

# **STATEMENT OF ENVIRONMENTAL EFFECTS**

---

## **STAGED CONSTRUCTION OF A SINGLE TWO-STOREY DWELLING AND ASSOCIATED STRUCTURES**

**10 RIVERSIDE STREET, BOLWARRA, NSW,  
2320  
(Lot: 217 DP: 1227970)**



Katrina Walker Urban Planner PO BOX 107 CLARENCE TOWN, NSW, 2321	<b>Phone:</b> 0428 801 633 <b>Email:</b> <a href="mailto:katrina@perceptionplanning.com.au">katrina@perceptionplanning.com.au</a>
<b>PP Reference</b>	J001251
<b>Prepared for</b>	

<b>Document Versions and Control</b>				
Statement of Environmental Effects, 10 Riverside Street, Bolwarra, NSW 2320				
<b>No:</b>	<b>Date:</b>	<b>PP Ref:</b>	<b>Author:</b>	<b>Reviewed by:</b>
Version 1	19/01/21	SEE – 10 Riverside Street, Bolwarra	KW	ED
Version 2	08/03/21	SEE – 10 Riverside Street, Bolwarra	KW	ED
Version 3	14/05/21	SEE – 10 Riverside Street, Bolwarra	KW	

**Disclaimer:**

This document may only be used for the purpose for which it was commissioned and in accordance with the contract between Perception Planning and the client. The scope of services by defined in consultation with the client by time and budgetary constraints imposed by the client, and the availability of reports and other data of the site. Changes to information, legislation and schedule are made on an ongoing basies and readers should obtain up to date information.

Perception Planning accepts no liability or responsibility whatsoever for or in respect of any use of or reliance upon this report and its supporting material by any third party. Information provided is not identified to be suitable for a site specific assessment or legal advice in relation to any matter. Unauthorised use of this report in any form is prohibited.

## EXECUTIVE SUMMARY

Perception Planning Pty Ltd has been engaged by **the client**) to prepare a Statement of Environmental Effects (SEE) for the construction of a two storey dwelling and ancillary structures at 10 Riverside Street, Bolwarra, NSW, 2320, legally identified as proposed Lot 217 in Deposited Plan 1227970 (**'the site'**).

The site is subject to a split land use zone of R1 General Residential and E3 Environmental Management. The construction of a dwelling is permissible with consent within both land use zones. The proposal is identified to meet the objectives of both zones.

Discrepancies between the cadastre of the Land Use Zone (LNZ) Map and the Minimum Lot Size (MLS) Map have been identified. As the site is substantially zoned E3 which generally attracts a MLS of 2ha, the subject site having an area of 1.84 ha is below the MLS by 8.7%. However, a portion of the E3 land is mapped with a MLS of 450m<sup>2</sup>. The total area mapped with a MLS of 450m<sup>2</sup> is approximately 927m<sup>2</sup>. This provides sufficient area to enable the development. Given the conflict between the MLS and LNZ mapping, it is requested that Council considers the site as compliant with the MLS to enable the development without the requirement for a Clause 4.6 variation. It is anticipated that not permitting development consent would render the site sterile.

The development proposal is for a staged implementation. Stage 1 is the construction of the main dwelling as detailed in **APPENDIX 7**. Stage 2 is the construction of ancillary structures to the dwelling through separate construction certificates as detailed in **APPENDIX 8**. The proposed staged development is to:

- Assess the overall impacts of development across the site within an environmentally sensitive land use zone; and
- Enable construction over time and spread construction costs for the landowner

Overall, the proposal is consistent with the zone permissibility and meets the objectives and provisions of the MLEP. The variation to the development standards outlined above has merit for approval. The proposal is compliant with the MDCP controls for the site.

Consent to construct the dwelling and ancillary structures on the site is an appropriate and efficient use of the land which will enable the future maintenance of the site to improve the quality of vegetation and habitat across the site. The detailed assessment has demonstrated that it is appropriate in the locality and does not result in any substantial negative amenity or environmental impacts which cannot be managed or mitigated. The site is therefore considered appropriate for the development.

The proposal has been assessed against the relevant statutory planning framework to identify and address the key planning requirements and site constraints. These issues have been addressed throughout the SEE to ensure potential environmental issues have been suitably managed or mitigated where possible to allow the proposed development to be approved by the Consent Authority.

The SEE will expand on those matters that have been summarised above to assist Council in completing a detailed assessment of the proposal development.

## TERMS AND ABBREVIATIONS

AHIMS	Aboriginal Heritage Information Management System
EPA	Environment Protection Authority
EP&A Act	Environmental Planning & Assessment Act 1979
EPI	Environmental Planning Instrument
DA	Development Application
DCP	Development Control Plan
LGA	Local Government Area
SEPP	State Environmental Planning Policy
SEE	Statement of Environmental Effects

## LIST OF FIGURES

Figure 1: Single storey dwelling (corner of Riverside Street and Vantage Court) with black timber rail fence. In the distance two storey brick veneer dwelling.....	10
Figure 2: Two storey weatherboard dwelling, Riverside Street.....	10
Figure 3: Two storey dwelling with brick and timber clad fence .....	11
Figure 4: Locality Plan (NearMaps, adapted by author, 2021).....	12
Figure 5: Proposed ground level floor plan (Source: Metricon Homes, 2020).....	14
Figure 6: Proposed first level floor plan (Source: Metricon Homes, 2020).....	15
Figure 7: Front (east) elevation (Source: Metricon Homes, 2020) .....	16
Figure 8: Ancillary structures connected to and surrounding main dwelling (Dirty Girl Designs, 2021).....	19
Figure 9: Proposed riverside pavilion and tennis court in relation to dwelling (Dirty Girl Designs, 2021).....	20
Figure 10: Biodiversity Values Map (OEH Mapping Tool, Jan 2021) .....	22
Figure 11: Landuse zone (ePlanning Spatial Viewer, Jan 2021) .....	30
Figure 12 - Zoning of the site (Source: NSW Spatial Viewer, 2020) .....	32
Figure 13 - MLS applicable to the site (Source: NSW Spatial Viewer, 2020).....	32
Figure 14: Acid Sulfate Soils present across the site (ePlanning Spatial Viewer, 2021) .....	35
Figure 15: Flood mapping (ePlanning Spatial Viewer, 2021).....	36
Figure 16: View of dwelling from Riverside Street (Dirty Girl Designs, 2021).....	38
Figure 17: Landscape overview around proposed dwelling and ancillary structures (Dirty Girl Designs, 2021).....	41
Table 1: Historic development approvals (Source: Newcastle DA Tracker).....	11
Table 2 - Integrated development assessment.....	23
Table 3: Assessment of SEPP (Coastal Management) 2018, Clause 13.....	26
Table 4: Summary of restrictive covenants associated with the land.....	29

## PLANS AND SUPPORTING DOCUMENTATION

This SEE is supported by the following plans and documentation:

Appendix	Document	Prepared by
1	EP&A Regulation Compliance Table	Perception Planning
2	DCP Compliance Table	Perception Planning
3	Certificate of title	Land Registry Services
4	Section 88B Instrument	Land Registry Services
5	Deposited Plan	Land Registry Services
6	Dial Before You Dig Results	Dial Before You Dig
7	Architectural Plans	Metricon Homes
8	Architectural Plans – Additional Structures	Dirty Girl Designs
9	Hunter Water Stamped Plans - dwelling	Hunter Water Authority
10	Hunter Water Stamped Plans and Formal Requirements for additions to dwelling	Hunter Water Authority
11	AHIMS search	OEH
12	BASIX Certificate	Planning, Industry and Environment
13	Stormwater Management Plan	Intrax Housing
14	Landscape Plan	Dirty Girl Designs
15	Site Waste Minimisation Management Plan	Metricon Homes
16	Site Survey Plan	Intrax Housing
17	Visual Impact Assessment	Perception Planning

# TABLE OF CONTENTS

1	BACKGROUND .....	8
1.1	PURPOSE .....	8
1.2	SITE DETAILS .....	9
1.3	SITE DESCRIPTION .....	9
1.4	CURRENT USE AND EXISTING DEVELOPMENT DETERMINATIONS.....	11
2	DESCRIPTION OF THE DEVELOPMENT .....	13
2.1	PROPOSED DEVELOPMENT .....	13
3	PLANNING CONTROLS.....	21
3.1	ACTS.....	21
3.1.1	ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979.....	21
3.1.2	HUNTER WATER ACT 1991 .....	21
3.1.3	WATER MANAGEMENT ACT 2000 .....	21
3.1.4	BIODIVERSITY CONSERVATION ACT 2016.....	22
3.1.5	RURAL FIRES ACT 1997 .....	22
3.2	STATE ENVIRONMENTAL PLANNING POLICIES (SEPPS) .....	25
3.2.1	SEPP (BUILDING SUSTAINABILITY INDEX: BASIX) 2004.....	25
3.2.2	SEPP (INFRASTRUCTURE) 2007 .....	25
3.2.3	SEPP (COASTAL MANAGEMENT) 2018 .....	25
3.2.4	SEPP (KOALA HABITAT PROTECTION) 2020 .....	28
3.2.5	SEPP No.55 – REMEDIATION OF LAND .....	28
3.2.5	SEPP (VEGETATION IN NON-RURAL AREAS) 2017 .....	28
3.3	LOCAL ENVIRONMENTAL PLAN .....	28
3.4	DEVELOPMENT CONTROL PLAN .....	37
4	LIKELY IMPACTS OF THE DEVELOPMENT .....	37
4.1	BUILT ENVIRONMENT .....	37
4.1.1	CONTEXT, SETTING AND VISUAL IMPACT .....	37
4.1.2	ACCESS, TRANSPORT AND TRAFFIC.....	39
4.1.3	PUBLIC DOMAIN .....	39
4.1.4	SERVICES .....	39
4.1.5	WASTE MANAGEMENT.....	40
4.1.6	NOISE AND VIBRATION.....	40
4.2	NATURAL ENVIRONMENT .....	40
4.2.1	ECOLOGICAL .....	40
4.2.2	LANDSCAPING .....	40

4.2.3	ARCHAEOLOGY .....	41
4.2.3	STORMWATER.....	41
4.2.4	FLOODING.....	42
4.3	SOCIAL AND ECONOMIC.....	42
4.3.1	SAFETY, SECURITY AND CRIME PREVENTION .....	42
5	SUITABILITY OF THE SITE.....	43
6	ANY SUBMISSIONS AND CONSULTATION.....	43
7	PUBLIC INTEREST .....	43
8	CONCLUSION .....	43

# 1 BACKGROUND

## 1.1 PURPOSE

The purpose of this Statement of Environmental Effects (SEE) is to assist Council in their assessment and determination and to assist the community in understanding the proposed development.

