

# S T A T E M E N T   O F E N V I R O N M E N T A L   E F F E C T S

For the Proposal of:

**Change of use of approved outbuildings at the rear  
Into studio and storage room**

Council District:

**Canterbury Bankstown Council**

Address:

**No. 36 Alcoomie Street, Villawood**

Client:

**Ali Kazimi & Mushtaq Hussain**

Date:

**Jan 2023**

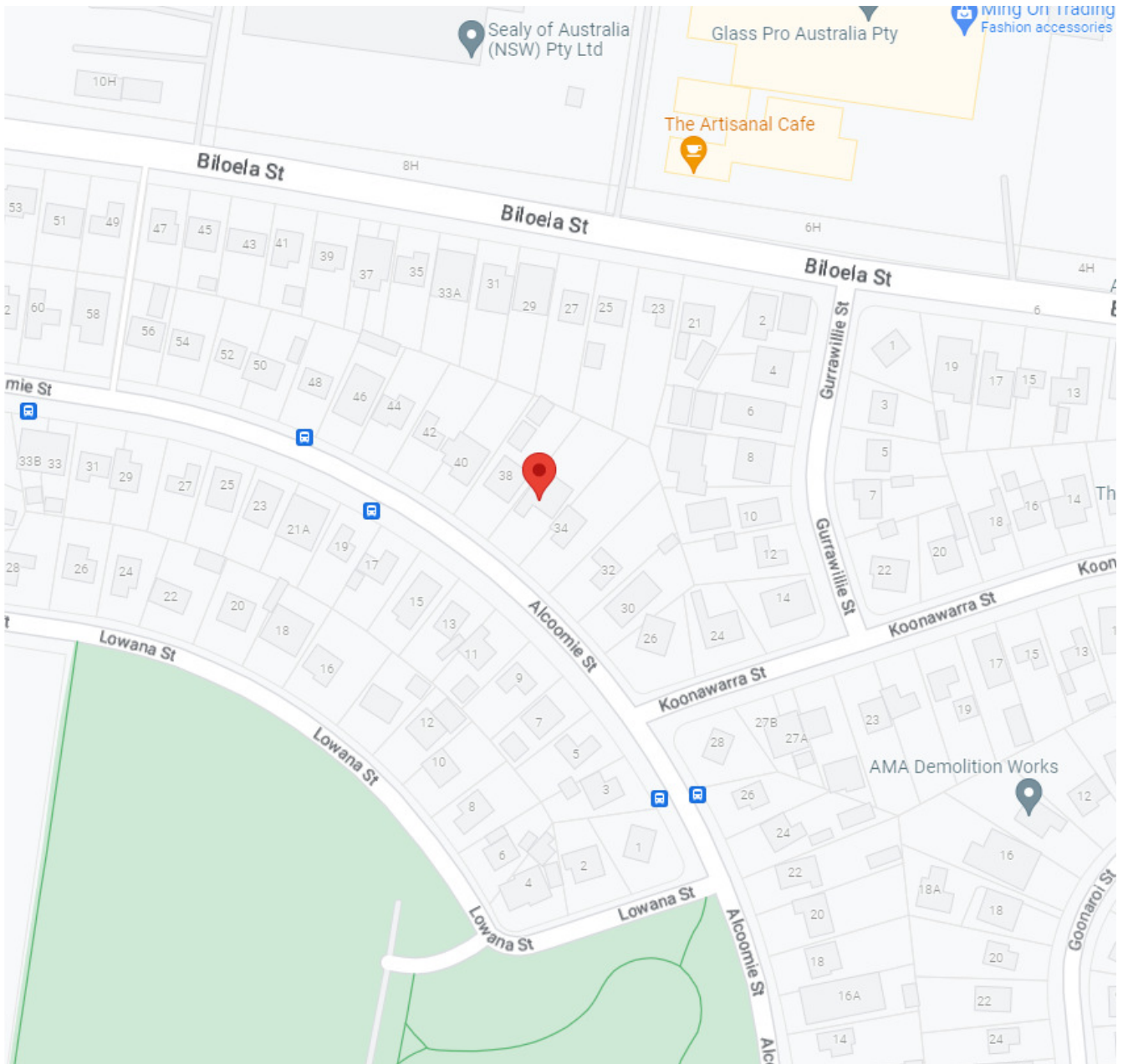
Our Reference:

**2301 - DA**

## 1.0 INTRODUCTION

This development application is submitted to council for assessment and change of use of approved outbuilding to studios at the rear of approved dual occupancy dwelling.

