

STATEMENT OF ENVIRONMENTAL EFFECTS

ROOF REPLACEMENT

**15 OLD PITNACREE CLOSE, PITNACREE,
NSW, 2323 (LOT 70, DP 575844)**

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EXECUTIVE SUMMARY

Perception Planning Pty Ltd has been engaged by Francis Loveridge (the client) to prepare a Statement of Environmental Effects (SEE) for a roof replacement (the proposal) at 15 Old Pitnacree Close, Pitnacree, NSW, 2323 (LOT: 70 DP: 575844) (the site).

The site is zoned RU1: Primary Production under the Maitland Local Environmental Plan 2011 (the LEP). Dwelling houses are permissible with consent in the RU1: Primary Production Zone.

The site has an area of 1272m² and is currently occupied by a dwelling with ancillary structures. Access to the dwelling is provided from Old Pitnacree Close. The existing dwelling is a Heritage item with some other Heritage items in the vicinity. The proposal is for the replacement of the existing roof, guttering and downpipes with a new corrugated steel Colorbond roof, guttering and downpipes. The roof requires replacement as the existing slate roof is failing in numerous areas and requires total replacement.

The development is considered suitable as:

- The proposed site of the dwelling house is appropriately zoned RU1: Primary Production and facilitates residential use of the land;
- The proposal is permitted with consent in the RU1 Primary Production zone and is consistent with RU1 zone objectives.
- There are no significant issues or impacts arising from the proposal.

Perception Planning Pty Ltd did not arrange a pre-lodgement meeting with Council due to the minor nature of the proposal.

The proposal has been assessed against the relevant statutory planning framework to identify and address the key planning requirements and site constraints. Any potential environmental issues or impacts are suitably managed or mitigated to enable the proposal to be approved by Maitland Council.

TERMS AND ABBREVIATIONS

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

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PLANS AND SUPPORTING DOCUMENTATION

This SEE is supported by the following plans and documentation:

Appendix	Document	Prepared by
1	EP&A Regulation 2000	Perception Planning
2	DCP Compliance Table	Perception Planning
3	Statement of Heritage Impact	Contemporary Heritage
4	AHIMs Search Results	Perception Planning
6	DBYD Search Results	Perception Planning

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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 Francis Loveridge (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 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

Property Address	15 Old Pitnacree Close, Pitnacree, NSW, 2323
Lot and DP	LOT: 70 DP: 575844
Current Use	Residential
Zoning	RU1 – Primary Production
Size	1272m ²
Site Constraints	Acid Sulfate Soils – Class 5 Heritage – Ekelene Significance: Local Heritage – Pender & Forster Sawmill Significance: Local Flood Planning
Owner	Owner's consent has been provided on the Application Form for the DA.
DP and 88B Instrument	Nothing on the DP or 88B instrument prohibits the proposed development.

1.3 SITE DESCRIPTION

The site is located at 15 Old Pitnacree Close, Pitnacree, NSW, 2323 (the site) and has a total area of 1272m² (**FIGURE 1**). The site is located within Pitnacree, in the Maitland Local Government Area (LGA). The site is bordered on all sides by RU1 – Primary Production zoned properties. Vehicle access is provided via Old Pitnacree Close.

The existing dwelling is a Heritage item with some other Heritage items in the vicinity. The majority of the main house is roofed in slate with some corrugated iron roofs to the rear. Ancillary structures are roofed in a mixture of galvanized steel and Colorbond. The house was built c1851 and the existing slate roof is in a state of complete disrepair and requires urgent attention and replacement.

Figure 1 – Locality Plan (Nearmaps)

