

STATEMENT OF ENVIRONMENTAL EFFECTS

Introduction

This report accompanies a Building Certificate Application for the Un-authorised works completed to the rear existing CDC approved and built studio.
The land area is 696.00m² block known as: Lot6 DP 29227 No 7 Lauma Avenue Greenacre

Size and shape of property

The subject property is a rectangular shaped block with a predominant south orientation to the rear of the allotment. The land slopes to the front approximately 800mm.
The unauthorised works Kitchen and Laundry joinery assessed as per statutory requirements of the State Environmental Planning Policy affordable housing SEPP 2009.

Environmental Planning and Assessment Act 1979 must be considered. In this regard, the following environmental planning instruments, codes and policies are relevant:

- (a) State Environmental Planning Policy affordable housing SEPP 2009.

The Proposal

The existing studio and garage structure is of cavity brick construction and metal roof is to be kept as approved under recent CDC and as is built as per the approved plans under Complying Development.

The owner's are migrants with little understanding of the approval and construction process and whom have put high trust to the builder and had an agreement with the builder to build an addition to the existing garage and be proposed under CDC Granny Flat.

The builder engaged an architectural firm to draw plans and lodge CDC to private certifier.

The plans issued to the private certifier for CC application were not drawn or proposed as proposed Granny flat and were drawn and issued as Studio with storage room.

The builder did however supply and install Kitchen joinery and appliances as well as Laundry plumbing and sink.

Due to the small size in scope and scale of the works the owners did not check the completed plans during the approval CDC assessment process and later following CDC consent, Whilst the builder built the kitchen and laundry as well as the interior as per the expected agreement with the owners.

During the construction period the owners never became aware of the difference between the approved plans and the built agreed inclusions.

A dispute happened between the owners and the builder. The builder was failing to meet the agreements he and the owners agreed to at which time the builder departed from the project.

The owners ordered additional recycle bins from council as to they're knowledge they had an approved Granny Flat at which time the council had informed the owners that they did not have approval for Granny Flat and had an approval for studio.

The exterior walls are rendered cavity brick walls. Concrete slab on ground.

Roof construction is corrugated sheet metal roof.

The existing garage walls including the side wall is of masonry brick construction. It is approved side setback 540mm and having FRL 60/60/60 complies with the FRL BCA requirement yet does not achieve the 900mm side boundary setback.

We request from council consider this FRL 6o/6o/6o to be acceptable.
The roof does not having an eave or exposed overhand, the wall and fascia are flush finish.

The owner's have retained the existing building as approved and all internal structure elements have been retained and kept as originally built.
It is proposed to seek council consent to retain the structure and current usage.

It is proposed to remove the rear walls of the garage and store room to clear the rear setback and ensure goomm FRL setback rear wall of studio and garage to rear boundary.
The area to be removed was built by the builder for the owners, owners had requested a garden shed similar to bunnings pre-fabricated metal shed. Builder convinced the owners this was better use of space and consequently went ahead to construct this store area.
It is as noted above proposed to removed walls and roof over to ensure the setback complies with the FRL goomm.

All windows and sliding door are glazed aluminum are as per the approved CDC architectural plans, No new work built or installed.

The whole structure and exterior works are as per the approved CDC architectural plans with no new disturbance to the land as a result of the internal joinery, preserving the natural overland water whilst stormwater has been conveyed Charge line directly to the existing charge line to street. The sewerage line of the single WC is connected to the existing Sydney Water Sewer main as per the approved CDC consent.



Built kitchen during construction of CDC approved studio, owners were not aware this was approved as studio instead of granny flat.



Fitted Laundry sink and drainage during construction of CDC approved studio, owners were not aware this was approved as studio instead of granny flat.

The certifier had issued an interim Occupational Certificate but did not issue a final Occupational Certificate.

We have requested from the private certifier documents and inspections certificates as part of the CDC critical stages of construction numerous times and have been ignored. Follow up phone calls did not have any results.

