



STATEMENT OF ENVIRONMENTAL EFFECTS

RESTROSPECTIVE APPROVAL FOR CONVERSION OF DETACHED
GARAGE TO SECONDARY DWELLING

109 ACACIA AVENUE
GREENACRE NSW 2190
LOT A DP 405569

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1 INTRODUCTION

This Statement of Environmental Effects (SEE) has been prepared to support a Development Application for a retrospective approval for the conversion of an attached garage to a secondary dwelling at 109 Acacia Avenue, Greenacre. The works have already been undertaken by the client and this statement forms a response to Council's works order notice.

The Development Application is submitted to Canterbury-Bankstown Council in accordance with Section 4.12 of the Environmental Planning and Assessment Act 1979 (EP&A Act) and has been prepared under the relevant objectives and controls of the Bankstown Local Environmental Plan 2015 (BLEP 2015) and the Bankstown Development Control Plan 2015 (BDCP 2015). Specifically, this SEE provides the following information:

- **SECTION 2** provides a description of the subject site and the surrounding locality.
- **SECTION 3** provides a detailed description of the proposed development.
- **SECTION 4** provides an assessment of the proposed development against the relevant planning objectives and controls in accordance with Section 4.15(1) of the EP&A Act.
- **SECTION 5** provides a summary and conclusion.

2 SITE ANALYSIS

2.1 CONTEXT ANALYSIS

The subject site at 109 Acacia Avenue, Greenacre is located within the Canterbury-Bankstown Council Local Government Area (LGA). The immediate area is characterised by a range of housing types including attached and detached dwellings, dual occupancies and multi dwelling housing. The site is also in close proximity to infrastructure such as schools, shops, transport and recreational facilities.

2.2 SITE ANALYSIS

The subject site is located on the corner of Acacia Avenue and Old Kent Road and is legally described as Lot A DP405569. The site is rectangular in shape with a 17.62m frontage to Acacia Avenue, a 23.705m frontage to Old Kent Road, a 27.99m side boundary and a 20.715m rear boundary. The total site area is 564m². The site is adjoined by detached dwelling houses to the north, south, east and west.

The site presently contains a single storey dwelling house and detached outbuilding that has been converted to a secondary dwelling (the subject of this application). Access to the site is gained from an existing driveway off Acacia Avenue to the west. The aerial image below shows the orientation of the subject site and its location relative to surrounding properties.



