

STATEMENT OF ENVIRONMENTAL EFFECTS

**69 Kensington Road
BOLWARRA NSW 2320**

One into three lot Torren title subdivision; alterations and additions to existing dwelling house; construction and use of 2 new dwelling houses

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1 INTRODUCTION

This Statement of Environmental Effects (SEE) has been prepared to accompany a development application (DA) at 69 Kensington Road, Bolwarra seeking approval for the following:

- Selected tree removal and demolition works;
- Alterations and additions to the existing dwelling house;
- Construction and use of 2 new single storey dwelling houses;
- One into three lot Torrens title subdivision; and
- Staging of the development.

This SEE outlines the proposed works and addresses the relevant legislation and planning controls pertaining to the proposed development.

This SEE is to be read in conjunction with enclosed Architectural Plans, BASIX Certification, Arborist Report, Heritage Reports, Waste Management Plan and Civil Engineering Plans.

1.1 PROPERTY DETAILS

Address: 69 Kensington Road, Bolwarra NSW, 2320

Lot/DP: Lot 150 in DP 826463

Zoning: R1 General Residential

Site Area: 3,142m²

2 SITE DESCRIPTION

The site is a large residential allotment located on the eastern side of Kensington Road, in the heritage suburb of 'Old Bolwarra'. The site is well located in close proximity to shops, services, walking tracks and schools/childcare facilities. The Hunter River is located approximately 100m to the west, separated from the site by a row of dwellings on the opposite side of Kensington Road.

The site is rectangular in shape with a primary frontage to the west of 30m to Kensington Road and a depth of 104m. The site is relatively flat, sloping gently from the centre down to the front and rear boundaries. The soil has a gravel clay-base with loam topsoil. A large number of native and exotic trees and other vegetation are scattered across the site. A schedule of trees is included on the Survey Plan at **Appendix B**. There are 78 on site trees in total.

An existing single storey dwelling house is located in the western third of the site, fronting the street (refer to **Figure 1**). Two metal clad sheds are located behind the building line. The Statement of Heritage Impact (SoHI) states the following about the existing dwelling:

The house is from the Edwardian era clad in timber rusticated weatherboards with wide open verandahs supported on plain timber posts with simple curved brackets typical of the period. A timber main entry door and casement timber windows provide light and ventilation to the main rooms.

Figure 1 - Existing Dwelling



The site shares a boundary with 5 adjoining properties (to the north, east and south), all of which are residential in nature. Refer to **Figure 2** for aerial imagery of the site.

Figure 2 - Site Aerial



As the site is located within the Bolwarra Heritage Conservation Area the design process has heavily focused on consideration of the heritage significance of Bolwarra to ensure the proposal compliments surrounding development and is suitable for the characteristics of the area.

3 HERITAGE ADVICE

Advice from two heritage consultants has been sought which has guided the design and layout of the proposal.

The first heritage consultant, Hector Abrahams, was recommended by Council in the pre-DA meeting for his extensive knowledge of the area. Hector has a deep understanding of the historical development of Bolwarra and the impact of later development which results from his studies for his B.Sc.Arch, where he wrote the paper titled "A History of the Landscape of Bolwarra 1801- 1983". Hector was commissioned to prepare a report on "Old Bolwarra" with consideration given to the way in which the site could be developed for residential purposes (refer to **Appendix D**).

The second heritage consultant, John Carr, has many years experiences in heritage assessment and was engaged to review development plans and provide recommendations to ensure the proposal was reflective of the architectural character and style of surrounding buildings and subdivision pattern of the area. John has prepared a detailed Statement of Heritage Impact (SoHI) which is included at **Appendix D**.

4 PROPOSED DEVELOPMENT

The main aim was to design new infill housing that was sensitive and respectful of the existing vegetation as well as sympathetic to the heritage character of the local area. The proposal reflects a balance between tree retention and necessary tree removal for establishment of building footprints/envelopes and access and at the same time is respectful of the heritage character for which Bolwarra is well known.

The final design achieves the following built form and landscaping elements:

- Preservation and enhancement of the existing residence;
- Minimise visual impacts to and from Kensington Road;
- Large lots with low density and site coverage, reflective of residential patterns in the area;
- Establishment of tree protection zones (TPZ) and structural root zones (SRZ) for significant trees to ensure long term viability;
- Large setback to the northern neighbours;
- Northerly aspects for private open spaces;
- Maintain and improve shared boundary landscape conditions;
- Single storey detached residential built form; and
- Building design and materials sympathetic to the surrounding heritage area.