## 2.0 SITE (locality)



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## **2.1 Streetscape Analysis**

The site is located on Alcoomie Street. The site is located near the intersection between Alcoomie Street & Koonawarra Street. The address is No. 36 Alcoomie Street, Villawood. The site is currently occupied with a single storey brick dwelling.

The surrounding area and allotments are primarily of newly built duplexes, single storey dwellings and two storey dwellings.

### **Secondary Dwellings (Granny Flats) Objectives – SECTION 3**

#### **Objectives**

The objectives are:

- (a) To ensure secondary dwellings are established in conjunction with the principal dwelling on the same allotment.
- (b) To ensure the building form and building design of secondary dwellings are compatible with the prevailing suburban character of the residential areas.
- (c) To ensure the building form and building design of secondary dwellings provide appropriate amenity to residents in terms of private open space, access to sunlight and privacy.
- (d) To ensure the building form and building design of secondary dwellings do not adversely impact on the amenity of neighbouring properties in terms of visual bulk, access to sunlight and privacy.
- (e) To ensure the building form of secondary dwellings in the foreshore protection area preserves the existing topography, land and rock formations, and the unique ecology of natural bushland and mangrove areas.

#### **Development controls**

The development controls to achieve the objectives are:

#### **Subdivision**

**3.1** The subdivision of secondary dwellings is prohibited.

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## **Lot size**

**3.2** A secondary dwelling is permissible on an allotment with a minimum lot size of 450m<sup>2</sup> .

## **Site cover**

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

(a) the total floor area of the principal dwelling and the secondary dwelling is no more than the maximum floor area allowed for a dwelling house on the land under an environmental planning instrument; and

(b) the total floor area of the secondary dwelling is no more than 60m<sup>2</sup> 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.

## **Storey limit (not including basements)**

**3.4** 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.

**3.5** The storey limit for detached secondary dwellings is single storey and the maximum wall height is 3 metres.

**3.6** 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.

**3.7** 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:

(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.

## **Setback restrictions**

**3.8** The erection of secondary dwellings is prohibited within 9 metres of an existing animal boarding or training establishment. Setbacks to the primary and secondary road frontages

**3.9** The minimum setback for a building wall to the primary road frontage is:

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

### **Setbacks to the side and rear boundaries**

**3.11** 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.

**3.12** 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.

### **Private open space**

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

### **Access to sunlight**

**3.14** 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.

**3.15** 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.

**3.16** 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.

### **Visual privacy**

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

- (a) offset the windows between dwellings to minimise overlooking; or
- (b) provide the window with a minimum sill height of 1.5 metres above floor level; or

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(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.

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

(a) the window is to a bedroom, bathroom, toilet, laundry, storage room, or other non-habitable room; or

(b) the window has a minimum sill height of 1.5 metres above floor level; or

(c) the window has translucent glazing to a minimum height of 1.5 metres above floor level; or

(d) the window is designed to prevent overlooking of more than 50% of the private open space of a lower-level or adjoining dwelling.

**3.19** 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:

(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.

**3.20** Council does not allow secondary dwellings to have roof-top balconies and the like.

### **Building design**

**3.21** The maximum roof pitch for attached secondary dwellings is 35 degrees.

**3.22** Council may allow attached secondary dwellings to have an attic provided the attic design:

(a) accommodates no more than two small rooms (for the purposes of a bedroom and/or study) and a bathroom plus an internal link to the storey below; and

(b) ensures the attic does not give the external appearance of a storey.

**3.23** The design of dormers must:

(a) be compatible with the form and pitch of the roof; and (b) must not project above the ridgeline of the main roof; and

(c) must not exceed a width of 2 metres; and

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(d) the number of dormers must not dominate the roof plane.

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

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

**3.26** The change of use of outbuildings to secondary dwellings must comply with the Building Code of Australia. Building design (car parking)

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

### **Landscaping**

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

## **4.0 PLANNING CONTROLS**

The subject site is affected by the provisions of the Environmental Planning & Assessment Regulation 2000 and Section 4.15 of the environmental Planning & Assessment Act 1979

- (A) Bankstown Local Environmental Plan 2015
- (B) Bankstown Development Control Plan 2015
- (C) State Environmental Planning Policy (Housing) 2021 Chapter 3, Part 1, Division 1 and

The Land is affected by Bankstown Development Control Plan (DCP) 2015

This DCP provides general guidance for the development of land within Cumberland council. The proposed development involves the change of use in approved outbuildings to granny flats rear of an approved dual occupancy dwelling.