This SEE has been prepared in coordination with \_\_\_\_\_ (**‘the client’**) and other sub-consultants to demonstrate the relevant matters associated with in the proposed development. The SEE examines the existing development and site location, how the proposed development relates to the location and the environment, as well as the planning merits of the development with respect to the relevant legislation, regulation and other requirements. The SEE examines the applicable site attributes and the specifics of the development proposal that are appropriate to the development application stage. The SEE seeks to provide all the relevant data to give a suitable level of certainty to the consent authority that the proposal has a positive impact on the immediate area and the wider surrounds.

This SEE has been prepared in accordance with best practice principles, applicable aspects of the Development Assessment Framework and the Department of Planning and Infrastructure’s (now the Department of Planning, Infrastructure and Environment) guide to the *Environmental Planning and Assessment Act* (EP&A Act) 1979 (s4.15).

The objectives of this SEE are as follows:

- To provide a description of the site, existing development and the surrounding locality;
- To provide a description of the proposal and the key issues;
- To provide a discussion of the relevant Environmental Planning Instruments (EPI)s; and
- To provide an assessment of the potential environmental impacts, having regard to the matters for consideration pursuant to the EP&A Act (s4.15) and other State, Regional and Local environmental planning policies and guidelines.



## 1.2 SITE DETAILS

<b>Property Address</b>	10 Riverside Street, Bolwarra, NSW, 2320
<b>Lot and DP</b>	Lot: 217 DP: 1227970
<b>Current Use</b>	Vacant Land
<b>Zoning</b>	E3 Environmental Management and R1 General Residential
<b>Size</b>	18,390m <sup>2</sup> – 1.839 ha
<b>Site Constraints</b>	Acid Sulfate Soils – Class 4 and 5 Flood Prone Land Minimum lot size – 2 ha Identified watercourse SEPP (Coastal Management) 2018 – Coastal environment area.
<b>Owner</b>	Owners consent has been provided on the Application Form for the DA.
<b>DP and 88B Instrument</b>	The certificate of title is contained in <b>APPENDIX 3</b> , and lists a number of easements and restrictions on the use of the land. The Section 88B and Deposited Plan are contained in <b>APPENDIX 4</b> and <b>APPENDIX 5</b> respectively. The easements and restrictions do not prohibit the proposed development.

## 1.3 SITE DESCRIPTION

The site is located at 10 Riverside Street, Bolwarra, NSW 2320 (**'the site'**) legally identified as Lot 217 in Deposited Plan 1227970. The site has a total area of 18390m<sup>2</sup>. The front boundary measures approximately 34m. The rear boundary along Hunter River measures approximately 290m. The location of the site within the surrounding locality is shown in **FIGURE 4**. The site is located within the Maitland Local Government Area (LGA). Site particulars are provided in the table above.

The site is irregular in shape and is relatively clear of vegetation, with some vegetation restricted to the river waterfront. The site is bound by Hunter River to the west and small lot residential subdivision from the north through to the south. The site has a moderate slope from east to west, with natural drainage falling to the west. The site is accessed via Riverside Street.

Existing dwellings area located on both adjoining properties. The majority of the residential estate is developed with large single and two storey dwellings. A mixture of exposed brick, rendered brick and weatherboard cladding is common in the locality. The existing character of the area is demonstrated in **FIGURES 1 – 3**.



*Figure 1: Single storey dwelling (corner of Riverside Street and Vantage Court) with black timber rail fence. In the distance two storey brick veneer dwelling.*



*Figure 2: Two storey weatherboard dwelling, Riverside Street.*



*Figure 3: Two storey dwelling with brick and timber clad fence*

A Dial Before You Dig search identifies that the site can be connected to reticulated electricity, water and sewer along with telecommunications. The water main is located in Riverside Street. The sewer main located at the rear of the site. Underground electricity is available. A subtransmission kiosk is located in the south eastern corner of the allotment. Refer to **APPENDIX 6** for search results.

## 1.4 CURRENT USE AND EXISTING DEVELOPMENT DETERMINATIONS

Review of the Maitland City Council Development Application Tracker website in relation to the subject site identified an approval for a two storey dwelling on the E3 Environmental Management zone. Development Applications relevant to the site are listed in **TABLE 1**.

*Table 1: Historic development approvals (Source: Newcastle DA Tracker)*

DA	Description	Determination
2018/1494	Dwelling – Two (2) Storey	07/08/2018

Considering the land is vacant, there are no known compliance matters associated with the site.



Figure 4: Locality Plan (NearMaps, adapted by author, 2021)

## 2 DESCRIPTION OF THE DEVELOPMENT

### 2.1 PROPOSED DEVELOPMENT

The objective of the proposed development is to obtain a staged development consent for the construction of a new two storey dwelling and associated ancillary structures at the site. It is the intention of the proponent to initially construct the main dwelling as demonstrated in the architectural plans contained in **APPENDIX 7**. Subsequently, the proponent will add the ancillary structures outlined in the additional landscape plans contained in **APPENDIX 8**. It is requested that Council permit the each of the ancillary structures to occur under separate construction certificate to the proposed dwelling. This will allow the construction costs to spread out for the landowner. To this extent, it is requested that any consent is issued with the ability to obtain multiple construction certificates for the works. The proposed development is enabled through the Maitland Local Environment Plan 2011 (MLEP) and the Maitland Development Control Plan 2013 (MDCP), as discussed in Sections 3.3 and 3.4 of this SEE.

#### Stage 1 – Dwelling Construction

The detailed architectural plans (**APPENDIX 7**) provide the concept of the dwelling. **FIGURE 5** and **FIGURE 6** demonstrate the proposed ground and first floor plans of the proposed dwelling respectively. **FIGURE 7** shows the front elevation as viewed from Riverside Street.

For Stage 1, consent is specifically sought for the following:

#### Ground floor construction

- Driveway
- Two-car garage
- Two bedrooms – Bedrooms 5 and 6
- Study
- Bathroom
- Spiral staircase to first floor
- Kitchen
- Laundry
- Dining room
- Rumpus room including fireplace
- Outdoor room

#### First floor construction

- Bedroom 1 with ensuite, walk in robe and balcony
- Bedrooms 2, 3 and 4
- Bathroom and separate toilet
- Leisure room

The finished floor level is set at RL17.231. The maximum height of the dwelling measured at the rear of the dwelling is set at RL 26.025 with a 100mm tolerance within the Metricon Plans.

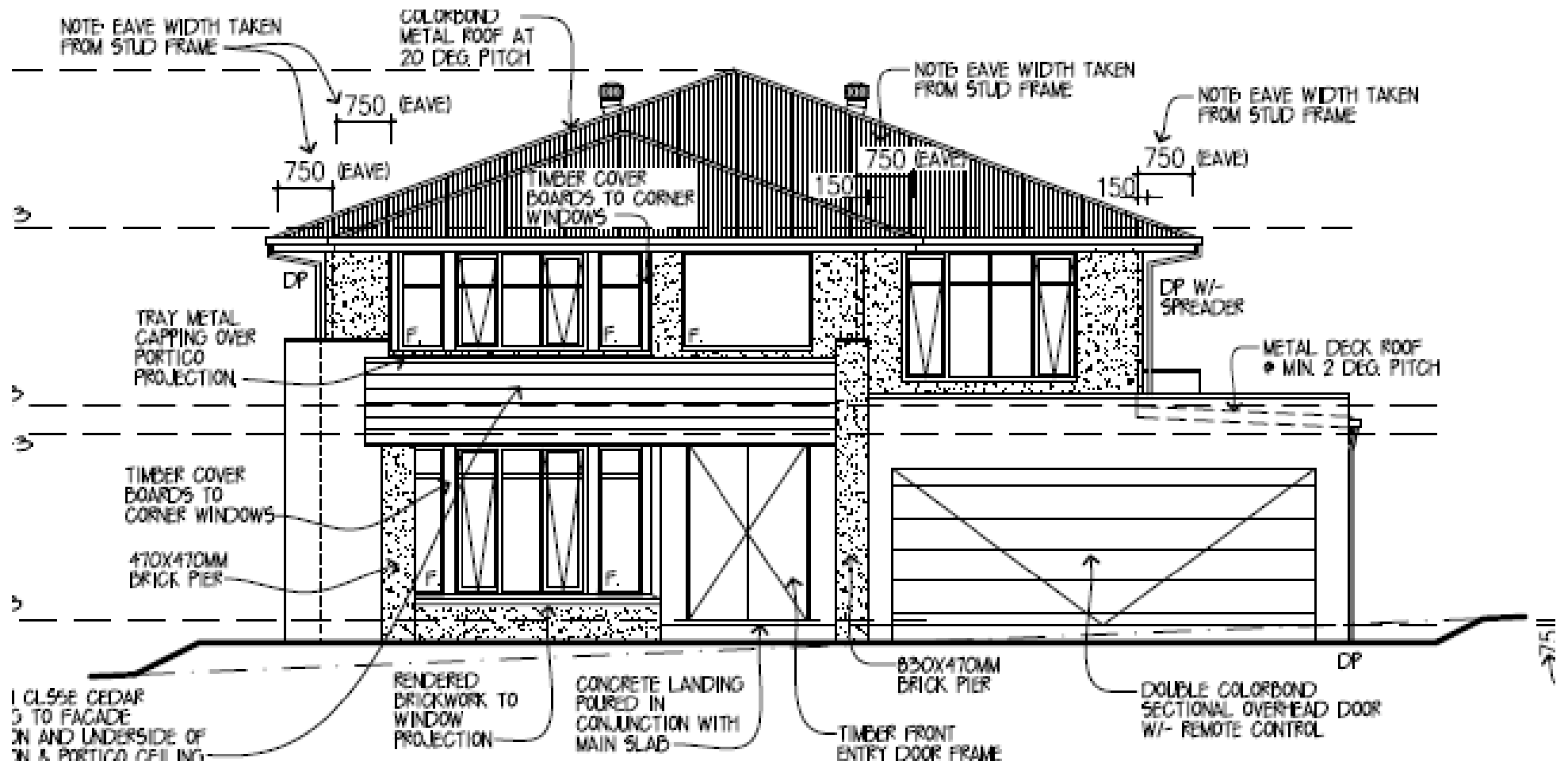


Figure 7: Front (east) elevation (Source: Metricon Homes, 2020)

## Stage 2 – Ancillary Structures

The detailed architectural plans (**APPENDIX 8**) provide the concept for the ancillary structures to the dwelling. **FIGURE 8** demonstrates the site layout of the ancillary structures connected to and surrounding the main dwelling. **FIGURE 9** demonstrates the proposed development, being the riverside pavilion and tennis court, located in the south-west corner of the allotment.