4.1 STAGEING

It is proposed to undertake the development in two stages as set out below:

Stage 1:

- 1 into 3 lot subdivision including identified building envelopes on proposed Lot 101 and 102 and associated driveway and service connections; and
- Alterations and additions to the existing dwelling.

Stage 2:

- Construction of the rear two new dwellings and ancillary development.

Staging the development will allow subdivision of the site to occur as a first step whilst giving flexibility around timing of the construction of the rear two dwellings.

4.2 SUBDIVISION

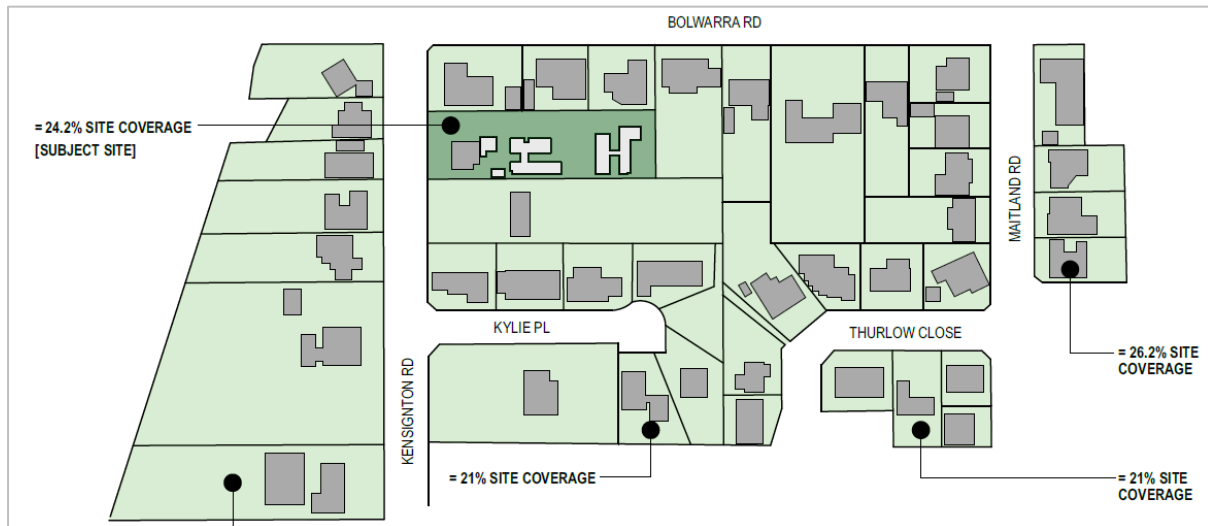
It is proposed to subdivide the existing lot into 3 Torrens title allotments as per the following:

- Proposed Lot 100 (containing existing dwelling house) - 850m²;
- Proposed Lot 101 - 1,125m² (893m² excluding driveway handle); and
- Proposed Lot 102 - 1,167m² (934m² excluding driveway handle).

The rear two lots will utilise the existing driveway off Kensington Road via a battle axe arrangement with the appropriate reciprocal right of carriageway in place. The front lot will be accessed directly from Kensington Road via a new driveway. Refer to the Proposed Subdivision Plan prepared by consulting surveyors at **Appendix I**.

Careful consideration has been given to the layout of the proposed subdivision to ensure it respects the subdivision pattern of the surrounding area. In this regard, the general size and shape of the lots is reflective of other residential allotments in the area (refer to **Figure 3**).

Figure 3 - Extract of Context Analysis Plan (Source: MM Architecture, DA1.6)



4.3 ALTERATIONS AND ADDITIONS

The proposed development retains the early twentieth century cottage fronting Kensington Road and allows for a modest extension at the rear. Internal and external building works are proposed to renovate and enhance the existing dwelling. The rear skillion section will be demolished and replaced with an open plan kitchen/living area extension as shown on the Architectural Plans at **Appendix A** (DA2.1). The increased GFA of the existing dwelling is 38m².

The design intent is to not duplicate the aesthetics of the existing cottage but to ensure the proposed addition 'belongs'. A differentiation is made between new and existing with retention of pitching points and finished ceiling levels.

Materials and finishes include weatherboard cladding and a metal roof (refer to Architectural Plans at **Appendix A**).

A new single width driveway crossover is proposed along the southern boundary to service the existing dwelling with a single garage located adjacent to the southern boundary.

