attached = 500 m ² - Minimum site width = 15 metres	- Actual site area = 813.00m ² - Actual site width = 15.00metres
No.2 Subdivision	- Minimum lot size = 250.00m ² - Minimum width = 7.50m	Min. lot size Dwelling A = 406.50m ² Actual width Dwelling A = 7.545m Min. lot size Dwelling B = 406.50m ² Actual width Dwelling B = 7.545 m
No.3 FSR	0.5:1 = 406.50m ² 0.5:1 = 203.25 m ²	Actual total = 0.46:1 = 377.40m ² Actual = UNIT A Ground floor = 88.39m ² First floor = 98.70m ² Total = 0.46:1 = 187.09 m ²
UNIT A	0.5:1 = 203.25 m ²	Actual = UNIT B Ground floor = 88.39m ² First floor = 98.70m ² Total = 0.46:1 = 187.09 m ² Actual total = 0.46:1 = 377.40m²
No.4 Building Height	- Roof height. 9.0 metres - Wall height. 7.0 metres	8.955 metres max. 6.981 metres max.
No.5 Setbacks	Ground floor = 5.5m First floor = 6.5m	UNIT A = 6.50m Ground floor = 6.50m First floor UNIT B = 6.50m Ground floor = 6.50m First floor
Side	- Both storeys = .90 m up to 7.0 wall height - Distance between eaves/gutters and to boundary 0.450metres	UNIT A = 1.500metres min both floors = .900m rear patio single storey UNIT B = 1.500metres min both floors = .900m rear patio single storey Eaves throughout .450m
Rear		UNIT A = Ground = 22.818m First = 25.797m UNIT B = Ground = 22.818m First = 25.797m
No.6 Open Space	80m ² Private courtyard 5.0m min. width	UNIT A = 167.45m ² = Dimensions >7.545m min. UNIT B = 167.45m ² = Dimensions >7.545m min.
No.7 Maximum roof pitch	Maximum roof pitch = 35 Deg.	Actual Maximum roof pitch = 18 Deg.
No.8 Parking Rates	3 bedroom or more: 2 spaces per dwelling	Actual parking = 1 internal spaces per unit + 1 external space @ front of drive
No.9 Landscaping	Minimum 45% of front of bldg area	Actual UNIT A = 47.59% of front of bldg. UNIT B = 45.24% of front of bldg.

3.20: BANKSTOWN DEVELOPMENT CONTROL PLAN 2015.

3.21: PART B1- SECTION 4-DUAL OCCUPANCIES.

Objectives

The objectives are:

To ensure lot sizes provide adequate space for dwellings, setbacks to adjoining residential land, landscaped areas, open space, driveways, vehicle manoeuvring areas and the like.

To ensure the building form, building design and landscaping of dual occupancies are compatible with the prevailing suburban character of the residential areas, particularly the single dwelling suburban character of the low density residential areas.

To ensure the building form and building design of dual occupancies provide appropriate amenity to residents in terms of private open space, access to sunlight and privacy.

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

To ensure the building form of dual occupancies in the foreshore protection area preserves the existing topography, land and rock formations, and the unique ecology of natural bushland and mangrove areas.

To minimise the visual impact of off-street parking on the streetscape.