For Stage 2, it is requested that Council permit the each of the ancillary structures to occur under separate construction certificate.

Consent is specifically sought for the following:

### Conservatory and Courtyard

- Glass and steel frame construction
- Concrete slab foundation
- Connection to garage
- Located off northern elevation of dwelling
- Area of conservatory – 169.32m<sup>2</sup>
- Area of courtyard – 73.09m<sup>2</sup>

Total area of conservatory and courtyard equates to 242.41m<sup>2</sup>.

### Rear Deck Area

- Timber construction
- Stump and bearer foundation
- 80,000L infinity pool 10m x 4m
- Spa 4.9m x 2m
- Located off western elevation of dwelling
- Area of pool and spa – 46.86m<sup>2</sup>
- Area of rear deck area – 162.51m<sup>2</sup>
- Bamboo screening for privacy to be located off western elevation

Total area of rear deck area equates to 209.37m<sup>2</sup>. Part of the deck and pool will be constructed over the existing sewer. An application has been made to Hunter Water for Development Assessment. Stamped plans for this part of the development are provided in **APPENDIX 10**. At the time of preparing this SEE, the Notice of Formal Requirements is still pending.

### Cubby House

- Non-habitable structure
- Timber construction
- Stump and bearer foundation

- Area of each cubby house – 46.13m<sup>2</sup>

Total area of both cubby house structures equates to 91.26m<sup>2</sup>.

#### River Front Pavilion

- Open non-habitable structure
- Timber construction
- Stump and bearer foundation
- 5.8m wide by 5.8m long
- Finished floor level – 14.58 AHD

Total area of riverfront pavilion equates to 42.31m<sup>2</sup>.

#### Tennis Court

- Concrete base construction
- 16m wide by 33m long

Total area of tennis court equates to 528m<sup>2</sup>.

#### Garden Shed

- Steel construction
- Concrete slab foundation
- Proposed as an Acermax heavy duty garden shed or similar
- 3m wide by 3m long

Total area of shed equates to 9m<sup>2</sup>.

#### Pathway, Driveway and Visitor Carparking

- Driveway and visitor carparking to extend in front of courtyard
- Associated retaining walls along eastern and southern boundaries
- Pedestrian access from Riverside Drive via proposed pathway
- Gravel holding pad for small box trailer along western boundary
- Open front boundary fence

Total area of pathway, driveway and visitor carparking equates to 150.13m<sup>2</sup>.

At the conclusion of the construction of the total development, the site coverage will measure 1,319.91m<sup>2</sup> being 7.10% of the site. The development includes substantial landscaping to improve the amenity of the site and soften the bulk of the dwelling from the public domain. The proposed dwelling has been sited directly adjoining Riverside Street in an effort to avoid impacts on the Environmental Zoned land adjoining the River. Through this, the proposed development is consistent with the existing dwellings adjoining the site and within the estate.





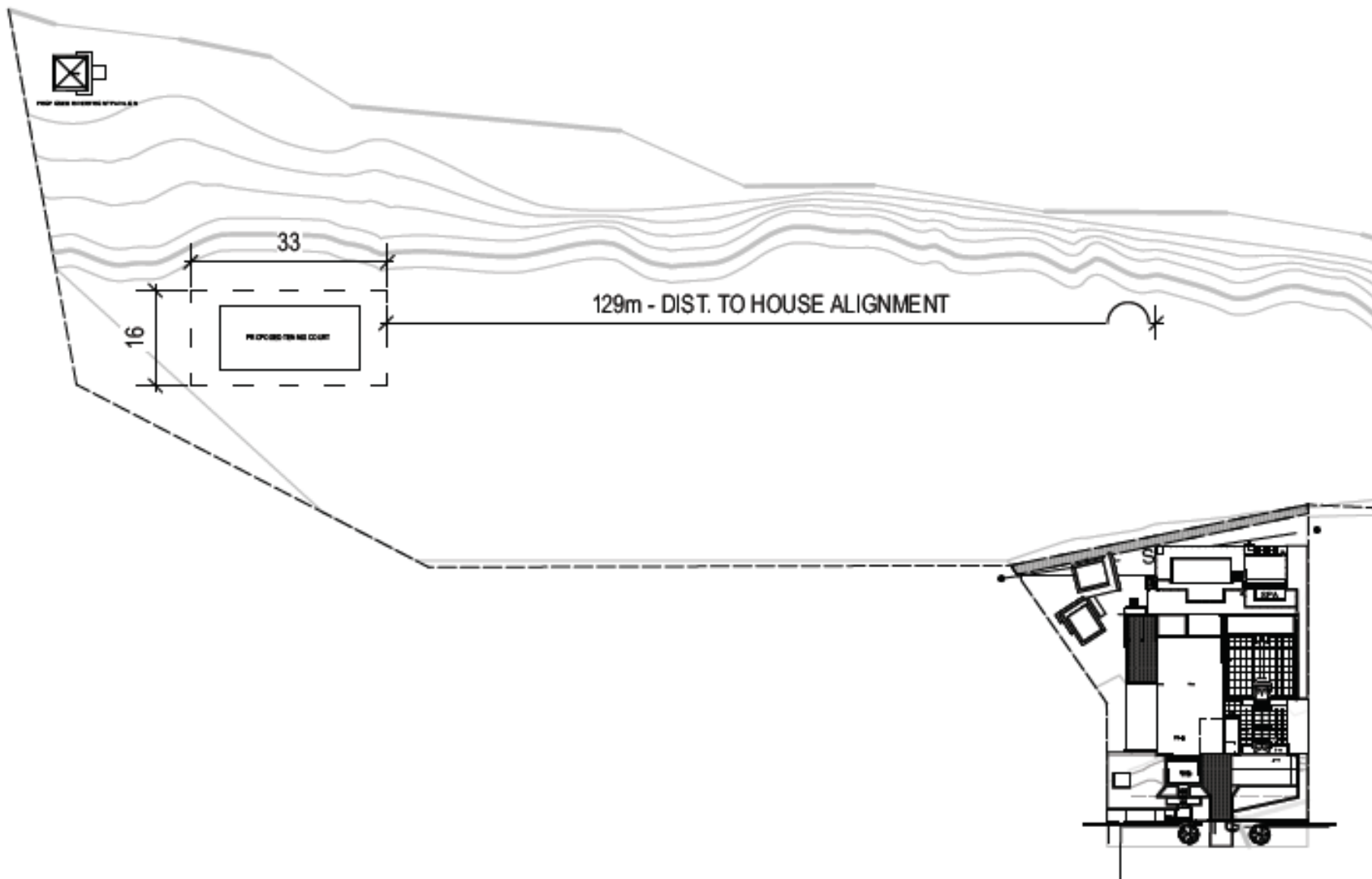


Figure 9: Proposed riverside pavilion and tennis court in relation to dwelling (Dirty Girl Designs, 2021)

## 3 PLANNING CONTROLS

### 3.1 ACTS

All NSW Acts have been considered in the preparation of this SEE. The following Acts are considered relevant to the proposed development and discussed in further detail below.

- *Environmental Planning and Assessment Act 1979*
- *Hunter Water Act 2000*
- *Water Management Act 2000*
- *Biodiversity Conservation Act 2016*
- *Rural Fires Act 1997*

#### 3.1.1 ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

The *Environmental Planning and Assessment Act 1979* (EP&A Act) is the principal planning and development legislation in NSW and is applicable to the proposed development. Section 4.15 of the EP&A Act specifies the matters which a consent authority must consider when determining a DA. The relevant matters for consideration under Section 4.15 are addressed in further detail in separate sections of this SEE below.

- **Section 4.46 – What is integrated development?**

Integrated development is development (not being State significant development or complying development) that, in order for it to be carried out, requires development consent and one or more of the approvals listed within **TABLE 2** below. The proposed development is not classified as integrated development.

- **Section 7.11 – Development Contributions**

Development contributions will be calculated and charged in accordance with the Maitland City Wide Section 94 Contributions Plan 2016.

#### 3.1.2 HUNTER WATER ACT 1991

The subject site is not located within a Drinking Water Catchment. To this effect, a referral to HW is not required under Section 51 of the HW Act. In accordance with Section 49 of the HW Act, two separate applications for stamped plans have been made. Stamped plans for stage 1 of the development, construction of dwelling, is contained in **APPENDIX 9**. Stamped plans and notice of formal requirements for stage 2, construction of ancillary structures including building over the sewer, is contained in **APPENDIX 10**.

#### 3.1.3 WATER MANAGEMENT ACT 2000

The subject site is not located within a Drinking Water Catchment. The Hunter River bounds the site to the west as show in **FIGURE 4**. The riverside pavilion will be constructed within 40m of the Hunter River. Accordingly, referral to NRAR is required pursuant to the *Water Management Act 2000*. It is not anticipated that the development will detrimental and lasting impact on the watercourse.

### 3.1.4 BIODIVERSITY CONSERVATION ACT 2016

The purpose of the *Biodiversity Conservation Act 2016* (BC Act) is to maintain a healthy, productive and resilient environment for the greatest well-being of the community, now and into the future, consistent with the principles of ecologically sustainable development. The site is not identified as being of significant biodiversity values, shown in **FIGURE 10**.