4.4 CONSTRUCTION OF 2 NEW DWELLING HOUSES

The design of the two new residences allows for a pitched roof and framed walls using traditional materials found in the area, but in a contemporary design. Predominantly weatherboard cladding is proposed with some masonry/rendered elements and a metal roof. The roof is proposed as a mixture of gabled and hipped and ridges that are nominally the same height as the existing cottage or lower.

The SoHI states the following in relation to the proposed dwellings:

The proposed houses are of a contemporary twenty first century design while respecting the style indicators of the Victorian and early twentieth century buildings such as the use of pitched roofs, cladding and vertically orientated fenestration.

It is noted that two storey development would ordinarily be permissible in terms of height acceptability in the R1 zone, however based on feedback from heritage experts, a single storey design for both dwellings was favoured to promote consistency in scale and form with surrounding dwellings.

Proposed dwelling R2 extends to 172m² GFA and features the following:

- Entry feature;
- bedrooms;
- Double garage;
- Open plan kitchen and living areas;
- Drying courtyard;
- Alfresco outdoor area connected to internal living areas;
- Central courtyard;
- Bathrooms;
- Laundry;
- BBQ pavilion (free standing); and
- North and eastern orientated private open space.

Proposed dwelling R3 extends to 187m² GFA and features the following:

- 4 bedrooms;
- Double garage;
- Open plan kitchen and living areas;
- Media room;
- Central courtyard;
- Alfresco outdoor area connected to internal living area;
- Bathrooms;
- Laundry;
- Drying courtyard;
- Swimming pool; and
- North and eastern orientated private open space.

Both dwellings result in low density development with a FSR on proposed Lot 101 of 0.21:1 and proposed Lot 102 of 0.18:1 (excluding battle-axe handle in both cases). A Waste Management Plan (WMP) covering demolition, construction and ongoing waste management is contained at **Appendix F**.

4.5 STORMWATER MANAGEMENT

Rainwater tanks are proposed for all 3 dwellings. Roof water will be directed to 2 x 3,500L above ground tanks made up of 4,000L OSD and 3,000L rainwater. The stored rainwater will be reused on site internally and externally to BASIX requirements. Overflow from the rainwater tanks will be directed to nearby stormwater pits. Pervious and driveway areas will be captured in the pit and pipe system along the driveway and will be conveyed to the boundary surface inlet pit. Discharge to the

surface inlet pits in all storm events will be limited to the 1 in 10-year pre-development flows. Storm events great than 1 in 10 years will be safely conveyed via sheet flow down the proposed driveway and to the street. Refer to Civil Engineering Plans at **Appendix H** for full details.

4.6 TREE REMOVAL AND LANDSCAPE WORKS

Of the 78 trees on site, 24 were identified in the Arborist Impact Assessment (AIA) as native canopy or lower stratum species that are representative of the original vegetation in the area, 13 as non-local native species and a further 41 as planted exotic species.

The proposed development achieves retention of a large number of trees that offer either aesthetic or environmental value. This will assist in maintaining the environmental values of the site and importantly preserve a large amount of canopy cover.

Approximately 150 of the existing shrubs on site are proposed to be retained and will add to the softening effect, privacy and native vegetation coverage. All new trees and plants have been specifically selected to blend in with the heritage character of Old Bolwarra.

Trees to be removed predominantly include weed species, trees growing too close together and trees observed with major health or structural defects. All significant trees as identified in Section 4.1 of the AIA (T19, T44, T57) are proposed to be retained with appropriate built setbacks in the form of TPZs and SPZ's afforded to each tree. In addition, trees T29 and T74 were identified by the design team as displaying a high level of aesthetic value and the design response retains both these trees.

A rural style 1.2m high post and rail fence is proposed along the road frontage that wraps down the southern side of the driveway to the existing cottage. Screening shrubs are proposed to sit behind the fence including magnolia teddy bear and Buxus japonica. Large sandstone logs are proposed at the driveway entrance as a feature element and to highlight the predominant entry. The southern driveway crossover is discrete and the gates are proposed to tie into the post and rail fence to provide the appearance of a continuous fence line. Refer to **Appendix G** for the Landscape Plans.

4.7 SOLAR PANELS

5kW solar panels are proposed on the roof of each new dwelling as detailed on the Architectural Plans at **Appendix A**.