Figure 1: Aerial Image of Subject Site and Surrounding Properties

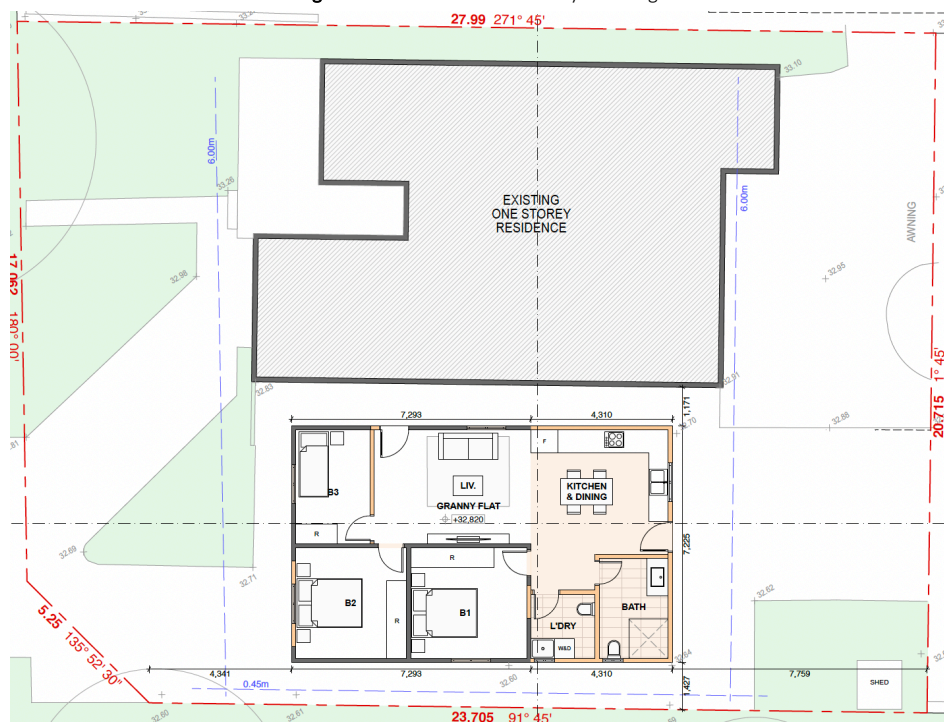
3 RESTROSPECTIVE APPROVAL

This Development Application is made for a retrospective approval for the conversion of a detached garage to a secondary dwelling at 109 Acacia Avenue, Greenacre. This document is provided in response to Council's works order notice for the unauthorised works that have been undertaken to date.

The original detached garage was not being used by the residents of the dwelling for car parking purposes as sufficient space is provided within the front setback for hardstand car parking. The garage was instead used as a study/therapy room for their disabled child, before a minor extension was added to the rear of the garage and the structure was converted to a detached secondary dwelling. The secondary dwelling services a member of the family and allows more space within the existing dwelling for the disabled child. The intention of the works was to improve the liveability of the site for all members of the family, without detrimentally impacting on the privacy or amenity of adjoining properties.

The floor layout of the secondary dwelling is shown on the Architectural Plans submitted with this application and summarised below. The building features three small bedrooms, an open plan kitchen, living and dining area, bathroom and laundry.

Figure 2: Floor Plan of Secondary Dwelling



The final development does not significantly impact on the visual appearance of the site when viewed from the public domain and maintains sufficient setback distances to the side and rear property boundaries, therefore maintaining a high level of privacy on the site and for adjoining properties.

The development has the following site dimensions:

AREA	CALCULATION
Site Area	564m ²
Gross Floor Area (Dwelling House)	124.3m ²
Gross Floor Area (Secondary Dwelling)	79m ²
Total Gross Floor Area	203.33m ²

Floor Space Ratio	0.36:1
Landscaped Area	52.64m ²

3.3 SITE ACCESS AND CAR PARKING

The existing dwelling house and secondary dwelling are serviced by a driveway off Acacia Avenue to the west. Sufficient hardstand space is provided within the site frontage for the required car parking. It is re-iterated that the secondary dwelling is occupied by a family member and so car parking on the site is limited to the family.

3.4 LANDSCAPING WORKS

Landscaped areas are provided within the front, side and rear setbacks of the site. Existing landscape treatment is commensurate with the unauthorised works and helps to soften the appearance of the built form when viewed from the public domain.

3.5 PRIVATE OPEN SPACE

A sufficient amount of private open space is provided within the rear setback of the site for use of the dwelling house and secondary dwelling. The existing private open space area receives is accessed directly from the internal living area of the dwelling house and receives a sufficient amount of solar access.

3.6 EXTERNAL APPEARANCE AND DESIGN

The unauthorised works have occurred at the rear of the existing garage and therefore do not significantly impact on the site's presentation to the streetscape. The structure features building materials and finishes that complement the existing garage and the dwelling house, and are therefore in keeping with the residential characteristics of the streetscape. The development maintains appropriate setback distances to the property boundaries to maximise privacy on the site and for adjoining properties.

4 PLANNING ASSESSMENT

4.1 STATE ENVIRONMENTAL PLANNING POLICY NO 55 - REMEDIATION OF LAND

State Environmental Planning Policy No 55 - Remediation of Land introduces planning controls for the remediation of contaminated land and requires an investigation to be made if land contamination is suspected. Aerial photography indicates that the site has historically been used for residential purposes since its original subdivision. It is therefore considered highly unlikely that the site is contaminated and therefore any further assessment under SEPP 55 is unnecessary.

