

STATEMENT OF ENVIRONMENTAL EFFECTS

860 Raymond Terrace Road,
Millers Forest NSW 2324

Shed

November 2021

Buildcert Planning Pty Ltd

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Statement of Environmental Effects				
Rev No	Date	Revision details	Author	Checked
1	30.04.2021	Draft	C. Martinez Junior Planner	V. Toose Planning Manager
2	22.10.2021	Final	C. Martinez Junior Planner	V. Toose Planning Manager
3	02.11.2021	Amendment	C. Martinez Junior Planner	V. Toose Planning Manager

Buildcert Planning Pty Ltd hereby certify that this Statement of Environmental Effects (SEE) has been prepared in accordance with the requirement of the *Environmental Planning and Assessment Act 1979* and its associated Regulations. It is certified that to the best of our knowledge the information contained within this Report is neither false nor misleading.

This Statement of Environmental Effects accompanies the Development Application to Maitland City Council for the erection of a shed.

It is intended to provide further details, where necessary, on aspects covered in the drawings as well as provide additional information where required. The information following is provided to detail the merit of the proposed development in relation to the provisions set out in both the *Maitland Local Environmental Plan 2011* and *Maitland Development Control Plan 2011*.

DEVELOPMENT APPLICATION DETAILS	
Property Address	Lot 22/-/DP608763 860 Raymond Terrace Road, Millers Forest
Zone	RU1 Primary Production
Local Government Area	Maitland City Council
Calculations	Lot Area: 10.8ha
Existing Structures	Residential Dwelling, multiple sheds and a swimming pool.

The DA and statement has been prepared on behalf of the applicant and addresses the matters referred to in Section 4.15 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) and the matters required to be considered by the consent authority. The purpose of this SEE is to:

- Describe the existing environment to which the DA relates and the character of the surrounding area;
- Describe the proposed development;
- Outline the statutory planning framework within which the DA is assessed and determined; and
- Assess the proposed development in considering the relevant heads of consideration.

1.0 Site Location and Description



Figure 1: Aerial view, showing subject site outlined in red. (Source: LPI SIX Maps Viewer)

The subject site (the site) is accessed from the south side of Raymond Terrace Road, within a rural context; surrounding lands are predominately utilised for agricultural use.

Established residential development within the locality is predominately single storey in scale and often display characteristics that are representative of both substantial homestead-style dwellings to farmer's cottages.

The site presents similar structure to the proposed, already present and in use on the land.

The undeveloped site contains both forest vegetation and unmanaged grasslands throughout. The site is irregular in shape and has a total site area of 10.8ha.

Proposed Development

The applicant is proposing to construct a shed on to the site. The shed will display a maximum ridgeline height of 6.21m, as scaled from accompanying architectural plans. The use of the shed is likely to be for storage. As a feature the proposed shed will display a 1.5m high opening to allow flood waters to pass, in the event of a flood. This feature will ensure the design is flood compatible.

The shed will be sited at the southern portion of the site. The building has been positioned at this location due to existing land constraints, ease of establishing services and existing gravel driveway that provides access from the Raymond Terrace Road.

Details of the proposal include:

- Stormwater will be redirected to the nominated stormwater pipe, with overflow discharged to Council's requirements.
- Earthworks will be required associated with the grounding of pond located on the proposed shed location; installation of drainage infrastructure and establishment of the building foundation (slab).

The proposed development will be suitable for storage of hay, feed for livestock (cattle) and shelter for the animals in summer. The shed is not proposed to be used as a habitable building nor will serve as storage for machinery and other equipment.

An assessment of the proposed development has not identified any unreasonable adverse environmental impacts likely to arise as a result of the proposal. It is therefore recommended that consent for the proposed development is granted subject to Council's standard conditions.

2.0 Statutory Requirements

This section deals with the proposal's consistency with the various statutory and non-statutory provisions. It also addresses the relevant matters for consideration under Section 4.15 of the *Environmental Planning and Assessment Act 1979* (as amended).

Commonwealth Legislation - *Environment Protection and Biodiversity Conservation Act 1999*

The Commonwealth Environmental Protection and Biodiversity Conservation Act (EPBC) 1999, in conjunction with the Commonwealth Environmental Protection and Biodiversity Conservation Regulations 2000, provide the basis for national environmental protection and conservation.

The subject site is not situated on or near an area of environmental significance and does not contain any national environmental significance items.

State Environmental Planning Policies (SEPP)

The following State Environmental Planning Policies are considered applicable to the land and relevant to the proposal such as to warrant consideration:

State Environmental Planning Policy 55 – Remediation of Land (SEPP55)

SEPP 55 requires that where land is contaminated, Council must be satisfied that the land is suitable in its contaminated state or will be suitable after remediation for the purpose for which the development is proposed

To Buildcert Planning's knowledge there is no identified past contaminating activities on the site.

State Environmental Planning Policy (Koala Habitat Protection) 2021

The site is inserted within a Koala Management Area (Central Coast). Due to the nature of the proposal and no tree and vegetation removal to facilitate the works proposed will be required, it is considered that the development will not cause any adverse impacts to the Koala Management Area.