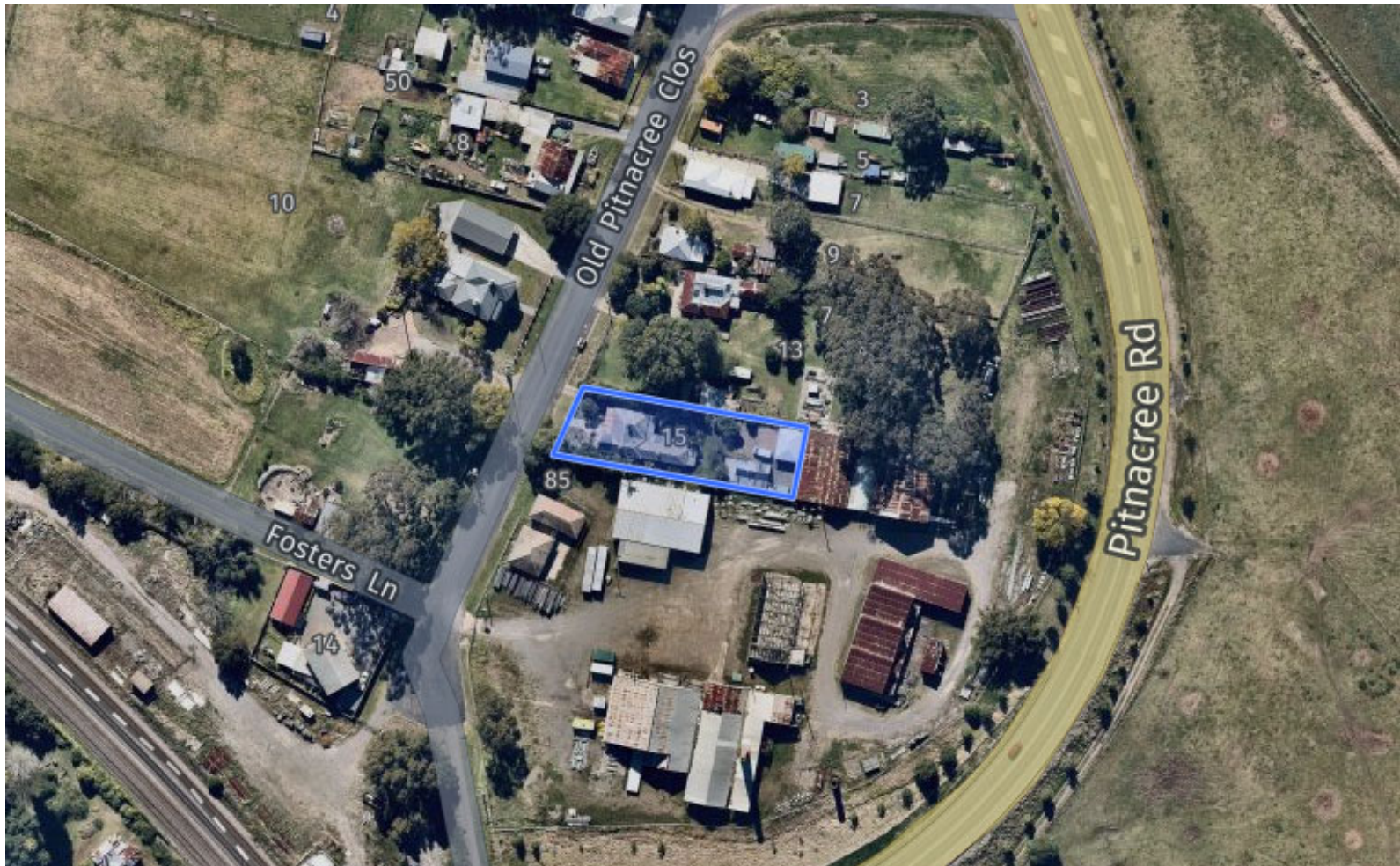


Figure 2 – Current Roof Condition



1.4 CURRENT USE AND EXISTING DEVELOPMENT DETERMINATIONS

The site is currently occupied by a dwelling house and ancillary structures..

The Maitland Council Development Application Tracker website identifies a number of development applications associated with the development site. The following recent approvals relating to development and associated use on-site are listed in **Table 1** below.

Table 1 – Historic development approvals Lot 70 DP 575844 (Maitland Property Enquiry)

DA Number	Application Type	Description	Determination
DA18/1277	Development Application	Garage	Approved
CC/2018/1809	Construction Certificate	Garage and Carport	Issued
DA/2019/719	Development Application	Tree Application	Withdrawn
DA/2020/441	Development Application	Dwelling alterations and additions	Approved
CC/2020/535	Construction Certificate	Dwelling alterations and additions	Issued

2 DESCRIPTION OF THE DEVELOPMENT

2.1 PROPOSED DEVELOPMENT

The objective of the proposed development is to obtain consent for the replacement of the slate roof, gutters and downpipes with a new corrugated steel Colorbond roof gutters and downpipes. The roof is in urgent need of repair and to prevent further degradation of historic building fabric the roof needs to be urgently replaced.