Relevant Planning Instruments

Canterbury Bankstown DCP 2023 Section 3 Secondary Dwelling

Issue	Council Requirement	Proposed	Comment
(3.1) Site Requirements	450m ² min	696.00m ² Zone R3	Complies
F.S.R.	0.5:1 696.00 m ² = 348.00m ²	696.00m ² / 296.30m ² = 42.57%	Complies
(3.2) (b) Total Floor Area Secondary Dwelling	60.00 m ²	44.60 m ²	Complies
(3.3) Allowable Storey's (3.4) Wall Height	2 storey Maximum wall height 3.0 meters	Existing 1 storey Maximum wall height 2.8 meters	Complies
(3.5)	The siting of secondary dwellings and landscape works must be compatible with the existing slope and contours of the site and any adjoining sites. Council does not allow any development that involves elevated platforms on columns; or excessive or unnecessary terracing, rock excavation, retaining walls or reclamation.	Landscaping remains as existing. No new works proposed. Slope of land is maintained as approved prior CDC Studio. No Terracing proposed	Complies
(3.6)	Any reconstituted ground level on the site within the ground floor perimeter of secondary dwellings must not exceed a height of 1m above the ground level (existing). For the purposes of this clause, the ground floor perimeter includes the front porch.	Not applicable. Not fill or cut in land was undertaken or proposed. Built structure as per approved CDC prior	N/A
(3.7)	Any reconstituted ground level on the site outside of the ground floor perimeter of secondary dwellings must not exceed a height of 600mm above the ground level (existing) of an adjoining site. For the purposes of this clause, the ground floor perimeter includes the front porch	Not applicable. Not reconstituted ground was undertaken or proposed. Built structure as per approved CDC prior	N/A
(3.8) Setback Restrictions	the erection of secondary dwellings is prohibited within 9m of an existing animal boarding or training establishment.	Not applicable. There are no animal boarding houses within neighbouring properties	N/A
(3.9) Street Setback	The minimum setback for a building wall to the primary street frontage is: (a) 5.5m for the first storey (i.e. the ground floor); and (b) 6.5m for the second storey	Not applicable. No Street setback proposed	N/A
(3.10)	The minimum setback to the secondary street frontage is: (a) 3m for a building wall; and (b) 5.5m for a garage or carport that is attached to the building wall.	Not applicable. No secondary setback proposed	N/A
(3.11) Side and rear setbacks	For the portion of the building wall that has a wall height less than or equal to 7m, the minimum setback to the side and rear boundaries of the site is 0.9m	No 7m wall is applicable – refer 3.4 above. Existing side setback 1.35m	Complies
(3.12)	For the portion of the building wall that	Not applicable	

	has a wall height greater than 7m, the minimum setback to the side and rear boundaries of the site is 1.5m.	Existing side setback no change proposed.	Complies
		Rear Setback 0.9m proposed.	Complies
(3.14) Sunlight access	At least one living area must receive a minimum three 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.	Existing Side windows to family, kitchen located on east and north facing walls ensuring continual sunlight is received	Complies
(3.15)	At least one living area of a dwelling on an adjoining site must receive a minimum three 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.	Not applicable. The building in this application is single storey therefore no	Complies
(3.16)	A minimum 50% of the private open space required for the principal dwelling on the site and a minimum 50% of the private open space of a dwelling on an adjoining site must receive at least three hours of sunlight between 9.00am and 5.00pm at the equinox. Where this requirement cannot be met for a dwelling on an adjoining site, the development must not result with additional overshadowing on the affected private open space.	Private open space receives 50% sunlight to both secondary dwelling and principal dwelling.	Complies
(3.17) Visual Privacy	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 1.5m above floor level; or (c) ensure the window cannot open and has obscure glazing to a minimum height of 1.5m above floor level; or (d) use another form of screening to the satisfaction of Council.	Existing windows to proposed secondary dwelling are located offset to any windows to principal dwelling. Windows to secondary dwelling have 1.5m sill height	Complies
(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 1.5m above floor level; or (c) the window has translucent glazing to a minimum height of 1.5m above floor	Refer to note above	Complies

	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 1.5m 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
(3.20)	Council does not allow secondary dwellings to have roof-top balconies and the like.	Not applicable	N/A
(3.21) Building Design	The maximum roof pitch for attached secondary dwellings is 35 degrees	Existing building has 3 degrees roof pitch	
(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	Not applicable Attic is not proposed	N/A
(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 2m; and (d) the number of dormers must not dominate the roof plane.	Not applicable Attic is not proposed	N/A
(3.24)	he maximum roof pitch for detached secondary dwellings is 25 degrees. An attic or basement is not permitted as part of the dwelling	Not applicable Attic is not proposed	N/A
(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).	Not applicable Proposed is not within proximity to foreshore	N/A
(3.26)	The change of use of outbuildings to secondary dwellings must comply with the National Construction Code.	The proposed change of use complies with the NCC – compliance certificates attached to this application	Complies
(3.27)	Secondary dwellings must not result in	The proposed change of	N/A

	the principal dwelling on the site having less than the required car parking spaces	use secondary dwelling location to the rear of the site doesn't impact of reducing principal dwelling parking spaces	
(3.28) Landscape	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 secondary dwelling.	No trees are proposed to be removed	N/A
Private Open Space	Minimum of 80m ²	Minimum of 194.3m ²	Complies
Car Spaces	2 spaces principal dwelling	Existing 2 undercover parking spaces	Complies
Stormwater Disposal	Stormwater from the site must be able to be drained satisfactorily.	Stormwater pan Provided. Stormwater is existing unchanged or altered and remains as existing the existing method of stormwater disposal is gravity drainage to Council's draining system.	Complies
Landscape Area soft soil	30% of the site area 208.80m ²	Proposed 227m ² 32.6%	Complies