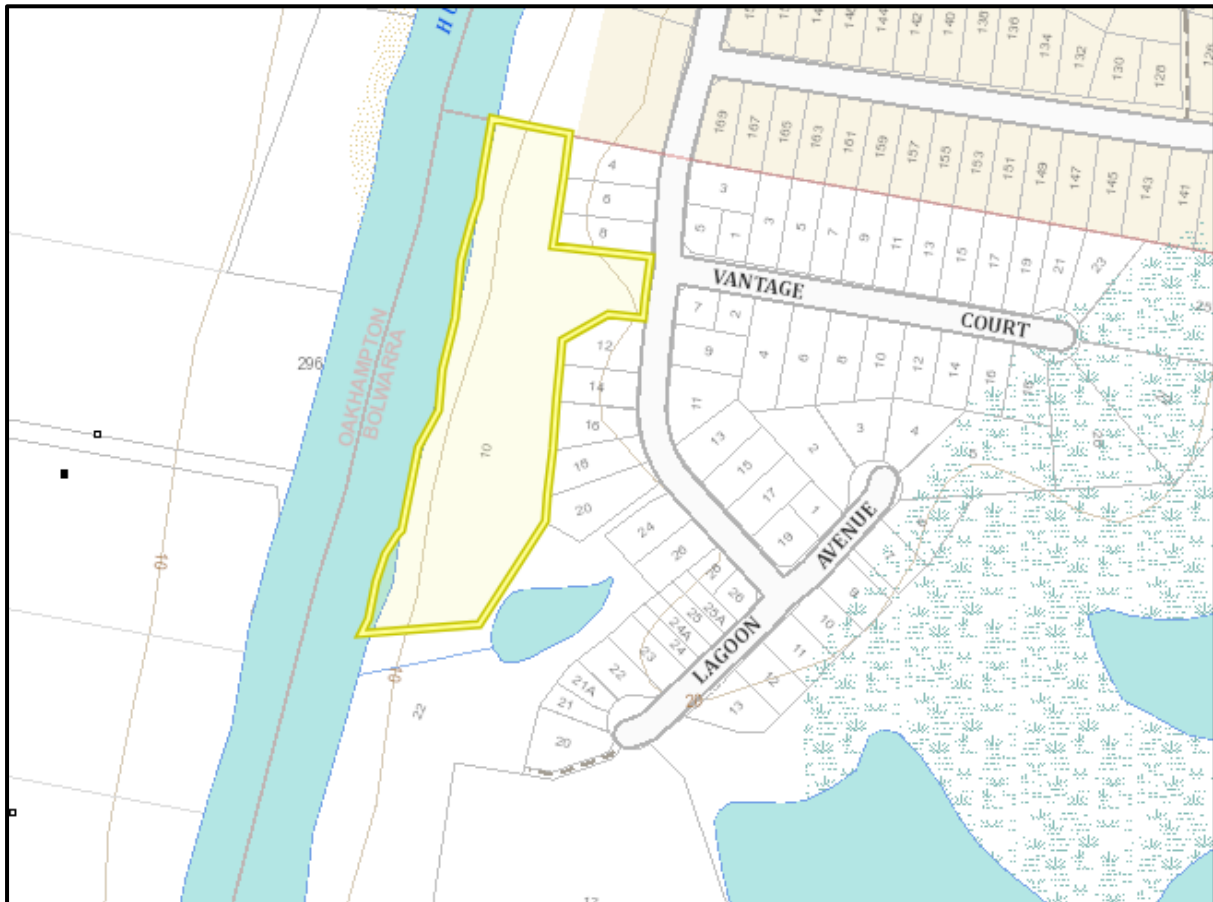


Figure 10: Biodiversity Values Map (OEH Mapping Tool, Jan 2021)

It is not anticipated that vegetation removal is required for the construction of any structure on the site. Accordingly, the development will not result in vegetation removal that exceed the biodiversity threshold. Further consideration of the BC Act is not required.

### 3.1.5 RURAL FIRES ACT 1997

The subject site is not identified as bushfire prone land. The proposed development is not described as development that requires referral to Rural Fire Authority.

Table 2 - Integrated development assessment

Integrated development	Proposed Development	
<b>Fisheries Management Act 1994</b>	<ul style="list-style-type: none"> <li>▪ s 144</li> <li>▪ s 201</li> <li>▪ s 205</li> <li>▪ s 219</li> </ul>	N/A
<b>Heritage Act 1977</b>	<ul style="list-style-type: none"> <li>▪ s 58</li> </ul>	N/A – The site is not identified as a heritage item or within a heritage conservation area.
<b>Coal Mine Subsidence Compensation Act 2017</b>	<ul style="list-style-type: none"> <li>▪ s 22</li> </ul>	N/A – The site is not located within a Mine Subsidence Area.
<b>Mining Act 1992</b>	<ul style="list-style-type: none"> <li>▪ s 63, 64</li> </ul>	N/A
<b>National Parks &amp; Wildlife Act 1974 (as amended)</b>	<ul style="list-style-type: none"> <li>▪ s 90</li> </ul>	<p>No – An AHIMs Search conducted on 18 January 2020 with a 200m buffer identified 10 Aboriginal sites recorded in or near the subject site. Further investigation with an AHIMs Search with a 50m buffer identified 2 Aboriginal sites recorded in or near the subject site. The results of these searches are contained in <b>APPENDIX 11</b>.</p> <p>Given the recent subdivision and disturbance of land in the area, it is unlikely that the development will disturb any Aboriginal objects or relics. Accordingly, it is considered that no referral to the Biodiversity Conservation Division (BCD) as integrated development is required as part of this application. Should any Aboriginal objects be uncovered during the development process, all works will cease immediately, and the relevant authority will be notified.</p>

<b>Protection of the Environment Operations Act 1997</b>	<ul style="list-style-type: none"> <li>▪ ss 43(a), 47, 55</li> <li>▪ ss 43(b), 48, 55</li> <li>▪ ss 43(d), 55, 122</li> </ul>	N/A
<b>Roads Act 1993</b>	<ul style="list-style-type: none"> <li>▪ s 138</li> </ul>	N/A
<b>Rural Fires Act 1997</b>	<ul style="list-style-type: none"> <li>▪ s 100B</li> </ul>	No – the site is not bushfire prone.
<b>Water Management Act 2000</b>	<ul style="list-style-type: none"> <li>▪ ss 89, 90, 91</li> </ul>	Yes – The proposed riverside pavilion is within 40m of Hunter River. Accordingly, referral to the Natural Resource Access Regulator as integrated development is required as part of this application.

## 3.2 STATE ENVIRONMENTAL PLANNING POLICIES (SEPPS)

All State Environmental Planning Policies (SEPPs) have been considered. The following SEPPs are considered relevant to the proposed development and discussed in further detail below.

- *State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004*
- *State Environmental Planning Policy (Infrastructure) 2007*
- *State Environmental Planning Policy (Coastal Management) 2018*
- *State Environmental Planning Policy (Koala Habitat Protection) 2019*
- *State Environmental Planning Policy No 55 – Remediation of Land*

### 3.2.1 SEPP (BUILDING SUSTAINABILITY INDEX: BASIX) 2004

This SEPP seeks to encourage sustainable residential development. This SEPP applies to the development as a proposed two storey dwelling and the provision of a pool greater than 40,000L. The BASIX Certificate, contained in **APPENDIX 12**, provides a set of commitments and achieves the requirements of the SEPP.

### 3.2.2 SEPP (INFRASTRUCTURE) 2007

The purpose of the Infrastructure SEPP is to facilitate the effective delivery of infrastructure across the state and identifying matters to be considered in the assessment of developments adjacent to particular types of development.

The proposed development is not in the vicinity of a pipeline corridor and therefore does not trigger referral to any pipeline operator pursuant to Clause 66C. As described in Section 1.4, the subject site can connect to underground power. Whilst the proposed development is greater than 2m from the underground powerline the development is adjacent to an electricity substation and therefore triggers referral to the electricity supply authority pursuant to Clause 45 (1) (b) (ii). The development is not classified as traffic generating development in accordance with Schedule 3.

Further assessment against the Infrastructure SEPP is not required.

### 3.2.3 SEPP (COASTAL MANAGEMENT) 2018

The purpose of the SEPP (Coastal Management) 2018 is to promote an integrated and co-ordinated approach to land use planning in the coastal zone in a manner consistent with the objects of the *Coastal Management Act 2016* by:

*(a) managing development in the coastal zone and protecting the environmental assets of the coast, and*

*(b) establishing a framework for land use planning to guide decision-making in the coastal zone, and*

(c) mapping the 4 coastal management areas that comprise the NSW coastal zone for the purpose of the definitions in the Coastal Management Act 2016.

The subject site is mapped within a Coastal Environment Area under the SEPP (Coastal Management) 2018. Accordingly, the development requires assessment against Clause 13 – Development on land within the coastal environment area. This assessment is detailed in **TABLE 3**.