There are no changes proposed to the shape, form or extent of the roof – the new roof is purely to replace the existing failing slate roof.

This development is enabled through the Maitland Local Environmental Plan 2011 (MLEP) and Maitland Development Control Plan 2011 (MDCP).

3 PLANNING CONTROLS

3.1 ACTS

The following Acts are considered relevant to the proposed development:

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.

3.1.3 Hunter Water Act 1991

The subject site is not located within a Drinking Water Catchment Area. To this effect, a referral to Hunter Water (HW) is not required under Section 51 of the HW Act.

3.1.4 Water Management Act 2000

The subject site is not located within a Drinking Water Catchment pursuant to the LEP Map. No physical works will take place within 40m of any body of water, nor is the any watercourses or waterbodies on site.

Table 2 - Integrated development

Integrated development	Proposed Development	
Fisheries Management Act 1994	<ul style="list-style-type: none"> ▪ s 144 ▪ s 201 ▪ s 205 ▪ s 219 	N/A
Heritage Act 1977	<ul style="list-style-type: none"> ▪ s 58 	N/A
Coal Mine Subsidence Compensation Act 2017	<ul style="list-style-type: none"> ▪ s 22 	N/A
Mining Act 1992	<ul style="list-style-type: none"> ▪ s 63, 64 	N/A
National Parks & Wildlife Act 1974 (as amended)	<ul style="list-style-type: none"> ▪ s 90 	N/A
Protection of the Environment Operations Act 1997	<ul style="list-style-type: none"> ▪ ss 43(a), 47, 55 ▪ ss 43(b), 48, 55 ▪ ss 43(d), 55, 122 	N/A
Roads Act 1993	<ul style="list-style-type: none"> ▪ s 138 	N/A
Rural Fires Act 1997	<ul style="list-style-type: none"> ▪ s 100B 	N/A
Water Management Act 2000	<ul style="list-style-type: none"> ▪ ss 89, 90, 91 	N/A

3.2 STATE ENVIRONMENTAL PLANNING POLICIES (SEPPS)

The following SEPPs are considered relevant to the proposed development:

3.2.1 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 legislates that a consent authority must not consent to the carrying out of development on land unless it has given consideration as 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 zoned for RU1- Primary Production. It is not anticipated that the site or immediate area has the potential to be contaminated. Therefore, the land is considered suitable for the proposed development.

3.3 LOCAL ENVIRONMENTAL PLAN (LEP)

Pursuant to the Maitland Local Environmental Plan 2011 (MLEP) Land Application Map the subject site is land to which the MLEP applies. Accordingly, the MLEP is the appropriate EPI to assess the development proposal. The proposed development is seeking consent to construct a dwelling.

Permissibility

The site is zoned RU1 – Primary Production under the provisions of the MLEP. The proposed development is defined as a *Dwelling* under the MLEP which provides the following definition:

***dwelling** means a room or suite of rooms occupied or used or so constructed or adapted as to be capable of being occupied or used as a separate domicile.*

The development satisfies the above definition, as it is to replace the roof of an existing single-storey dwelling. . Dwellings are permitted with consent in the RU1 Primary Production zone.

Further assessment against the relevant requirements of the MLEP follows.

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

The subject site is zoned RU1 – Primary Production. The proposed development comprises the roof replacement of a dwelling, which is permissible with consent in the zone. The Land Use Table of the LEP identifies the following objectives for the RU1 zone:

- *To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.*
- *To encourage diversity in primary industry enterprises and systems appropriate for the area.*

- *To minimise the fragmentation and alienation of resource lands.*
- *To minimise conflict between land uses within this zone and land uses within adjoining zones.*

The development provides necessary maintenance on the existing dwelling on site. The development does not propose addition fragmentation of the land and enhances the existing amenity and character of the area. To this extent, the proposed development meets the objectives of the RU1 – Primary Production zone.

- **Clause 4.1 – Minimum lot size**

The proposed development does not include subdivision. Consideration of the minimum lot size is not required for a change of use application.

- **Clause 4.3 – Height of buildings**

The proposed development does not modify the existing height of the building. The development remains compliant with this Clause.

- **Clause 4.4 – Floor Space Ratio**

The site is not mapped with a restriction on floor space ratio (FSR). Consideration to FSR is not required for this change of use application.