4.2 STATE ENVIRONMENTAL PLANNING POLICY – BUILDING SUSTAINABILITY INDEX: BASIX 2004

State Environmental Planning Policy – Building Sustainability Index: BASIX 2004 (BASIX SEPP) requires all residential development in New South Wales to achieve a minimum target for energy efficiency, water efficiency and thermal comfort. The proposed development has been assessed in accordance with the relevant provisions of the BASIX SEPP. It is demonstrated on the BASIX Certificate submitted with this application that the proposal achieves the required rating for energy efficiency, water efficiency and thermal comfort.

4.3 CANTERBURY LOCAL ENVIRONMENTAL PLAN 2012

The Bankstown Local Environmental Plan 2015 (BLEP 2015) is the principal planning instrument that governs all development within the former Bankstown LGA. The objectives and provisions of the Plan that relate to the proposed development are discussed below.

4.3.1 LAND USE ZONING

The subject site is zoned R2 – Low Density Residential under the BLEP 2015. The objectives of the R2 zone 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 development that is compatible with residential uses and does not adversely affect the living environment or amenity of the area.*
- *To allow for the development of low density housing that has regard to local amenity.*
- *To require landscape as a key characteristic in the low density residential environment.*

The development achieves the objectives of the R2 zone by contributing to the housing needs of the family living on the site. The works do not impact on the privacy or amenity of neighbouring properties and have retained all landscaped areas within the front setback of the site which contribute to the landscape setting of the locality.

Developments permitted with and without consent and prohibited developments within the R2 zone are detailed in the table below. The development has involved the conversion of an existing detached garage to a secondary dwelling which is permissible in the R2 zone with consent from Council

Permitted without Consent	Home occupations
Permitted with Consent	Bed and breakfast accommodation; Boarding houses; Boat sheds; Building identification signs; Business identification signs; Car parks; Centre-based child care facilities; 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; Home businesses; Hospitals; Information and education facilities; Jetties; Oyster aquaculture; Places of public worship; Pond-based aquaculture; Public administration buildings; Recreation areas; Respite day care centres; Roads; Secondary dwellings ; Semi-detached

	dwelling; Seniors housing; Tank-based aquaculture; Water recreation structures; Water supply systems
Prohibited Development	Any other development not specified in item 2 or 3

4.3.2 HEIGHT OF BUILDINGS

Clause 4.3 requires that the height of a building on any land is not to exceed the maximum height shown for the land of the Height of Buildings Map. The maximum building height for the subject site is 9m as shown on the Height of Buildings Map below. The secondary dwelling has a maximum building height of 3.76m above existing ground level and therefore complies with Clause 4.3.

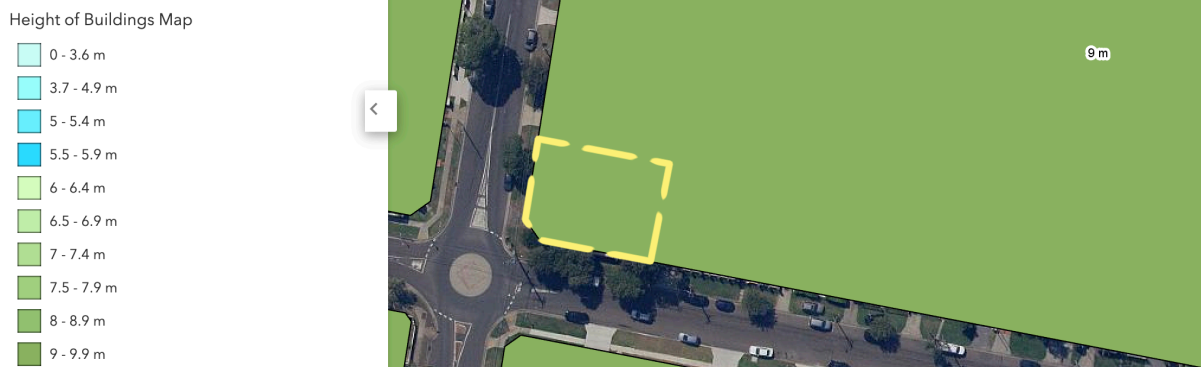


Figure 3: Height of Buildings Map (Bankstown Local Environmental Plan 2015)

4.3.3 FLOOR SPACE RATIO

Clause 4.4 requires that the maximum floor space for a building on any land is not to exceed the floor space ratio shown for the land on the Floor Space Ratio Map. The maximum floor space ratio for the subject site is 0.50:1 as shown on the Floor Space Ratio map below. The final development has a gross floor area of 203.33m² which equates to a compliant floor space ratio of 0.36:1.