CONTROLS	STANDARDS	PROPOSAL
Subdivision	<p>The two dwellings forming a dual occupancy (attached) may be subdivided to a minimum lot size of 250m² per dwelling.</p> <p>The two dwellings forming a dual occupancy (detached) may be subdivided to a minimum lot size of 35 m² per dwelling.</p> <p>For development that establishes a dual occupancy and a secondary dwelling on the same allotment, the two dwellings forming the dual occupancy may be subdivided provided the minimum lot size is 450m² per dwelling.</p> <p>Minimum land width = 15.0m</p>	<p>UNIT A= 2406.50m² Minimum land width = 7.545m</p> <p>UNIT B = 2406.50m² Minimum land width = 7.545m</p> <p>Total area of the land= 813.00m² Total width of the land= 15.09m</p>
Storey limit	<p>The storey limit for dual occupancies is 2 storeys.</p> <p>The siting of dual occupancies, and landscaping works must be compatible with the existing slope and contours of the allotment and any adjoining property. Council does not allow any development that involves elevated platforms on columns; or excessive or unnecessary terracing, rock excavation, retaining walls or reclamation.</p> <p>Any reconstituted ground level on the allotment must not exceed a height of 600mm above the ground level (existing) of an adjoining property except where:</p> <p>(a) the dual occupancy is required to be raised to achieve a suitable freeboard in accordance with Part B12 of this DCP; or</p> <p>(b) the fill is contained within the ground floor perimeter of the dual occupancy to a height no greater than 1 metre above the ground level (existing) of the allotment.</p>	<p>Proposed Dual occupancy is limited to 2 floors only.</p> <p>Ground floor level is kept as close as possible to natural ground level with 540mm at the front to 1,600mm max. at the rear due to the natural ground fall towards the rear.</p> <p>The ground is not proposed to be disturbed in any way by means of excavations or fill.</p>
Setback restrictions	<p>Setbacks to the primary frontages</p> <p>The minimum setback for a building wall to the primary road frontage is: (a) 5.5 metres for the first storey (i.e. the ground floor); and (b) 6.5 metres for the second storey.</p> <p>Setbacks to the side boundary</p> <p>For the portion of the building wall that has a wall height less than or equal to 7 metres, the minimum setback to the side boundary of the allotment is 0.9 metre. Council may increase the minimum setback to reduce any impact on the amenity of an adjoining dwelling or to avoid the drip line of a tree on an adjoining property.</p> <p>For the portion of the building wall that has a wall height greater than 7 metres, the minimum setback to the side boundary of the allotment is 1.5 metres.</p> <p>The minimum setback between a dual occupancy and the side boundary must be clear of obstacles such as a hot water unit, waste storage area, storage shed and the like.</p> <p>The basement level must not project beyond the ground floor perimeter of the dual occupancy.</p>	<p>Proposed Dual Occupancy shall have a minimum front setback of 6.50m at both floors.</p> <p>Side setbacks have been kept @ 1.50m throughout and only the rear covered patio being single storey shall be 900mm from the side boundary.</p>
Private open space	<p>Dual occupancies must provide a minimum 80m² private open space per dwelling behind the front building line. This may be in the form of a single area or a sum of areas per dwelling provided the minimum width of each area is 5 metres throughout.</p>	<p>Both private courtyard areas have been kept to an area of 167.45m² with a minimum dimension of 7.545m</p>

<p>Access to sunlight</p>	<p>At least one living area of each dwelling must receive a minimum 3 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.</p> <p>At least one living area of a dwelling on an adjoining allotment must receive a minimum 3 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.</p> <p>A minimum 50% of the private open space required for each dwelling and a minimum 50% of the private open space of a dwelling on an adjoining allotment must receive at least 3 hours of sunlight between 9.00am and 5.00pm at the equinox. Where this requirement cannot be met for a dwelling on an adjoining allotment, the development must not result with additional overshadowing on the affected private open space.</p> <p>Development should avoid overshadowing any existing solar hot water system, photovoltaic panel or other solar collector on the allotment and neighbouring properties.</p>	<p>Shadow diagrams are included with the application which show proposed shadow impacts of the new building @ every hour during the 21st of June (winter) and 23rd of September (equinox) in all cases the new shadows are casting to the south side of the property with the adjoining property to the south that of No.40 although impacted with the new shadows, nonetheless they are casting with on the roof of the attached adding carport or the roof of the actual house.</p> <p>There are no important windows apart for 2 secondary high breeze windows and the main lounge room window is facing west and picks up more than 2 hours of sunlight during the afternoon period.</p> <p>As far as the living rooms windows of each proposed units accessing the necessary minimum of 3 hours of sunlight is concern.</p> <p>Unit A on the northern side is accessing the required minimum sunlight via a window facing north.</p> <p>Whereas, Unit b being on the southern side with the introduction of skylight windows over the patio and the early morning direct sunlight can meet the requirement- see explaining details on the shadow diagrams.</p> <p>Finally, the private courtyards of both units and the adjoining units especially the south side dwelling can actually pick up more than 5 hours of sunlight during both winter and equinox period for more than 50% of the private courtyard area, as is reflected in the attached shadow diagrams.</p>
<p>Visual privacy.</p>	<p>Where development proposes a window that directly looks into the living area or bedroom window of an existing dwelling, the development must:</p> <ul style="list-style-type: none"> (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. <p>Where development proposes a window that directly looks into the private open space of an existing dwelling, the window does not require screening where:</p> <ul style="list-style-type: none"> (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. <p>Council may allow dual occupancies to have an upper floor side or rear balcony solely where the balcony is not accessible from a living area or hallway, and the balcony design:</p> <ul style="list-style-type: none"> (a) does not have an external staircase; and (b) does not exceed a width of 1.5 metres throughout; and (c) incorporates a form of screening to the satisfaction of Council such as partially recessing the balcony into the building. <p>Council does not allow dual occupancies to have roof-top balconies and the like.</p>	<p>To mitigate all visual privacy concerns the design has been considerate with step taken as follows.</p> <ul style="list-style-type: none"> • It has not included any first floor balconies either front or rear. • Balconies at the front are off the main bedroom being a non visitable space. • All windows facing the sides although large windows are really facing blank walls of both adjoining buildings as they have no windows opposite apart from some high windows being a minimum of 1.50m off the floor level. • Private courtyard areas are to be landscaped and include perimeter shrub screening with at least 1.80m high fences.