*Table 3: Assessment of SEPP (Coastal Management) 2018, Clause 13*

Clause	Comment	Compliance
(1) Development consent must not be granted to development on land that is within the coastal environment area unless the consent authority has considered whether the proposed development is likely to cause an adverse impact on the following—		
(a) the integrity and resilience of the biophysical, hydrological (surface and groundwater) and ecological environment	<p>It is not anticipated that the proposed development will significantly impact upon the integrity and resilience of the biophysical and ecological environments.</p> <p>The hydrological environment (surface water) will be altered due to an increase in impervious area as a result of the development. Accordingly, the additional stormwater generated must be managed. The proposed stormwater management plan, contained in <b>APPENDIX 13</b>, outlines the system features to manage the post development flows. It is considered that the proposed plan will mitigate impact on the hydrological environment (surface water). The majority of the ancillary structures are on stump and bearer foundations to minimise any alteration to stormwater runoff and groundwater quality.</p> <p>It is anticipated that ground water hydrological environment will not be significantly altered as a result of the proposed development.</p>	Yes
(b) coastal environmental values and natural coastal processes,	The development is an intensification of the site; however, the impacts are localised to the allotment. The proposed development will not alter the coastal environmental values or the natural processes.	Yes
(c) the water quality of the marine estate (within the meaning of the Marine Estate	The Hunter River is not considered a marine estate within the meaning of the Marine Estate Management Act 2014.	NA



Management Act 2014), in particular, the cumulative impacts of the proposed development on any of the sensitive coastal lakes identified in Schedule 1,		
(d) marine vegetation, native vegetation and fauna and their habitats, undeveloped headlands and rock platforms,	The proposed development does not require vegetation removal from the allotment. It is considered that the proposed development will have negligible impact upon native vegetation and fauna. Furthermore, the quality of the site will be improved through the substantial landscaping proposed as part of the development.	Yes
(e) existing public open space and safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,	The site is not near existing open space nor will it alter access to and along any foreshore area, beach, headland or rock platform	NA
(f) Aboriginal cultural heritage, practices and places,	An AHIMs Search conducted on 18 January 2020 with a 200m buffer identified 10 Aboriginal sites recorded in or near the subject site. Further investigation with an AHIMs Search with a 50m buffer identified two Aboriginal sites recorded in or near the subject site. The results of these searches are contained in <b>APPENDIX 11</b> .  Given the recent subdivision and disturbance of land in the area, it is unlikely that the development will disturb any Aboriginal objects or relics. However, should any Aboriginal objects be uncovered during the development process, all works will cease immediately, and the relevant authority will be notified.	Yes
(g) the use of the surf zone.	The development will not impact upon the use of the surf zone.	NA

### **3.2.4 SEPP (KOALA HABITAT PROTECTION) 2020**

SEPP (Koala Habitat Protection) 2020 aims to encourage the conservation and management of areas of natural vegetation that provide habitat for koalas. It replaces the now repealed (1 March 2020) SEPP No. 44. The City of Maitland is a local government area to which to policy applies.

Whilst the area of the site is greater than 1 hectare, there is no vegetation removal associated with the proposed development. It is considered that there will be no impact on koala habitat and the local koala population. It is believed that there is no basis to deny this development pursuant to the Koala SEPP.

### **3.2.5 SEPP No.55 – REMEDIATION OF LAND**

SEPP No.55 provides a State-wide planning approach to the remediation of contaminated land. Clause 7 of SEPP No.55 provides that a consent authority must not consent to the carrying out of development on land unless it has given consideration to whether the land subject to the development is contaminated. Where the land is contaminated a consent authority must determine if the land is suitable in its contaminated state for the development, or alternatively determine that the land would be suitable once remediated.

The site is currently vacant and has not be subject to previous development other than to remove vegetation associated with the subdivision to create the allotment. Accordingly, it is not anticipated that the site or immediate area will be contaminated. Therefore, the land is considered suitable for the proposed development and the objectives of SEPP No.55 have been satisfied.

### **3.2.5 SEPP (VEGETATION IN NON-RURAL AREAS) 2017**

This Policy aims to protect the biodiversity values of trees and other vegetation in non-rural areas of the state and preserve the amenity. This policy applies to land within the R2 Low Density Residential land zoning for vegetation declared under a DCP requiring Councils consent or permission to clear under the Biodiversity Offsets Scheme Threshold (BOST).

No vegetation removal is required to enable the proposed development, hence further assessment of this SEPP is not applicable.

## **3.3 LOCAL ENVIRONMENTAL PLAN**

Pursuant to the Maitland Local Environmental Plan 2011 (MLEP) Land Application Map (LAP\_001) the subject site is land to which the environmental plan applies. Accordingly, the MLEP is the appropriate EPI to assess the development proposal. The following assessment will demonstrate that the development proposal is compliant with the relevant clauses of the MLEP and permits approval by the Consent Authority.

- **Clause 1.9A – Suspension of covenants, agreements and instruments**

Upon review of the Certificate of Title, Deposited Plan and 88B Instrument applicable to the site, the site is burdened by a number of restrictions, in particular, restrictions numbered

four, five and six relate to the built form on the site. **TABLE 4** summarises the restrictions to use, for further detail pertaining to the restrictions, refer to the 88B Instrument contained in **APPENDIX 4**.

*Table 4: Summary of restrictive covenants associated with the land*

Restriction number	Restriction summary
4	Minimum living space requirement Wall, roof, fence materials Plant or machinery restrictions on site No temporary structures for habitation No excavation or fill unless facilitating the construction of a dwelling No fuel storage tanks permitted No clothes lines viewed from the public domain No air conditioning plant to be viewed from the public domain
5	No fence shall be erected or permitted to remain erected on any common boundary of the Lots burdened where an R1 zoned lot shares a common boundary with an allotment with an environmental zone unless such fence is an open style post and wire rural standard fence
6	The Flood Planning Level for all of the lots burdened nominated by Council in DA 13-1430 and current at the time of registration of the plan is 14.39 meters AHD

Pursuant to Clause 1.9A of the MLEP, the Consent Authority can grant consent to the proposed development despite the covenant on the title provided the covenant was not imposed the Council or a planning agreement within the meaning of Subdivision 3 of Division 1.7 of the Act.

The restrictive covenants were not established by the Council and is not a planning agreement within the meaning of Subdivision 3 of Division 1.7 of the Act. Accordingly, given the current permissibility of the development pursuant with the MLEP there is no reason why the Consent Authority cannot grant approval for the development.

- **Clause 2.3 – Zone Objectives and Land Use Table**

The subject site is a split zone consisting mainly of E3 Environmental Management and a small portion of R1 General Residential, shown in **FIGURE 11**.

The proposed development incorporates the construction of a single two-storey dwelling and ancillary structures. Dwellings are permissible with consent within both the E3 Environmental Management and R1 General Residential land zones.

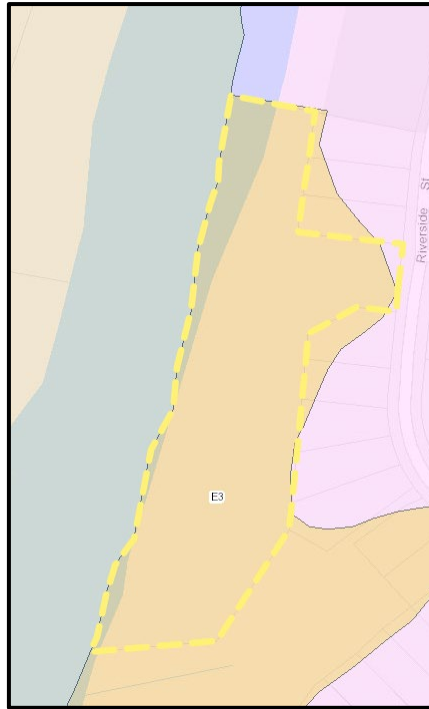


Figure 11: Landuse zone (ePlanning Spatial Viewer, Jan 2021)

The Land Use Table of the LEP identifies the following objectives for the R1 and E3 zones:

*Zone R1      General Residential*

- *To provide for the housing needs of the community.*
- *To provide for a variety of housing types and densities.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*

*Zone E3      Environmental Management*

- *To protect, manage and restore areas with special ecological, scientific, cultural or aesthetic values.*
- *To provide for a limited range of development that does not have an adverse effect on those values.*
- *To maintain and improve the connectivity of habitat between remnant areas of native vegetation.*

The proposed development is considered to meet the objectives of the R1 zone by providing a new dwelling on land within the appropriate zone and will meet the housing needs of the community.

With respect to the E3 zone, the subject site is not known to have and special ecological, scientific, or cultural values as evidenced through an AHIMs search and review of the Biodiversity Values and Threshold Mapping Tool. Considering the land has been substantially cleared of vegetation as part of the subdivision, it is considered that the intended purpose of the lot is to permit residential development. It is believed that the proposed development will not negatively impact on the aesthetic, ecological or cultural

values of the land. The bushland along the river's edge will remain untouched. Substantial landscaping associated with the proposed development will improve the quality and aesthetic value of the site. The Visual Impact Assessment, contained in **APPENDIX 17**, indicates that the proposed development will not result in any unreasonable view sharing impacts for adjoining properties. The proposed single dwelling and ancillary structures are consistent with the development in the locality and is considered to be a suitable and efficient use of the land. By residing on the land, the landowner will be able to maintain and improve the existing vegetation and reduce any degradation caused by noxious flora and fauna.

The development is permissible with consent within both landuse zones and is considered to meet the respective objectives of each zone. It is requested that Council consider the development for approval.

- **Clause 4.1 – Minimum lot size**

Pursuant to the MLEP Map LSZ\_004C, the site is mapped with a minimum lot size (MLS) of 2 ha (E3 zoned portion) and 450m<sup>2</sup> (R1 zoned portion). The total site area is 1.84 ha; accordingly, the site does not meet the minimum lot size requirement for the E3 zone. A discrepancy is evident between the MLS and Zoning Map (**FIGURES 12 and 13**), being that the MLS cadastre does not align with the Zoning boundary of the site. If viewing the MLS map in isolation, it appears that 450m<sup>2</sup> of the site is available for the construction of a dwelling, thus would meet the MLS applicable for dwelling construction with the R1 zone. To enable further assessment, despite the discrepancy, a request for variation of the Lot size is requested under Clause 4.6 of the MLEP below.