BCA and NCC compliance table

BCA clause	Comments	Status
3.1.1 Earthworks	No change as approved under prior CDC consent	Complies
3.1.2 Drainage	No change as approved under prior CDC consent	Complies
3.1.3 Termite Risk Management	No change as approved under prior CDC consent	Complies
3.2 Footings and Slabs	No change as approved under prior CDC consent	Complies
3.2.2 Preparation	No change as approved under prior CDC consent	Complies
3.2 Footings and Slabs	Not applicable	Not applicable
3.2.4 Site Classification	Not applicable	Not applicable
3.3.1 Unreinforced Masonry	Not applicable	Not applicable
3.3.2 Reinforced Masonry	Not applicable	Not applicable
3.3.3 Masonry Accessories	Not applicable	Not applicable
3.3.4 Weatherproofing of Masonry	Not applicable	Not applicable
3.3.5 Earthwall Construction	Not applicable	Not applicable
3.4.1 Sub-Floor Ventilation	Not applicable	Not applicable
3.4.0 Framing	No change as approved under prior CDC consent	Complies
3.4.2 Steel Framing	Not applicable.	Not applicable
3.4.3 Timber Framing	Not applicable	Complies
3.4.4 Structural Steel Members	Not applicable	Not applicable
3.8.2 Room heights	No change as approved under prior CDC consent	Complies
3.8.3 Facilities	No change as approved under prior CDC consent	Not applicable
3.8.3.2 required facilities		
3.8.3.3 construction of sanitary compartments	No change as approved under prior CDC consent	Complies
3.8.4 Light	No change as approved under prior CDC consent	Complies
3.8.5 Ventilation	Range hood exhaust via ducted pipe to through to outside	Complies
3.8.5.2 Ventilation requirements	No change as approved under prior CDC consent	Complies
3.8.5.3 Location of sanitary compartments	No change as approved under prior CDC consent	Complies

BCA clause	Comments	Status
3.9.1.3 Ramps	Not applicable	Not applicable
3.1.2 Drainage	Kitchen and laundry sink connected prior by the builder's plumber to sewerage line.	Not applicable
3.9.1.4 Slip-resistance	Not applicable	Not applicable
3.9.1.5 Landings	Not applicable	Not applicable
3.9.2 Balustrades and Handrails	Not applicable	Not applicable
3.9.3 Swimming pool access	Not applicable	Not applicable
3.10.2 Earthquake Areas	Not applicable	Not applicable
3.10.3 Flood Hazard Areas	Not applicable	Not applicable
3.12 Energy efficiency	No change as approved under prior CDC consent	Not applicable
BCA clause	Comments	Status
3.9.1.3 Ramps	Not applicable	Not applicable
3.1.2 Drainage	Kitchen and laundry sink connected prior by the builder's plumber to sewerage line.	Not applicable
3.9.1.4 Slip-resistance	Not applicable	Not applicable
3.9.1.5 Landings	Not applicable	Not applicable
3.9.2 Balustrades and Handrails	Not applicable	Not applicable
3.9.3 Swimming pool access	Not applicable	Not applicable
3.10.2 Earthquake Areas	Not applicable	Not applicable
3.10.3 Flood Hazard Areas	Not applicable	Not applicable
3.12 Energy efficiency	No change as approved under prior CDC consent	Not applicable

The Public Interest

The development is considered suitable in its local context and not in conflict with public interest.

Siting, Location and Design

The existing main dwelling is retained as original with new works added.

Part 3.7.2 Fire Separation

The existing garage walls including the side wall is of masonry brick construction. It is approved side setback 540mm and having FRL 60/60/60 complies with the FRL BCA requirement yet does not achieve the 900mm side boundary setback.

We request from council consider this FRL 60/60/60 to be acceptable.

The roof does not having an eave or exposed overhand, the wall and fascia are flush finish

3.7.2.7 Allowable encroachments

(b)

For the purposes of (a), an encroachment relates to any [external wall](#) of—

- (i) a Class 10a building [required](#) to comply with [3.7.2.5](#); or

- (ii) a Class 1 building.

3.7.4.2 Walls requiring protection

(a)

Where parts of a Class 1a dwelling are located above a Class 10a private garage that is not associated with the Class 1a dwelling—

- (i) any wall separating parts of the Class 1a dwelling from the private garage not associated with the dwelling must comply with (b); and

(ii)

any private garage associated with and located below the Class 1a dwelling must be separated from the private garage not associated with the dwelling by a wall complying with (b).