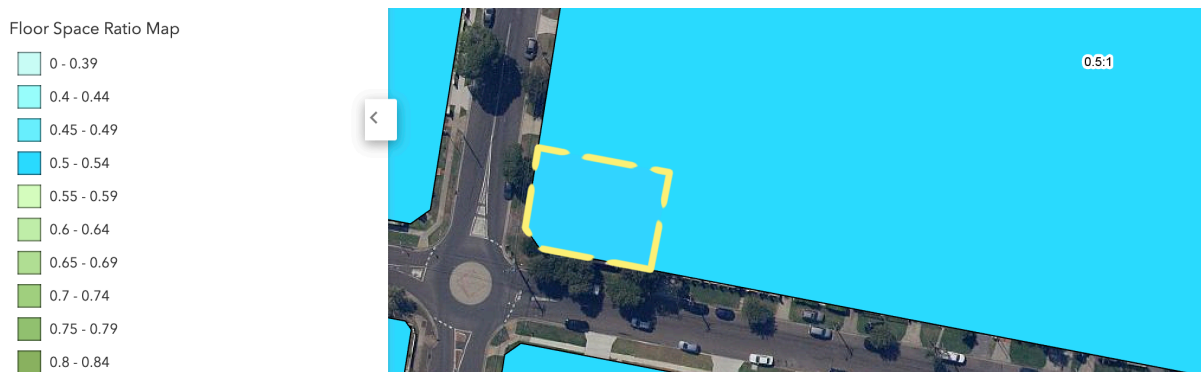


Figure 4: Floor Space Ratio Map (Bankstown Local Environmental Plan 2015)

4.3.4 HERITAGE CONSERVATION

Clause 5.10 states that development consent is required for any works impacting on a Heritage Item, Aboriginal object or Heritage Conservation Area identified on the Heritage Map. The subject site does not contain a Heritage Item or Aboriginal object and is not located within a Heritage Conservation Area as shown on the Heritage Map below.

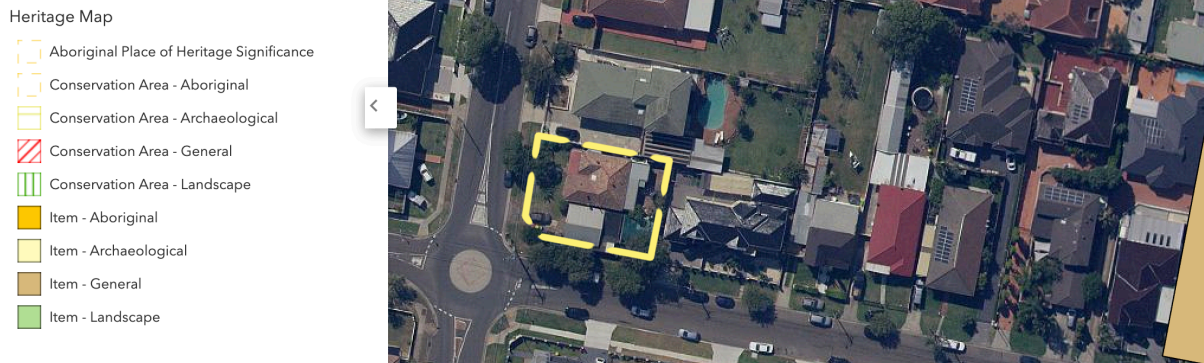


Figure 5: Heritage Conservation Map (Bankstown Local Environmental Plan 2015)

4.4 BANKSTOWN DEVELOPMENT CONTROL PLAN 2015

The Bankstown Development Control Plan 2015 (BDCP 2015) supplements the BLEP 2015 by providing additional objectives and development controls to enhance the function, appearance and amenity of development in the City of Bankstown LGA. The development controls include storey limits, setbacks, building design, landscaping and access.