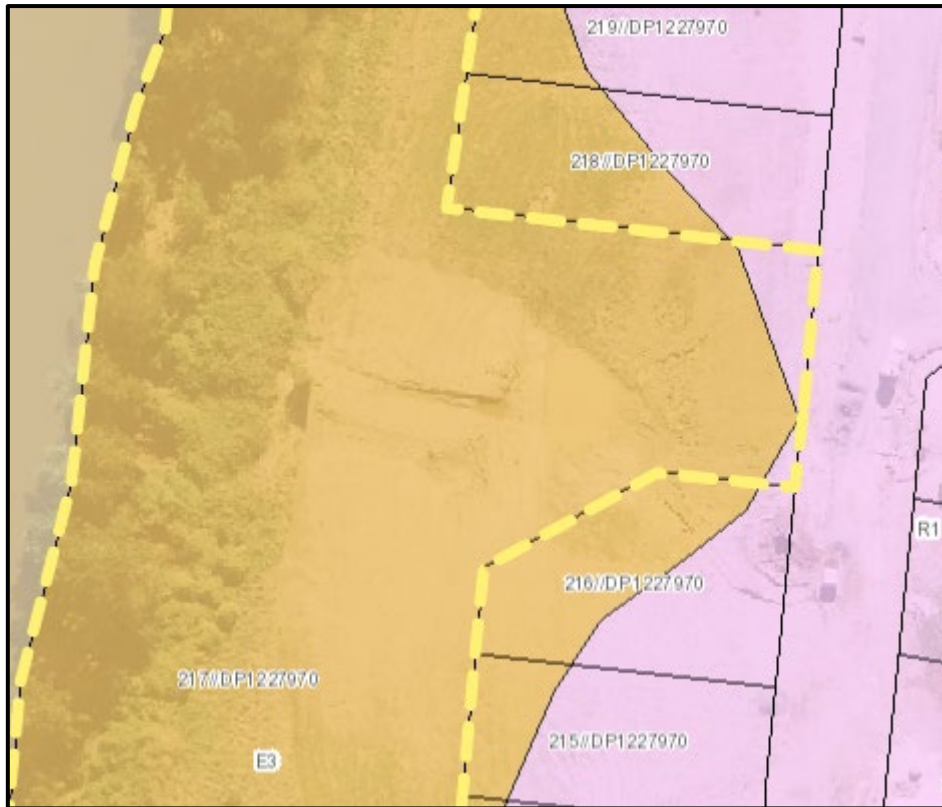


Figure 12 - Zoning of the site (Source: NSW Spatial Viewer, 2020)

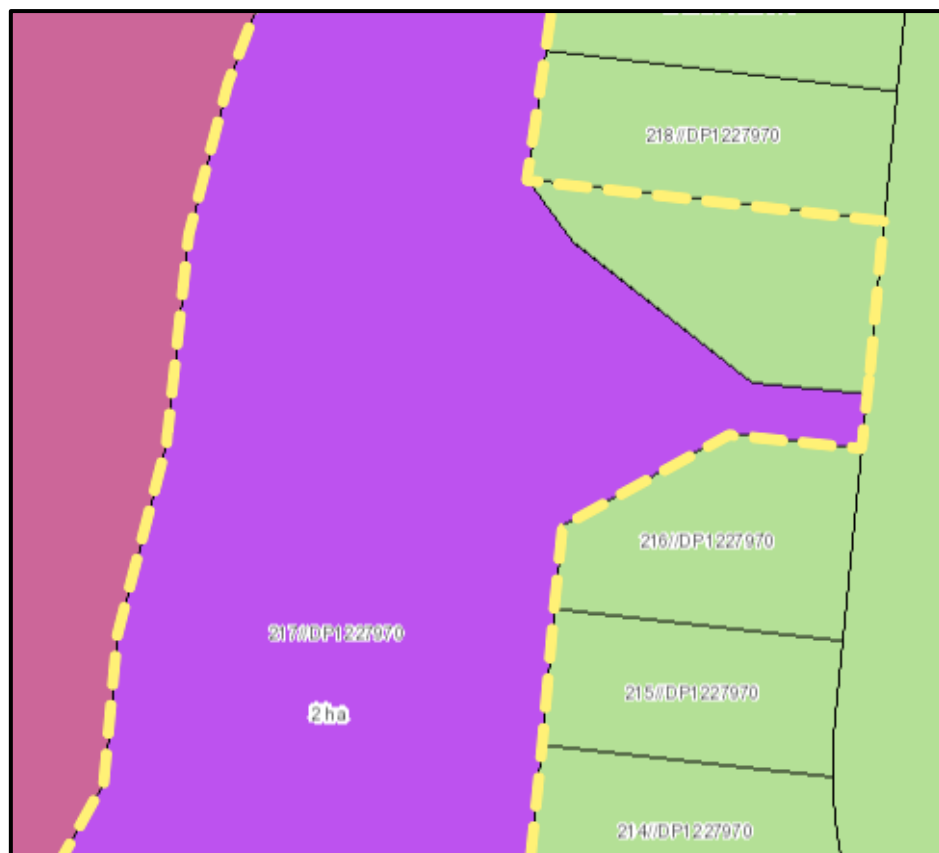


Figure 13 - MLS applicable to the site (Source: NSW Spatial Viewer, 2020)

Considering the development is located within a residential estate, the proposal meets the objectives of each zone and does not require vegetation removal to enable construction, it is considered appropriate to allow the development on a Lot less than the minimum lot size. The proposed dwelling at completion is consistent with the established character of the area and enables the highest and best use of the site to be achieved.

- **Clause 4.3 – Height of buildings**

In accordance with the MLEP Maps, the maximum height of buildings is not restricted. Table 4 of the DCP limits the height of buildings in residential and environmental zones to 8m. The architectural plans (**APPENDIX 7**) show the maximum height of the dwelling is 7.59m on the southern side. This is compliant with the requirements of Table 4.

Further to the above, the proposed dwelling is in keeping with the character of the area. A Visual Impact Assessment has been prepared which demonstrates that the proposed development in its entirety will not result in significant visual impacts to the surrounding neighbours. It is considered that the height of the dwelling is suitable for the locality and is compliant with the statutory and non-statutory requirements.

- **Clause 4.6 – Exceptions to development standards**

The objectives of Clause 4.6 are:

- (a) to provide an appropriate degree of flexibility in applying certain development standards to particular development,*
- (b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.*

Pursuant to Items 2 and 3 development consent may be granted subject to Clause 4.6 with written request from the proponent with justification for the contravention. In this instance, the proponent seeks a variation to the MLS to permit the construction of a dwelling. As described above, the subject site is substantially E3 zoned land which is mapped with a minimum lot size of 2 ha. Given the site has an area of 1.84 ha it is calculated that the site is 8.7% below the required minimum lot size. However, the cadastre of MLS map does not marry up with LZN map as shown in **FIGURES 12** and **13**. The area of the site mapped with a MLS of 450m<sup>2</sup> is estimated to be 927m<sup>2</sup> demonstrating that the site can meet the area of MLS mapped.

The site, as described above, is mapped as a split zone consisting of R1 and E3 land use zone. Dwellings are a permissible form of development with consent from the relevant authority in both zones. The proposed development meets the objectives of both land use zones and is consistent with the development within locality. Furthermore, a historic approval for a two storey dwelling under DA 2018/1494 resides with the land demonstrating previous consideration and suitability of residential development on the site based on the subsequent approval.

The subject site is situated within the Hunterglenn residential estate and is surrounded by large single and two storey dwellings. By not providing consent to vary the MLS, the land would be rendered sterile. It is anticipated that maintenance of the allotment would decrease, and it is likely that noxious flora and fauna would overrun the site in time. This would result in a dilapidated site and an 'eyesore' within a well maintained residential locality.

The proposed design is consistent with the development in the area and aligns the building with those immediately adjacent. Taking this and the associated compliant height of the dwelling with the maximum height of building associated with the land into consideration, the development is shown to integrate in with the surrounding development. The development does not dominate the skyline and respects the existing scale and proportion of the natural setting and streetscape. Given the substantial landscaping proposed, the development is not considered to be visually obtrusive and will contribute to the existing character of the locality. The proposed development is compliant with all other legislative requirements and has minimal environmental impact. It is considered that by permitting the variation to the development standard, the allotment will be utilised for its intended purpose.

It is respectfully requested that the Council identify the variation to the development standard as appropriate for the site and its intended purpose and allow the construction of the dwelling.

- **Clause 5.10 – Heritage conservation**

An AHIMs Search conducted on 18 January 2020 with a 200m buffer identified 10 Aboriginal sites recorded in or near the subject site. Further investigation with an AHIMs Search with a 50m buffer identified two Aboriginal sites recorded in or near the subject site. The results of these searches are contained in **APPENDIX 11**.

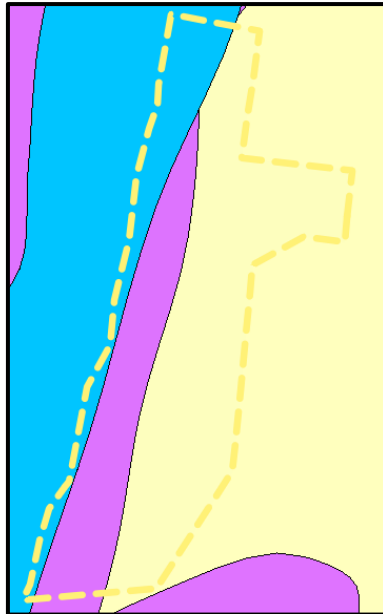
Given the recent subdivision and disturbance of land in the area, it is unlikely that the development will disturb any Aboriginal objects or relics. Should any Aboriginal objects be uncovered during the development process, all works will cease immediately, and the relevant authority will be notified.

The site is not identified as a heritage item in Schedule 5 of the MLEP or identified within a heritage conservation area. The proposed development will not impact upon any heritage item. In this regard, the proposed development is consistent with the requirements of Clause 5.10.

- **Clause 6.1 – Acid Sulfate Soils**

The site is identified with Class 1 (blue), 4 (purple) and 5 (yellow) Acid Sulfate Soils (ASS), shown in **FIGURE 14**. The proposed development is located within the Class 5 ASS. Whilst the works are within 500m of a Class 1 ASS, the development will not lower the water table by 1m. Accordingly, there is no requirement to prepare an ASS Management Plan.





*Figure 14: Acid Sulfate Soils present across the site (ePlanning Spatial Viewer, 2021)*

- **Clause 7.3 – Flood Planning**

The site is identified as a flood planning area, shown in **FIGURE 15**. The proposed finished floor level of the rear of the dwelling is set at 17.231RL. Pursuant with restrictive covenants presiding with the land, the flood planning level is set at the 1:100 ARI flood event plus 500mm freeboard equating to a finished floor height of 14.39 m AHD. Accordingly, it is identified that the proposed finished floor level is set at above the required flood planning level. In addition to the set floor level, the construction of the dwelling will meet the National Construction Code and the structural integrity to ensure the building can withstand the relevant flood hazard.

A safe refuge for residents during a flood event is established and it is considered that the dwelling can successfully minimise the risk to life as a result of a 1:100 ARI flood event.

To this extent, it is believed that there is no reason to refuse the application on the premise of flood planning.