(b)

A wall required by (a) must—

(i) have either—

(A) an FRL of not less than 60/60/60 when tested from the private garage associated with another dwelling side; or

(B) be of masonry construction not less than 90 mm thick; and

(ii) commence at the footings or ground slab; and

(iii) extend to the underside of a separating floor complying with 3.7.4.3; and

(iv) comply with 3.7.3.2(b) to (e) and 3.7.3.3 as applicable.

3.7.2.5 Class 10a buildings

(a)

A Class 1 building must be protected by a method in—

- (i) Figure 3.7.2.4 where a Class 10a building is located between or adjacent to a Class 1 building and a boundary alignment that is not a boundary with a road alignment or other public space; or
- (ii) Figure 3.7.2.5 where a Class 10a building is located between or adjacent to a Class 1 building it is associated with and another building on the same allotment; or

[3.7.2.5\(a\)](#) ensures that when a Class 10 building is located between an allotment boundary and a Class 1 building or another building on the same allotment, either directly or indirectly, that the Class 1 building be protected by a wall with an FRL.

The intention is to prevent the spread of fire from an allotment boundary (fire source feature) to a Class 1 building via a Class 10a building. Where a Class 10a building is not sited directly and wholly between the allotment boundary and the Class 1 building

(see [Figure 3.7.2.4 diagrams f. to i.](#)), the potential of fire spreading from the allotment boundary to the Class 1 still exists. Therefore fire separation would be required.

Site Works and Environmental Effects

The site hasn't been deeply excavated and as a result of the proposed new works have been excavated to set concrete footings in place for a maximum of 0.5m and as a result will not create adverse Acid Sulfate exposure from the soils.

Flooding

There seems to be no existing or potential flooding situation on property.

Ingress and Egress

Ingress and egress of vehicles will be from Lauma Avenue Greenacre front existing driveway. The driveway is to be of existing concrete to maintain all weather access.

Vegetation and Landscaping

The proposed internal joinery will have little effect on the majority of the existing vegetation. The site will retain all existing landscaping so that the amenity of neighbours in terms of privacy and solar access is maintained or improved. Land erosion and sediment control measures will be subject to Council's requirements and position of sediment fence as per site plan.

Engineering and Certification

No new works require engineer certification.

Sydney Water Requirements

A Sydney approval is provided to the approved CDC studio.

Ecologically Sustainable Development

Proper notification will be made to allow community involvement in respect to local issues of concern toward the development. Recycling and re-use options will be utilised in any waste cleanup necessary on the site. The operation of the development will have negligible impact on water quality, biodiversity, ecological integrity, neighbour hood safety, or public transport. The long-term economic health of the community will be aided by the increase in number of resident consumers provided by development.

Siting

No change to proposed addition

Privacy

No effects or change.

Shadows

No overshadowing

Heritage

No known heritage or conservation listed for this site

Waste Removal

in accordance with the following:

- AS 2436-1981 Guide to Noise Control on Construction Maintenance and Demolition Sites.
- AS 1020 Control of Undesirable Static Electricity
- AS 2601- 1983 SAA Demolition Code.
- AS 1216 Hazard Identification

Refer to Waste management plan and the Demolition Specification

Hours of Operation

Demolition and construction works will be undertaken: Monday to Friday 7:30 am to 4:00 pm and Saturday 8:00 am to 1:00 pm

Site Contamination

None known.

Traffic

The traffic generated by the development will have minor impact on the traffic capabilities of the current street capacity whilst construction is being undertaken.

Therefore, the proposed development will have minimal impact on the amenity enjoyed by both the adjoining neighbour's and the general locality.

Public Interest

The proposal does not seem to be against the public's interest.

Erosion and Sediment Control

An existing all-weather access concrete driveway will be utilised during construction as may be required. Erosion and sediment measures will be put in place in accordance with the specification set out on the Site Plan of the proposed drawings. Sediment control measures will be implemented for all stages of new works on the development to ensure minimal impact on land stability and water quality. Details of proposed measures to control erosion and sediment loss during construction are included with the application.

Environmental Impact and Conclusion.

This internal inclusions of kitchen and laundry sink for proposed change of use Granny flat will cause minimal environmental impact.

The proposal is permissible within the zoning and complies with all relevant development control instruments.

It would fit within the existing architectural character of the locality and only create no impact on landscaping, neighbour's amenity and existing traffic.

Visual and acoustic privacy, as well as car parking requirements have been successfully addressed.

In conclusion, the development should be approved as proposed.