The table below provides a compliance assessment of the proposed development against the relevant controls of the BDCP 2015.

BANKSTOWN DEVELOPMENT CONTROL PLAN 2015

SECTION 3 – SECONDARY DWELLINGS		
DCP CONTROL	ASSESSMENT	COMPLIANCE
SUBDIVISION		
The subdivision of secondary dwellings is prohibited.	Subdivision has not been undertaken on the site.	N/A
LOT SIZE		
A secondary dwelling is permissible on an allotment with a minimum lot size of 450m ² .	The subject site has a total area of 564m ² .	Yes
SITE COVER		
<p>Council must not consent to development for the purpose of secondary dwellings unless:</p> <ul style="list-style-type: none"> a) the total floor area of the principal dwelling and the secondary dwelling is no more than the maximum floor area allowed for a dwelling house on the land under an environmental planning instrument; and b) the total floor area of the secondary dwelling is no more than 60m² or, if a greater floor area is permitted in respect of a secondary dwelling on the land under an environmental planning instrument, that greater floor area. 	<p>The maximum permissible floor space ratio for the site is 0.5:1 or 282m². The combined dwelling house and secondary dwelling have a total gross floor area of 203.33m² which equates to a compliant floor space ratio of 0.36:1 in accordance with Clause 4.4 of the BLEP 2015.</p> <p>The constructed secondary dwelling has a floor area of 76m², which represents a minor variation of 16m² and as such, a variation to this control is requested. The constructed secondary dwelling achieves full compliance with all other provisions of the BLEP 2015 and the BDCP 2015, and has been appropriately setback from the property boundaries to maintain a high level of privacy for adjoining properties. The increased floor area has not resulted in unacceptable environmental impacts and significantly improves the liveability and functionality of the site for the residents, based on their circumstances. The location of the works at the rear of the existing outbuilding structure ensures that the established character of the streetscape is retained and the visual appearance of the site is not significantly impeded when viewed from the public domain.</p>	Variation Requested
STOREY LIMIT		

The storey limit for attached secondary dwellings is 2 storeys. In addition, attached secondary dwellings in the foreshore protection area (refer to map in Appendix 1) must ensure the wall height does not exceed 7 metres and the building height does not exceed 9 metres.	The secondary dwelling is single storey in height.	Yes
The storey limit for detached secondary dwellings is single storey and the maximum wall height is 3 metres.	The secondary dwelling is single storey in height with a maximum wall height of 2.4m.	Yes
The siting of secondary dwellings 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.	The location of the secondary dwelling is compatible with the existing dwelling house and has retained all landscape areas within the front setback of the site. The minor extension at the rear of the existing structure has followed the natural gradient of the site and therefore did not require excavation.	Yes
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: <ul style="list-style-type: none"> a) the secondary dwelling is required to be raised to achieve a suitable freeboard in accordance with Part B12 of this DCP; or b) the fill is contained within the ground floor perimeter of the secondary dwelling to a height no greater than 1 metre above the ground level (existing) of the allotment. 	The secondary dwelling follows the natural gradient of the site.	N/A
SETBACK RESTRICTIONS		
The erection of secondary dwellings is prohibited within 9 metres of an existing animal boarding or training establishment.	The subject site is not located within 9m of an existing animal boarding or training establishment.	Yes
SETBACKS TO THE PRIMARY AND SECONDARY ROAD FRONTAGES		
The minimum setback for a building wall to the primary road frontage is: <ul style="list-style-type: none"> a) 5.5 metres for the first storey (i.e. the ground floor); and b) 6.5 metres for the second storey. 	The secondary dwelling is single storey in form and maintains the appropriate setback distances to the front property boundary.	Yes
The minimum setback to the secondary road frontage is: <ul style="list-style-type: none"> a) 3 metres for a building wall; and b) 5.5 metres for a garage or carport that is attached to the building wall. 	The structure is built to the property boundary due to the location of the existing detached garage on the site. It is therefore not possible to comply with this control.	N/A
SETBACKS TO SIDE AND REAR BOUNDARIES		