[State Environmental Planning Policy \(Housing\) 2021, Chapter 3, Part 1, Divisions 1 and 2](#)

## **Part 1 Secondary dwellings**

### **Division 1 Preliminary**

development for the purposes of a secondary dwelling

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This Part applies to development for the purposes of a secondary dwelling on land in a residential zone if development for the purposes of a dwelling house is permissible on the land under another environmental planning instrument.

## **Division 2 Secondary dwellings permitted with consent**

### **Development may be carried out with consent**

- (1) Development to which this Part applies may be carried out with consent.
- (2) Development consent must not be granted for development to which this Part applies unless—
  - (a) no dwellings, other than the principal dwelling and the secondary dwelling, will be located on the land, and
  - (b) the total floor area of the principal dwelling and the secondary dwelling is no more than the maximum floor area permitted for a dwelling house on the land under another environmental planning instrument, and
  - (c) the total floor area of the secondary dwelling is—
    - (i) no more than 60m

## **COMPLIANCE TABLE FOR GRANNY FLAT**

<b>Min site area required:</b>	<b>450 sqm</b>
<b>Total site area:</b>	<b>1012 sqm. (complies)</b>
<b>Total floor area of granny flat required:</b>	<b>60 sqm.</b>
<b>Total floor area of UNIT 1 granny flat achieved:</b>	<b>45 sqm. (complies)</b>
<b>Total floor area of UNIT 2 granny flat achieved:</b>	<b>49.39 sqm. (complies)</b>
<b>Rear setback required:</b>	<b>3.0m</b>
<b>Rear setback achieved:</b>	<b>3.127m (complies)</b>
<b>Min. Side setback required:</b>	<b>0.9m</b>
<b>Min. Side setback achieved:</b>	<b>1.022m (complies)</b>

### **NOTE:**

**THE GRANNY FLAT ACHIEVES FULL COMPLIANCE WITH THE RELEVANT PROVISIONS IN THE STATE ENVIRONMENTAL PLANNING POLICY (HOUSING) 2021.**

### **Objectives:**

*To ensure the development is compatible with both the established character and the desired future amenity of particular residential areas. To provide sufficient area and dimensions to enable the siting and construction of a dual occupancy and ancillary buildings, the provision of private outdoor space with good solar and daylight access, and convenient vehicle access and parking.*



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## Solar access

(Refer to BASIX Certification)

## Landscaping

Landscape areas shall comprise of 20 % of the total site area, excluding building driveways, covered, gravelled or hard surfaced areas:

Total site area:	1012 Sqm.
Landscaped area required:	202.40 Sqm.
Landscape area achieved:	422.07 Sqm.

## Heritage

The subject site is not considered to be in a heritage conservation area according to Local Environment Plan 2015.

## Privacy and security

- *To ensure the siting and design of buildings provide visual and acoustic privacy for residents and neighbours in their dwellings and private open spaces.*
- *To provide personal and property security for residents and visitors and enhance perceptions of community safety.*

The layout of the dwellings has been designed to minimise noise and privacy issues. The proposal has been designed so that the first floor balconies are allocated to the front of the dwellings, which minimise overlooking into adjoining properties.

Good surveillance has been achieved by complying with the required clause 20.2, point one;

*"The front door should be at least partially visible and ideally wholly visible from the street, overlooked by a window, and should be clearly visible from the driveway".*

## Clothes washing and drying

Each dwelling has been provided with laundry facilities and a clothes-drying area in each of the courtyards.

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## LEP & DCP

All controls found in the statement of environmental effects comply with council's LEP & DCP 2015. Therefore, the local council of this precinct could reasonably approve the proposed dwelling in the manner and form submitted. Our proposal achieves a high compliance level under the LEP and DCP 2015.

## Zoning

Zoning under LEP: R2

Zoning: R2 Low Density Residential - Local Environment Plan 2015

## Summary

The proposal seeks the change of use in recently approved outbuildings to a pair of granny flats at the rear of an approved dual occupancy dwelling. The proposal offers a high level of compliance and provides residences with a high level of amenity.

The proposal complies with all of the Council's technical design requirements and town planning objectives, and will have no significant adverse impact on any other adjoining or nearby properties.

The design, parking, traffic and drainage aspects of the proposed development have been considered and are satisfactorily seen.

The site can adequately accommodate the proposed development, which will fit into the locality, and will satisfy the Council's present and future planning objectives and controls for the site and the overall precinct.

Therefore, the local council of this precinct could reasonably approve the proposed dwelling in the manner and form submitted.

We look forward to Council's advice.

*Jack Jannous*

DVYNE DESIGN