Figure 15: Flood mapping (ePlanning Spatial Viewer, 2021)

- **Clause 7.4 – Riparian land and watercourses**

The Hunter River is an identified waterway on the Riparian land and watercourses map. Accordingly, the provisions of Clause 7.4 apply to the development proposal. As demonstrated by the architectural plans provided in **APPENDIX 7** and **8**, the majority of the development is greater than 60m from the watercourse. Furthermore, the development is integrated with the existing stormwater and sewer infrastructure available on the site. Thus, the development will not have an adverse impact on:

- Water quality of Hunter River;
- Aquatic and riparian species and their habitats; or
- Stability of the bank of the watercourse.

It is anticipated that the development will have a positive impact on the future rehabilitation of the riparian area through continual maintenance and control of the land. The extensive landscaping proposed as part of the development is considered to have positive ecological values on the land.

The construction of the riverside pavilion is offset from Hunter River approximately 6m. Accordingly, referral to the Natural Resource Access Regulator is required pursuant with Section 4.46 of the EP&A Act. The riverside pavilion is a small timber structure on a stump and bearer foundation. The proposed construction minimised impacts of the structure on flood waters and restricts soil disturbance to the construction of the footings of the structure.

It is not anticipated that the construction of the riverside pavilion would result in significant adverse impacts within the riparian area.

The proposed development is considered suitable within the proximity of Hunter River.

### **3.4 DEVELOPMENT CONTROL PLAN**

Consideration of compliance and/or consistency with the relevant provisions of the Maitland DCP 2011 is provided in the Table of Compliance provided at **APPENDIX 2**. The Table of Compliance demonstrates that the proposed development is compliant with the relevant provisions of the MDCP or overarching objectives where variations are proposed.

## **4 LIKELY IMPACTS OF THE DEVELOPMENT**

The likely impacts of the proposed development and constraints affecting the subject site have been explored throughout this SEE. The following sections detail the major potential impacts and constraints in greater detail, in accordance with Section 4.15(1) of the EP&A Act 1979.

### **4.1 BUILT ENVIRONMENT**

#### **4.1.1 CONTEXT, SETTING AND VISUAL IMPACT**

The proposed development is substantial in size and scale and is afforded views of the Hunter River and hinterlands. Accordingly, a Visual Impact Assessment (VIA), contained in **APPENDIX 16** was prepared by Perception Planning to assess the development within the existing context and setting.

This VIA found that the proposed development would have a low to negligible visual impact on the existing visual catchment surrounding the subject site at the completion of the development. Visibility of the development is most prominent from the immediate streets; however, visibility quickly decreases when stepping away from the site. The proposed landscaping associated with the development softens the built form and improves the amenity of the landscape by providing natural elements to be viewed from the public domain.

It is considered that view sharing impacts are limited to 5 and 7 Riverside Street and are small in nature. As discussed in the VIA, the living area of 7 Riverside Street is orientated toward Vantage Court and only achieves obstructed views through a privacy screen from their private open space (POS). Similarly, it is expected that the principle living area of 5 Riverside Street is restricted to the rear of the dwelling connecting the interior to the POS. The POS of 5 Riverside Street does not achieve any views of the Hunter River and hinterland. The views of 5 Riverside Street are limited to entry and exit of the residents from the dwelling.

An open fence and gate in charcoal (or similar colour) is proposed along the front boundary, shown in **FIGURE 16**. This provides an element of safety and security to deter intruders and ensure children are unable to access the front street.



*Figure 16: View of dwelling from Riverside Street (Dirty Girl Designs, 2021)*

The restrictive covenant named fourthly on the 88B Instrument states:

5. *No fence shall be erected or permitted to remain on the Lot burdened if the same:*
  - (i) Is erected between the building line fixed by the Council of the City of Maitland in respect of the lot burdened and any public road to which the front of the main building erected on the said lot burdened faces; or*
  - (ii) Is erected between any street to which the lot burdened does abut and any main building erected on the lot burdened; or*
  - (iii) Exceeds 1.8 metres in height; or*
  - (iv) is constructed of materials other than:*
    - a) Brick;*
    - b) Masonry;*
    - c) Lapped and capped stained timber;*
    - d) Lapped and capped pine impregnated with copper chrome arsenate (commonly known as treated pine);*
    - e) Brushwood;*
    - f) Chain wire;*
    - g) Cement rendered and painted brick or concrete blocks;*
    - h) Bricks or concrete blocks coated with the product known as “Granotex” or “Granosite” or other similar product in the manner recommended by the manufacturer*
    - i) Sheet metal that has been treated with the process commonly known as colourbonding or other similar factory pre-coated process, provided that the section of uninterrupted fence is not longer than fifty metres;*

- j) *Open style post and wire rural standard fence (on any common boundary of a lot with a residential zone and a lot with an environmental zone).*

Whilst the proposed fence contravenes the restrictive covenant, it is considered appropriate for the proposed dwelling from a safety and visual impact perspective. As described in Section 3.3 of this SEE, Clause 1.9A of the MLEP permits the Consent Authority to grant consent to development despite the covenant on the title provided the covenant was not imposed the Council or a planning agreement within the meaning of Subdivision 3 of Division 1.7 of the Act. As noted previously, the covenant was imposed by the developer of the subdivision, thus the Council can grant consent for the proposed fence.

The proposed development will enhance the subject site and locality by improving the landscape and natural environment, bulk and scale, site coverage and streetscape amenity. The size, height and design of the proposed dwelling maintains consistency with the recently constructed dwellings and established character of the residential estate. Living areas have been placed on the lower floor to reduce privacy or overlooking on the upper floor. It is considered that the proposed development is appropriate for the existing and future character of the neighbourhood.

The proposed development is consistent with and reinforces the existing character of the residential estate with minimal visual impact on the surrounding locality. The development in its entirety is considered appropriate for the site.

#### **4.1.2 ACCESS, TRANSPORT AND TRAFFIC**

The proposed development will not result in adverse impact on the road network. As discussed in Section 3.2.2 of this SEE, the proposed development is not considered traffic generating development. Accordingly, a Traffic Impact Assessment is not warranted for a single dwelling development.

Access to the site will remain from Riverside Street. There is no requirement to alter the access or provide additional access to the site. The proposed location of the dwelling is suitable to provide emergency vehicle access.

There are no adverse impacts associated with the development in relation the access, transport and traffic.

#### **4.1.3 PUBLIC DOMAIN**

As discussed in Section 4.1.1 of this SEE, the proposed development will not have a detrimental impact on the public domain. The development contributions derived from this development will support the delivery of infrastructure and public domain improvements in accordance with Council's Development Contributions Plan.

#### **4.1.4 SERVICES**

As discussed in Section 1.3 of this SEE, the site has the capacity to connect to reticulated water, sewer and underground electricity. As noted in Section 3.2.2, due to the electricity substation located in the south eastern corner of the allotment, it is believed that notification to the relevant electricity authority is required.

Provision of all services to the dwelling will occur during construction.

#### **4.1.5 WASTE MANAGEMENT**

The Waste Management Plan contained in **APPENDIX 15** details the construction materials, the quantity, and the management of each material through reuse, recycling or disposal. Operational waste management will be as for normal household dwellings. Collection of general waste and recycling will be the responsibility of Council on a weekly basis for general waste and every fortnight for recycling.

#### **4.1.6 NOISE AND VIBRATION**

No potential for noise or vibration impacts have been identified. The location of the tennis court in the south-eastern corner of the allotment moves any noise created by active play away from the residential dwellings. It is not anticipated that active play from utilizing the tennis court would result in unreasonable noise impacts.

Demolition and construction noise will be as per normal construction times/processes.

## **4.2 NATURAL ENVIRONMENT**

### **4.2.1 ECOLOGICAL**

It is not anticipated that the proposed development requires vegetation removal to enable the construction. Accordingly, the impact on the biodiversity of flora and fauna will be negligible. Conversely, the development of this site with associated landscaping is considered to have a significant benefit. The proposed landscaping will attract fauna to the site and reinforce the natural habitat present on site. The quality of existing vegetation located along the river's edge will be improved through regular maintenance by the landowner. Habitation of the allotment will allow the land owner to monitor and reduce any noxious flora and fauna promoting growth and habitat of indigenous species.

### **4.2.2 LANDSCAPING**

A landscaping plan has been prepared by Dirty Girl Designs, contained in **APPENDIX 14**. The plan, as shown in **FIGURE 17** demonstrates that the dwelling will be surrounded by comprehensive planting including shallow and deep soil planting. The flora species proposed consist of a range of indigenous and ornamental plants suited to the conditions of the site. Once established, the plants will provide privacy from the adjoining neighbours and break the bulk of the dwelling when viewed from Riverside Street, shown in **FIGURE 16**.



*Figure 17: Landscape overview around proposed dwelling and ancillary structures (Dirty Girl Designs, 2021)*

The proposed landscaping will have positive impacts on amenity and privacy of the subject site and adjoining properties. The front boundary planting will screen the dwelling from the public domain reducing any visual impacts.

#### **4.2.3 ARCHAEOLOGY**

An AHIMs Search conducted on 18 January 2020 with a 200m buffer identified 10 Aboriginal sites recorded in or near the subject site. Further investigation with an AHIMs Search with a 50m buffer identified two Aboriginal sites recorded in or near the subject site. The results of these searches are contained in **APPENDIX 11**.

Given the recent subdivision and disturbance of land in the area, it is considered unlikely that the development will disturb any Aboriginal objects or relics. Should any Aboriginal objects be uncovered during the development process, all works will cease immediately, and the relevant authority will be notified.

#### **4.2.3 STORMWATER**

A stormwater management plan has been prepared by Intrax Housing, contained in **APPENDIX 13**.

Stormwater will be managed in accordance with the Stormwater Management Plan (SMP). The stormwater philosophy includes:

- All roof area stormwater to be directed to drainage easement located at the rear of the allotment;
- Installation of silt pits around dwelling to avoid siltation of the system;
- Installation of swale drains to capture overland flows close the to the dwelling and direct the flows to the drainage easement;
- Installation silt arrestor prior to stormwater entering the existing stormwater network; and
- Maintenance of the system to be conducted in accordance with the SMP.

The majority of the ancillary structures are on stump and bearer foundations which minimises alteration to existing stormwater runoff conditions. All additional roof structures will be connected to the dwelling stormwater infrastructure and directed to the drainage easement located at the rear of the dwelling.

The proposed stormwater plan can successfully manage the post-development stormwater flows to mitigate impacts on adjoining properties.