5 LEGISLATION AND PLANNING CONTROLS

5.1 ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

The proposal, as with all development applications, is subject to the provisions of the *Environmental Planning and Assessment Act 1979* (EP&A Act 1979). An assessment of the proposal, in accordance with the relevant matters prescribed under Section 4.15(1) is provided within this SEE.

The proposal does not trigger integrated development under Section 4.46 of the EP&A Act 1979.

5.2 BIODIVERSITY CONSERVATION ACT 2016

There are no threatened species, populations or ecological communities recorded at the site or observed during the extensive arboricultural survey work. Therefore, a test of significance under S7.3 of the Biodiversity Conservation Act 2016 is not considered necessary noting that the majority of trees to be removed to accommodate the proposal are exotic.

In relation to the NSW Biodiversity Offsets Scheme (BOS), the proposed development removes less than 0.25ha of native vegetation and therefore does not trigger the scheme and hence a biodiversity development assessment report (BDAR) is not required to support the DA. There is no Biodiversity Value (BV) Mapping on the site, or mapped vegetation community.

5.3 STATE ENVIRONMENTAL PLANNING POLICY (BUILDING SUSTAINABILITY INDEX: BASIX) 2004

In accordance with this policy, the proposal has undertaken a BASIX Assessment and gained certification in terms of water, energy and thermal comfort. BASIX Certificates are enclosed with the Architectural Plans at **Appendix A**.

5.4 STATE ENVIRONMENTAL PLANNING POLICY (BIODIVERSITY AND CONSERVATION) 2021

Chapter 2 Vegetation in non-rural areas does not apply to Maitland LGA. Notwithstanding, approval to clear selected trees and vegetation is sought in this DA and an Arborist Report has been prepared (refer to **Appendix C**).

5.5 STATE ENVIRONMENTAL PLANNING POLICY (RESILIENCE AND HAZARDS) 2021

In relation to development applications, Chapter 3 of this SEPP requires the consent authority to consider whether the land is contaminated.

The site has historically been used for residential use and it is considered highly unlikely that contamination preventing continued residential use exists.

5.6 MAITLAND LOCAL ENVIRONMENTAL PLAN (LEP) 2011

Zoning

The site is zoned R1 General Residential under LEP 2011. The proposal is permissible within the zone and will meet the objectives of the zone to a) provide for the housing needs of the community and b) to provide for a variety of housing types and densities.

Clause 4.1 Minimum subdivision lot size

Under this clause the minimum size for subdivision is 450m². The proposed lot sizes more than satisfy this requirement resulting in a low-density proposal.

Clause 4.1A Exceptions to minimum lot sizes in Zone R1

The proposal does not rely on this clause as the proposed lot sizes meet the requirements of Clause 4.1.

Clause 4.3 Building Height

There is no maximum building height pertaining to the site under LEP 2011. Notwithstanding, the height of proposed dwellings is single storey, consistent with the existing dwelling on site.

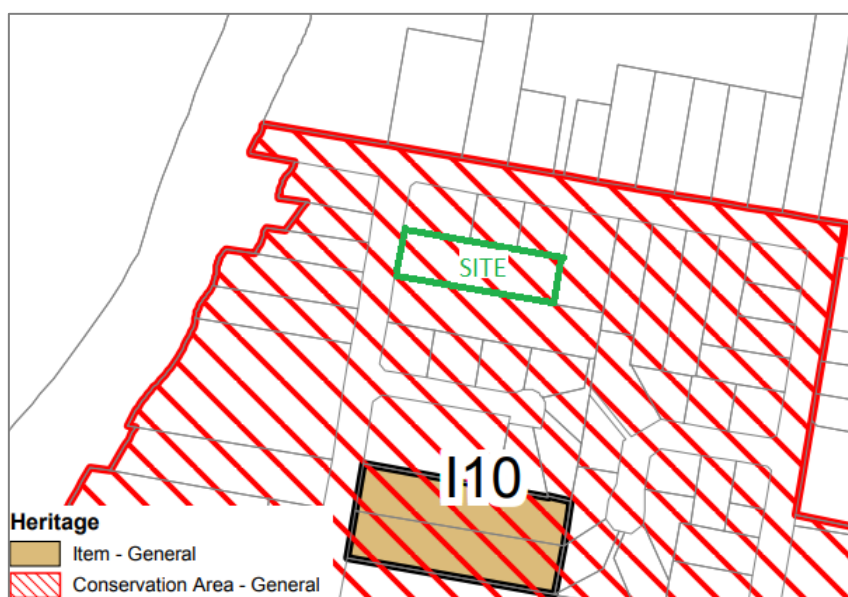
Clause 4.4 Floor Space Ratio (FSR)

There is no maximum FSR specified for the site under LEP 2011. The proposed density of development remains consistent with other residential properties in the Bolwarra Heritage Conservation area. FSR calculations are detailed in **Section 3** of this SEE.