<p>Building design</p>	<p>Development for the purpose of dual occupancies must demolish all existing dwellings (not including any heritage items) on the allotment. The design of dual occupancies must ensure:</p> <ul style="list-style-type: none"> (a) the street facade of dual occupancies (attached) adopt an asymmetrical design to provide each dwelling with an individual identity when viewed from the street; or (b) the street facade of dual occupancies (attached) or dual occupancies (detached) incorporate architectural elements that are compatible with the asymmetrical appearance of neighbouring dwelling houses, particularly where a pattern is established by a group of adjoining dwelling houses; and (c) the front porch and one or more living area or bedroom windows to each dwelling face the street; and (d) the garage, driveway and front fence do not dominate the front of the building and front yard; and (e) the two dwellings on a corner allotment each face a different frontage. <p>The maximum roof pitch for dual occupancies is 35 degrees. Council may allow dual occupancies to have an attic provided the attic design:</p> <ul style="list-style-type: none"> (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. <p>The design of dormers must:</p> <ul style="list-style-type: none"> (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 2 metres; and (d) the number of dormers must not dominate the roof plane. 	<ul style="list-style-type: none"> • Existing dwelling on site shall be demolished. • Both units facing the street are asymmetrical in their design by using different design elements and textures/colours and window sizes and shapes. • The design has included articulation to the façade of the building and include an address to the front with a porch and a main entrance for each of the units. • The living rooms both face the rear and work together with the patios as an indoor/outdoor entertainment area. • The master bedrooms on the top floor with windows facing the front provide well designed measures for safety and security. • Garages are recessed into the building there are no front fences instead are provided with landscaped area. • Roof pitch is kept to 18 degrees minimum pitch..
<p>Building design (car parking).</p>	<p>Development must locate the car parking spaces behind the front building line with at least one covered car parking space for weather protection. Despite this clause, Council may allow one car parking space per dwelling to locate forward of the front building line provided:</p> <ul style="list-style-type: none"> (a) the car parking space forward of the front building line is uncovered and located in a stacked arrangement on the driveway in front of the covered car parking space; and (b) the covered car parking space is setback a minimum 6 metres from the primary and secondary frontages. <p>Where development proposes a garage with up to two car parking spaces facing the street, Council must ensure the garage architecturally integrates with the development and does not dominate the street facade.</p> <p>Where development proposes a garage with more than two car parking spaces facing the street, Council must consider the architectural merit of the development and may allow the garage provided:</p> <ul style="list-style-type: none"> (a) the building is at least 2 storeys in height, and (b) the garage is architecturally integrated with the upper storey by: <ul style="list-style-type: none"> (i) ensuring the garage does not project more than 3 metres forward of the upper storey street facade; and (ii) designing a covered balcony, rooms or other architectural features of the upper storey to extend over the garage roof. 	<p>The design includes 2 parking spaces per dwelling with;</p> <ul style="list-style-type: none"> • One uncovered parking space in front of the building line. • The other car space is included behind the building line in a lock up garage incorporated with the building. • Each roller door is not dominant and it is recessed behind the building line.
<p>Landscaping</p>	<p>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 dual occupancy.</p> <p>Development must landscape the following areas on the allotment by way of trees and shrubs with preference given to native vegetation endemic to the City of Bankstown (refer to Appendix 4 and Appendix 5 for a list of suitable species):</p> <ul style="list-style-type: none"> (a) a minimum 45% of the area between the dual occupancy and the primary road frontage; and (b) a minimum 45% of the area between the dual occupancy and the secondary road frontage; and (c) plant at least one 75 litre tree between the dual occupancy and the primary road frontage (refer to Appendix 5 for a list of suitable trees in the City of Bankstown or Appendix 6 for allotments that adjoin the Hume Highway); 	<p>There are no existing trees on the site to be compromised and the existing front street tree is proposed to be retained and protected during construction.</p> <p>A detailed landscaping plan is included with the application showing all native species as specified in Appendix 4 & 5 of Council's DCP. The minimum 45% landscaping of the frontage is guaranteed-refer to proposed landscaping calculation tables.</p> <p>Note: that the existing front street tree which was there and is shown on the survey plan fell down as at least half of it was dead with the wild weather recently and was removed, however the owner is willing to re plant a similar species of substantial size pot as he wants to preserve the protection from the aggressive afternoon sun casting on the house. Refer to landscaping plans.</p>