- **Clause 5.10 – Heritage conservation**

The subject site is identified as a local heritage item under the MLEP. The objectives of Clause 5.10 are;

- 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,*
- c) to conserve archaeological sites,*
- d) to conserve Aboriginal objects and Aboriginal places of heritage significance.*

In accordance with Clause 5.10 (2)(a)(i) development consent is required to alter the exterior of a heritage item. Subsequently the consent authority must consider the effect the proposed development will have on the heritage item.

As described in Section 2.1 of this SEE, the proposed roof replacement includes the following changes to the exterior of the building;

- Replacement of the existing slate roof, guttering and downpipe with a Colorbond roof, gutters and downpipe.
- The existing bullnosed verandah roof shall be retained as existing.

The Statement of Heritage Impact (**APPENDIX 3**) concludes;

- The proposal is compatible with the Maitland DCP 2011.
- Replacement of the roof in slate is not feasible.

- The roof is in urgent need of repair in order to prevent degradation of historic building fabric as a result of the failure of the existing roof.
- Colorbond replacement is supported in this instance as a suitable alternative to slate.
- The proposal is sympathetic to the character of the heritage item, will not reduce its significance and will allow protection of the remaining building fabric.
- The proposal should be approved. **Clause 7.1 – Acid Sulfate Soils**

The site is identified as Class 5 ASS under the MLEP. The proposal does not include any works greater than 1m below natural ground surface. Accordingly, there is no requirement for an ASS management plan.

- **Clause 7.2 – Earthworks**

No earthworks are associated with this development. There shall be no impacts on adjoining allotments.

- **Clause 7.6 – Essential Services**

The site has access to reticulated water, sewer and electricity supply. Suitable vehicle access is provided from the adjoining road network.

- **Clause 7.8 – Drinking Water Catchment**

The site is not located within a Drinking Water Catchment Area pursuant to MLEP map.

3.4 DEVELOPMENT CONTROL PLAN (DCP)

As the proposal relates to replacement of an existing roof with no changes to the height, form, size or extent of the existing roof there are no relevant parts of the DCP that warrant further discussion.

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

Overall, it is considered that the proposed development is unlikely to have any significant adverse impacts on the site or surrounding locality. The site conditions and constraints have been identified within this SEE and have been managed or mitigated where necessary.

4.1.2 PUBLIC DOMAIN

The proposed development will not have an impact on any public domain.

4.1.3 SERVICES

The subject site is already provided with all essential services and no changes are required.

4.1.4 NOISE AND VIBRATION

Minimal construction noise will be as per normal construction times and processes and will cease once construction is completed.

4.2 NATURAL ENVIRONMENT

4.2.1 ECOLOGICAL

No trees or significant vegetation will be required to be removed in order to facilitate the development. There will be no significant impact upon the natural environment as a result of the proposal.

4.2.2 ARCHAEOLOGY

A search of the Aboriginal Heritage Information Services (AHIMS) database (19 November 2021) did not identify the subject site as containing any Aboriginal sites or places as shown in **APPENDIX 4**.

4.3 SOCIAL AND ECONOMIC

The proposed development is not considered to produce any adverse social or economic impacts on the locality. Rather the proposed development provides positive economic and social impacts by facilitating construction activity.

5 ANY SUBMISSIONS AND CONSULTATION

As part of the DA consideration process it is envisaged Council may place the proposal on public exhibition and send neighbor notification letters to adjoining or adjacent properties.

6 PUBLIC INTEREST

The public interest is best served by the maintenance of this heritage item for purposes permissible by the relevant planning regime, and in accordance with the prevailing planning controls. The proposed development is in the public interest as:

- it is permitted in the RU1 zone and consistent with the RU1 zone objectives;
- it will extend the life of a local heritage item; and
- it will not result in any adverse impacts on neighbours or the locality, and it is consistent with character of development in the area.

7 CONCLUSION

This SEE has shown that the development is within the public interest, from a social, economic and environmental perspective. The roof replacement development is the most suitable option for the development of the site. Any relevant matters have been addressed through this SEE.

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

- The proposal is permissible on the site with consent;
- The proposal will extend the life of a local heritage item and is supported by a statement of heritage impact report; and
- It shall not result in any adverse impacts on the existing character or amenity of neighbours or the area.

We look forward to Council's determination of this matter. If we can provide any further information or clarity, please don't hesitate to contact us.



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