Clause 5.10 Heritage Conservation

As stated above, the site is located within the Bolwarra General Conservation Area. The existing dwelling is not a listed heritage item. The closest heritage listed item is 'Gowan Brae' (Item I10) at 59 Kensington Road, shown on in **Figure 4**.

Figure 4 - LEP Heritage Map Extract (ref: HER_004C)



Objectives (a) and (b) of Clause 5.10(1) are reproduced below:

(a) to conserve the environmental heritage of Maitland,

(b) to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,

The proposal is consistent with the subdivision pattern of the area and the works to the existing dwelling are considerate of the urban fabric of the building and surrounding residential development.

The SoHI found that the subdivision and construction of two new residences at the site will not affect the heritage significance of heritage item Gowan Brae due to both trees and buildings effectively screening the site. Similarly, retained trees on the site together with the existing surrounding buildings will protect the heritage conservation area as will the sympathetic design of the two new residences.

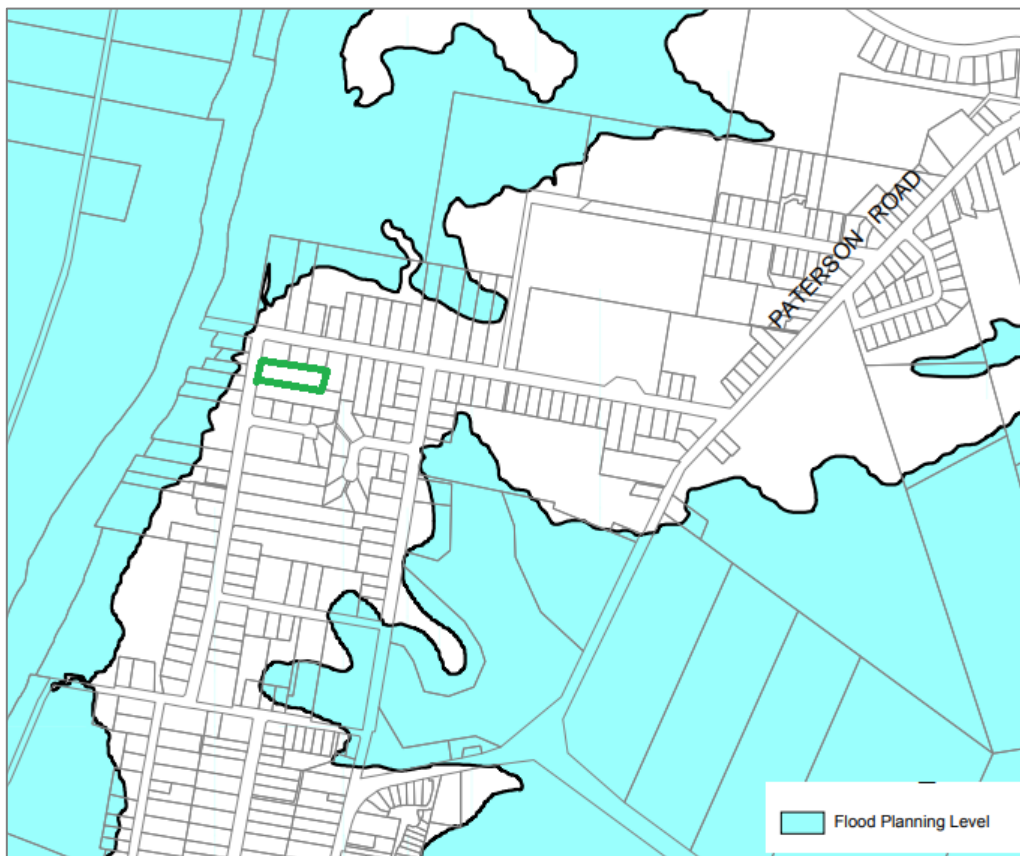
Clause 7.1 Acid Sulphate Soils

The site is mapped as Class 5 acid sulphate soils. The proposal is unlikely to disturb, expose or drain acid sulphate soils and cause environmental damage.