3.: SUBDIVISION:

Objective.

To allow the subdivision dual occupancy developments only where each dwelling has sufficient site area and reasonable access to a public road.

Note:

Subdivision proposals must comply with the dual occupancy development approval. The development must be completed before the subdivision plans are released by Council.

<u>Standards</u>	<u>Proposal</u>	<u>Compliance</u>
Each allotment proposed to be created as a result of the subdivision of a dual occupancy development must have: - a minimum area of 250 square metres; for attached Dual Occupancy. - a minimum width (measured along the entire length of the allotment) of 7.5 metres; and - direct frontage to and access from a public road. b. The strata subdivision of dual occupancy developments is not permitted.	The minimum allotment size for: Unit A = 406.50m² Unit. B = 406.50m² The minimum frontage width for: Unit A = 7.545m Unit. B = 7.545m	COMPLIANCE = YES = ✓ NO =

4.00: BUILDING CODE OF AUSTRALIA. (NCC 2019)

The property conforms to all Building Code requirements (NCC 2019).

The plans included with the application cover all relevant parts of the BCA-volume 2-class 1 buildings applicable for the proposal.

Smoke alarm are to be installed as per: Cl E2.2 BCA; Spec E2.2a BCA; AS 1603; AS1670; AS3786 & AS1851.8.

Party Wall: A 270 cavity brick party wall is to be constructed and shall extend all the way to the underside of the roof tiles and sealed off with smoke proof cement render all in accordance with Fig. 3.7.1.10 of part 3.7.1 Fire Separation of the Building Code of Australia.

All window openings to the sides are of a minimum setback of 1.50m. and windows higher than 2.0m above natural ground level are to be protected as per Cl.3.9.2.5 protection of openable windows volume 2-class 1 -(NCC 2019).

5.00: ENVIRONMENTAL PLANNING AND ASSESSMENT ACT CONSIDERATIONS:

5.10: Air and Noise:

- There are no existing or proposed sources of odours and or fumes to be emanating from the premises.
- The proposed use of the building residential only shall have no impact on the air quality as a result there is no issue in terms of odours or fumes.
- Noise is not an existing issue nor a future problem.

5.20: Drainage, Soil and Water Management:

- All sewerage effluent disposal shall remain connected to existing Sydney Water sewer line and a new junction shall be acquired for the new dwelling as per Sydney Water's Section 73 requirements to apply and obtain at the appropriate time.
- The property is subject to flooding at the rear of the site although the actual proposed building is well away and outside the flooding area-refer to SSR report.
- All proposed storm water shall be directed and discharged to the front street gutter as per storm water drainage concept plan and details.
- A rain water tank shall be installed in each individual unit to service the garden and any other use as per BASIX Certificate included with the application.

5.30: Erosion and Sedimentation Control:

All proposed works shall be restricted to take place totally within the confines of the site and the property as whole and no materials or debris shall be stored or thrown in to public areas.

All soil and water erosion and sediment control measures shall easily be taken care as per soil, water and site management plan included with the application and include items such as location of material and stockpile, etc.

5.40: Site Management:

Being ordinary 2 storey structure in a typical neighbourhood with ample of on site working area, all works and machinery shall work and shall be accommodated on the site and the owner being a person with experience in building matters shall conduct all necessary site management in an appropriate and qualified manner.

5.50 : Acid Sulphate Soils and Soil Contamination:

As mentioned above the site has not been identified to have Acid Sulphate Soils.

Conclusion:

The design is compatible and will have little to no impact on the neighbouring properties and will blend in the neighbourhood and match with other similar dual occupancies, situated on either side of the development.

The proposed new dual occupancy dwelling is appropriate for the site and the area, and should be viewed with favourable consideration by the Council.