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 and rear boundaries of the allotment is 0.9 metre.	The development maintains the required setback distance to the side boundary.	Yes
For the portion of the building wall that has a wall height greater than 7 metres, the minimum setback to the side and rear boundaries of the allotment is 1.5 metres.	The development maintains the required setback distance to the rear boundary.	Yes
PRIVATE OPEN SPACE		
Secondary dwellings must not result in the principal dwelling on the allotment having less than the required landscaped area and private open space.	Sufficient private open space is provided at the rear of the site for use of the dwelling house and secondary dwelling, noting that they are occupied by members of the same family.	Yes
ACCESS TO SUNLIGHT		
At least one living area 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.	The Shadow Diagrams submitted with this application demonstrate compliance.	Yes
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.	The Shadow Diagrams submitted with this application demonstrate compliance.	Yes
A minimum 50% of the private open space required for the principal dwelling on the allotment 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.	The Shadow Diagrams submitted with this application demonstrate compliance.	Yes
VISUAL PRIVACY		
Where development proposes a window that directly looks into the living area or bedroom window of an existing dwelling, the development must:	Windows to habitable rooms within the secondary dwelling do not look directly into windows of habitable rooms in the dwelling house.	N/A

<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. 	Windows to habitable rooms within the secondary dwelling do not look directly onto the private open space area. It is noted that the private open space area is shared between the dwelling house and secondary dwelling.	N/A
<p>Council may allow attached secondary dwellings 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. 	Not applicable.	N/A
Council does not allow secondary dwellings to have roof-top balconies and the like.	Not proposed.	N/A
BUILDING DESIGN		
The maximum roof pitch for attached secondary dwellings is 35 degrees.	The existing roof pitch does not exceed 35 degrees.	Yes
<p>Council may allow attached secondary dwellings 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 	The secondary dwelling does not contain an attic.	N/A

b) ensures the attic does not give the external appearance of a storey.		
The design of dormers must: a) be compatible with the form and pitch of the roof; and b) must not project above the ridgeline of the main roof; and c) must not exceed a width of 2 metres; and the number of dormers must not dominate the roof plane.	The secondary dwelling does not contain dormer windows.	N/A
The maximum roof pitch for detached secondary dwellings is 25 degrees. An attic or basement is not permitted as part of the dwelling.	The existing roof pitch does not exceed 25 degrees.	Yes
Development in the foreshore protection area (refer to map in Appendix 1) must use non-reflective materials that are compatible with the natural characteristics and colours of the area (such as olive green, grey and dark brown).	The subject site is not located in the foreshore protection area.	N/A
The change of use of outbuildings to secondary dwellings must comply with the Building Code of Australia.	The secondary dwelling complies with the Building Code of Australia.	Yes
BUILDING DESIGN – CAR PARKING		
Secondary dwellings must not result in the principal dwelling on the allotment having less than the required car parking spaces.	Sufficient car parking is provided for the dwelling house and secondary dwelling, noting that the two structures are occupied by the same family.	Yes
LANDSCAPING		
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 secondary dwelling.	The unauthorised works did not require the removal of any significant vegetation from the site.	Yes

5 CONCLUSION

This document provides a retrospective approval for the conversion of a detached garage to a secondary dwelling at 109 Acacia Avenue, Greenacre, in response to Council's works order notice. The unauthorised works have been undertaken to improve the liveability and functionality of the site for the residents based on their circumstances.

The existing development has been assessed against the relevant provisions of the BLEP 2015 and the BDCP 2015 and is considered to be appropriate for the site for the following reasons:

- The works have been located predominately at the rear of the existing detached structure and therefore do not impact on the visual appearance of the site when viewed from the public domain.
- The development maintains appropriate setbacks to the side and rear properties to maintain a high level of privacy on the site and for adjoining properties.
- The development retains a sufficient amount of landscaped area and private open space on the site to reflect the well-maintained landscape setting of the locality.
- The development complies with the provisions for secondary dwelling development under the BLEP 2015 including maximum building height and floor space ratio.

For the above reasons, the proposed development is considered worthy of support from Canterbury-Bankstown Council and subsequent approval.