Clause 6.3 Flood Planning

The site is not mapped as below the flood planning level under LEP 2011 (refer to **Figure 5**). The finished floor levels (FFL) of the extension will match into the existing floor level and the new dwellings will be set above the flood planning level at the site.

Figure 5 - LEP Flood Planning Map Extract (ref: FLD_004C)



5.7 MAITLAND DEVELOPMENT CONTROL PLAN (DCP) 2011

The proposal has been duly assessed against the relevant chapters of DCP 2011 including:

1. Part B Environmental Guidelines
 1. B.2 Domestic Stormwater
 2. B.6 Waste Not - Site Waste Minimisation & Management
2. Part C Design guidelines
 1. C.4 Heritage Conservation
 2. C.8 Residential Design
 3. C.10 Subdivision
 4. C.11 Vehicular Access and Car Parking
3. Part E Special Precincts
 1. E.3 Heritage Conservation Areas
 1. Bolwarra Heritage Conservation Area

A detailed DCP 2011 compliance table is provided at **Appendix E**.

Whilst the proposal generally complies with the various controls and requirements set out in DCP 2011, the notable partial variation is to E.3, Section 1.3 relating specifically to the Bolwarra Heritage Conservation Area.

Section 1.3 Conservation Policies of the DCP outlines what to keep, what to encourage and what to avoid as reproduced below:

What to Keep:

- *Well defined edges of the Conservation Area due to floodplain;*
- *Predominating single detached residential character;*
- *Neighbourhood character of shopping precinct;*
- *Existing form of road approaches to the town;*
- *Existing density of development.*
- *Landmark trees, including the large Bunyah Pine at the town's entrance.*
- *Buildings and outbuildings associated with agricultural land use.*

What to Encourage:

- *Single detached residential dwellings;*
- *Consistent scale and form of residential development, predominately single storey.*

What to Avoid:

- *Medium density development and detached dual occupancy – which are inappropriate because of their scale, design, size of allotment, etc.;*
- *Re-subdivision of larger allotments to allow new dwellings in rear or front yards;*
- *Large garages and carports on the street frontage, and details on them which mimic those on the dwelling*

The proposal meets these conservation ideals for Bolwarra with the single exception of the proposed re-subdivision of larger allotments to accommodate new housing. However, the infill development as proposed under this DA provides for residential growth in a manner that doesn't compromise the

historic identity of the area. In fact, the proposal enhances the existing qualities and environment of Old Bolwarra by responding to and incorporating local features into the design.

The Heritage Report on Old Bolwarra (contained at **Appendix D**) states that there is historic precedent for the establishment of new houses located discretely behind existing dwellings, provided that they are not heritage items. The report goes on to state that it is to be expected that the remaining large allotments of Old Bolwarra will be required to accept more housing, consistent with Maitland Urban Settlement Strategy (MUSS) which encourages consolidation of housing in existing areas to reduce the urban footprint.

A variation to DCP 2011 is therefore justified in this instance.

6 CONCLUSION

As detailed within this SEE, the proposed development of the site has undergone a detailed design process with early input specifically from heritage architects and other professionals to produce an outcome that respects the scale and character of the Bolwarra Heritage conservation area whilst also retaining a significant number of native trees that provide environmental, heritage or aesthetical value.

A conservative approach in design has been adopted resulting in large allotments, well above the minimum lot size for subdivision as specified within Maitland LEP 2011. The proposal accommodates dwellings of a similar height, scale, design and density to existing housing found in the Bolwarra area. The two new houses are designed to be single storey with a low profile, retaining pitched roofs in a contemporary design to reflect the various design styles found in the local area.

The design and layout of the proposal minimises visual impact to and from Kensington Road as well as retaining significant existing trees thereby further protecting the streetscape character. The pattern of the original Bolwarra subdivision is retained by preserving the visual width of the existing allotment.

The SoHI found the proposal generally satisfies the DCP controls for the conservation area and allows for better use of the allotment to satisfy key strategies contained within MUSS around housing consolidation and infill development. This represents logical and sound planning from a sustainability perspective.

The proposal appropriately respects and responds to the context of the Bolwarra conservation area and is generally compliant with relevant planning legislation and Council's DCP as detailed within this SEE and the DCP compliance table at **Appendix E**. In the absence of any significant adverse environmental impacts, the DA is considered to be in the public's interest and worthy of being granted development consent subject to appropriate conditions.