#### **4.2.4 FLOODING**

The site is identified as a flood planning area, shown in **FIGURE 15**. The proposed finished floor level of the rear of the dwelling is set at 17.231RL. Pursuant with restrictive covenants presiding with the land, the flood planning level is set at the 1:100 ARI flood event plus 500mm freeboard equating to a finished floor height of 14.39 m AHD. Accordingly, it is identified that the proposed finished floor level is set at above the required flood planning level.

Much of the development being the dwelling and the conservatory either falls outside of the flood affected area or is raised above the flood planning level. It is considered that these structures are not going to significantly alter the flood characteristics of the site which would result in an adverse impact on adjoining neighbours. All structures to be built will be designed to meet the flood hazard of the site to reduce impact of flood on property and life. It is considered that there is not a significant impact relating to flood as a result of the development.

### **4.3 SOCIAL AND ECONOMIC**

The proposed development is not considered to produce any adverse social or economic impact on the locality. Rather the proposed development provides positive economic and social impacts by facilitating construction activity and providing new and diverse density of residential accommodation for the area meeting the needs of the local community.

#### **4.3.1 SAFETY, SECURITY AND CRIME PREVENTION**

It is considered that the proposed front fence provides sufficient security to deter intruders and maintain the safety of children playing on the allotment. The front of the dwelling is clearly legible from the public domain and lighting within the garden and front patio improves ingress safety at night. No additional safety, security for crime prevention measures are required as a result of the proposed development. The proposed development will not create any safety, security or crime concerns on or around the site.



## 5 SUITABILITY OF THE SITE

The proposal is consistent with the zone permissibility and meets the objectives of the MLEP. The variation to the development standards of Section 4 of the MLEP has merit. Approval of the dwelling and ancillary structures on the subject site is an appropriate and efficient use of the land which will enable the future maintenance of the site to improve the quality of vegetation and habitat across the site. The proposal is compliant with the MDCP controls for the site. The assessment has demonstrated that it is appropriate in the locality and does not result in any substantial negative amenity or environmental impacts which cannot be managed or mitigated. The site is therefore considered appropriate for the development.

## 6 ANY SUBMISSIONS AND CONSULTATION

As part of the DA consideration process, it is envisaged Council may place the proposal on public exhibition and send neighbour notification letters to adjoining or adjacent properties in accordance with A.4 – Notification of the MDCP. We welcome the opportunity to respond to any submission made in relation to this development application.

## 7 PUBLIC INTEREST

The public interest is best served by the orderly and economic use and development of land for purposes permissible under the relevant planning regime and predominantly in accordance with the prevailing planning controls. The development proposal as outlined by this SEE, has minimal impact on the surrounding locality and is considered compatible with and reinforces the existing character of the surround area.

The development is considered to be in the public interest as it:

- Is a permissible form of development, and
- Is consistent with the applicable environmental planning instruments.

The proposal represents a positive contribution to the diversity of available residential accommodation in the municipality, improves the ecological values of the site and is therefore considered to be in the public's best interest.

## 8 CONCLUSION

This SEE has shown that the development is within the public interest, from a social, economic and environmental perspective. Any relevant matters have been addressed through this SEE with any potential issues managed or mitigated.

The key reasons why the proposed development is appropriate are as follows;

- The proposed development is permissible on the site with consent;
- No adverse impact on the existing character or amenity of the area will result;
- There is minimal visual impact as a result of the development;

- At the conclusion of the development, it will have a positive ecological impact;
- The development will have positive economic impacts for the site and the broader region;

It is considered that the proposal will have no significant impacts on the surrounding properties that is likely to adversely affect their ability future residential development opportunities. We look forward to Councils determination of this matter.

If we can provide any further information or clarity, please don't hesitate to contact us.

## ATTACHMENT 1 – EP&A Regulation Compliance Table

A development application under Schedule 1 (2) – Forms of the Environmental Planning and Assessment Regulation 2000 is to be accompanied by the following information.

No	Requirement	Response
Information to be included in development application		
1(a)	Name and address of the Applicant	This is provided on the Council DA Form and within the SoEE.
1(b)	A description of the development to be carried out	
1(c)	The address, and formal particulars of title, of the land on which the development is to be carried out	
1(d)	An indication as to whether the land is, or is part of, critical habitat	The site is not identified as a critical habitat. The proposed development does not include vegetation removal.
1(e)	An indication as to whether the development is likely to significantly affect threatened species, populations or ecological communities, or their habitats, unless the development is to be taken to be development that is not likely to have such an effect because it is a biodiversity compliant development.	
1(ea)	For biodiversity compliant development, an indication of the reason why the development is biodiversity compliant development.	
1(f)	A list of authorities from which concurrence must be obtained before the development may be lawfully carried out or from which concurrence would have been required, but for section 4.13 (2A) or 4.41	This is provided on the Council DA Form and within the SoEE. The development is not classified as integrated.
1(f1)	In the case of an application that is accompanied by a biodiversity development assessment report, the reasonable steps taken to obtain the like-for-like biodiversity credits required to be retired under the report to offset the residual impacts on biodiversity values if different biodiversity credits are proposed to be used as offsets in accordance with the variation rules under the Biodiversity Conservation Act 2016.	NA

1(f2)	If the land is subject to a private land conservation agreement under the Biodiversity Conservation Act 2016, a description of the kind of agreement and the area to which it applies.	
1(g)	A list of any approvals of the kind referred to in section 4.46(1) of the Act that must be obtained before the development may be lawfully carried out.	No referrals are required.
1(g1)	In the case of State significant development, a list of any authorisations that must be provided under section 4.4 of the Act in relation to the development.	The development is not identified as State significant.
1(h)	The estimated cost of the development.	The estimated cost of the development is identified on the Council DA Form.
1(h1)	In the case of State Significant development, the capital investment value of the development.	The development is not defined as State significant.
1(i)	Evidence that the owner of the land on which the development is to be carried out consents to the application, but only if the application is made by a person other than the owner and the owner's consent is required by this Regulation.	The owners' consent is provided on the Council DA Form.
1(j)	A list of the documents accompanying the application.	A list of documents accompanying this application is provided within this Statement of Environmental Effects.
<b>Documents to accompany development application</b>		
2 (a)	A site plan of the land	A site plan is provided within this Statement of Environmental Effects.
2(b)	A sketch of the development	Development plans for the development is provided within this Statement of Environmental Effects.
2(c)	A statement of environmental effects (in the case of development other than designated development or State significant development)	This table is an attachment to the SoEE.
2(d)	In the case of development that involves the erection of a building, an A4 plan of the building	Development plans for the development provided within this

	that indicates its height and external configuration, as erected, in relation to its site (as referred to in clause 56 of this Regulation)	Statement of Environmental Effects.
2(e)	An environmental impact statement (in the case of designated development or State significant development)	The development is not defined as designated or state significant.
2(f)	A species impact statement (in the case of land that is, or is part of, critical habitat or development that is likely to significantly affect threatened species, populations or ecological communities, or their habitats, but not if the development application is for State significant development)	Nothing (i.e. vegetation) on the site suggests that an Ecological Assessment should be prepared for this DA.
2(g)	If the development involves any subdivision work, preliminary engineering drawings of the work to be carried out	The preliminary engineering drawings are provided as an attachment to this SoEE.
2(h)	If an environmental planning instrument requires arrangements for any matter to have been made before development consent may be granted (such as arrangements for the provision of utility services), documentary evidence that such arrangements have been made.	This SoEE discusses 'essential services' and the approach taken.
2(i)	If the development involves a change of use of a building (other than a dwelling-house or a building or structure that is ancillary to a dwelling-house and other than a temporary structure):  (i) a list of the Category 1 fire safety provisions that currently apply to the existing building, and  (ii) a list of the Category 1 fire safety provisions that are to apply to the building following its change of use	The proposed development is not a change of use.
2(j)	If the development involves building work to alter, expand or rebuild an existing building, a scaled plan of the existing building	The proposed development is not an alteration, expansion or rebuild of an existing building.
2(k)	If the land is within a wilderness area and is the subject of a wilderness protection agreement or conservation agreement within the meaning of the Wilderness Act 1987, a copy of the consent	The proposed development is not located within a wilderness area.

	of the Minister for the Environment to the carrying out of the development	
2(k1)	In the case of development comprising mining for coal (within the meaning of section 380AA of the Mining Act 1992)—documentary evidence that the applicant holds an authority under the Mining Act 1992 in respect of coal and the land concerned or has the written consent of the holder of such an authority to make the development application.	The development does not compromise mining for coal.
2(l)	In the case of development to which clause 2A applies, such other documents as any BASIX certificate for the development requires to accompany the application.	The development does not require a BASIX certificate to be supplied.
2(m)	In the case of BASIX optional development—if the development application is accompanied by a BASIX certificate or BASIX certificates (despite there being no obligation under clause 2A for it to be so accompanied), such other documents as any BASIX certificate for the development requires to accompany the application	
2(n)	<p>If the development involves the erection of a temporary structure, the following documents:</p> <p>(i) documentation that specifies the live and dead loads the temporary structure is designed to meet,</p> <p>(ii) a list of any proposed fire safety measures to be provided in connection with the use of the temporary structure,</p> <p>(iii) in the case of a temporary structure proposed to be used as an entertainment venue—a statement as to how the performance requirements of Part B1 and NSW Part H102 of Volume One of the Building Code of Australia are to be complied with (if an alternative solution, to meet the performance requirements, is to be used),</p> <p>(iv) documentation describing any accredited building product or system sought to be relied</p>	The development does not involve the erection of any temporary structures.

	<p>on for the purposes of section 4.15 (4) of the Act,</p> <p>(v) copies of any compliance certificates to be relied on</p>	
2(o)	<p>In the case of a development involving the use of a building as an entertainment venue or a function centre, pub, registered club or restaurant—a statement that specifies the maximum number of persons proposed to occupy, at any one time, that part of the building to which the use applies</p>	<p>This development will not involve a building as an entertainment venue or a function centre, pub, registered club or restaurant.</p>



Perception Planning Pty Ltd.  
PO Box 107,  
Clarence Town, NSW, 2321  
Phone: 0411 551 433  
Email: [admin@perceptionplanning.com.au](mailto:admin@perceptionplanning.com.au)