3.0 Local Environmental Plans (LEP)

Maitland Local Environmental Plan 2011 (MLEP 2011)

The site of the proposed development is located within the *RU1 Primary Production* zone as identified by the Maitland LEP 2011. The applicant seeks consent to erect a *Dwelling house* on the site, permissible in the zone.

Objectives of zone are as follows;

- *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 proposed development is consistent with the above objectives as it seeks to encourage the primary industry production with the erection of a shed. The proposed development is consistent with the objectives of the zone, as it will maintain the rural and scenic landscape character of the land.

Part 4 Principal Development Standards

4.1 Minimum Lot Size

Not applicable to this development.

4.3 Height of Buildings

There is no maximum allowable height prescribed for the site under the LEP.

4.4 Floor Space Ratio

There is no FSR applicable to this site.

Part 5 Miscellaneous provisions

5.21 Flood Planning

The subject site is identified as being within a flood planning area as identified within Maitland LEP.

The applicant is aware of the flood nature of the area, designing the proposal to have a flood mound that is 1.5m high and will have wall openings that are 1.5m high so that in the event of a flood, no significant adverse impacts are to occur to the development or cause flood behaviour to affect other developments or properties.

It is understood that this is a minor alteration within context, which, does not significantly alter the fundamental flow pattern in a flood event. No floodways will be impacted by this proposal.

The development incorporates appropriate measures to manage the risk of flood and is unlikely to affect the surrounding environment in the event of a flood due to its flood compatible design.

Part 7 Additional local provisions

7.1 Acid Sulfate soils

The site of the proposed development is identified as located within Class 2 and 5 Acid Sulfate Soils zone as prescribed by Maitland LEP 2011. The proposal includes groundworks (for the purpose of fill) and will be located within a site that has similar approved existing development.

The presence of Acid Sulfate Soil Class 2 is predominant where the development is proposed. However, since the project does not required earthworks for the purpose of cut, it is considered that development consent is not required.

7.2 Earthworks

Earthworks for the purpose of fill will be required for grounding of a pond, partially located where the development is proposed. The proposal will require minor excavation works to facilitate the establishment of the shed foundation.

All excavated material that is proposed to be removed from the site will be managed in accordance with Council Guidelines and the Department of Environment and Climate Change's (DECC) 'Waste Classification Guidelines Part 1: Classifying Waste'.

All fill material that is imported into the site will be Virgin Excavated Natural Material or material subject to a Resource Recovery Order that is permitted to be used as a fill material under the conditions of the associated Resource Recovery Exemption, in accordance with the provisions of the Protection of the Environment Operations Act 1997 and the Protection of the Environment (Waste) Regulation 2014.

It is believed that this development will not have any detrimental effect on the environmental features of the surrounding land due to the scale of the development.

4.0 Development Control Plan (DCP)

Maitland Development Control Plan 2011

Consideration has been given to the provisions of the relevant Development Control Plan. The proposed development is not inconsistent with the objectives or controls within the DCP. The following DCP Chapters are considered applicable to the proposal.

Part B – Environmental Guidelines

B.3 – Hunter River Floodplain

The applicant is aware of the flood prone land. The proposed shed is unlikely to significantly adversely affect flood behaviour or affect other development or properties. In the event of a flood, flood waters are likely to pass over and around the 1.5m high open shed walls as they would naturally across the site and not create any adverse impact on adjoining properties or alter the fundamental flow distribution.

The proposal also includes a 1.5m high flood mound that will assure that the shed structure is not affected by erosion and other effects, in the event of a flood. The flood mound has been respectively designed by a suitable structural engineer.

The development complies with Table 1: Flood Aware Design Requirements for Residential Development on Flood Prone Land.

All fill material that is imported into the site will be Virgin Excavated Natural Material or material subject to a Resource Recovery Order that is permitted to be used as a fill material under the conditions of the associated Resource Recovery Exemption, in accordance with the provisions of the Protection of the Environment Operations Act 1997 and the Protection of the Environment (Waste) Regulation 2014.

B.5 – Tree Management

As the site is located in land zoned RU1 Primary Production; any clearing of vegetation is administered through the Local Land Service: Hunter. No vegetation is required to be removed.

B.6 – Waste Not – Site Waste Minimisation & Management

Waste management, both during construction and post construction, will be as per Council Waste Management requirements. Any waste containers used in association with the

proposed works are to be located on the site where possible. A Waste Management Plan (WMP) accompanies this development application.

Part C – Design Guidelines

C.8 Residential Design

2.1 Site Analysis and Site Context

A site analysis of the proposed development site has been undertaken and the design of the proposed shed is a result of how the site relates to neighbouring land and rural context.

5 Street Building Setbacks

The DCP states that the minimum building line setback for RU1 zone is 20m from primary frontage. The proposal is not situated adjacent the frontage, being an irregular site that is accessed via the driveway battle-axe handle.

6 Side and Rear Setbacks

The DCP states that the minimum side and rear boundary setback for RU1 zone is 10m. The proposal is setback in excess of:

- Approximately 49m from the north side boundary.
- Approximately 11m from the south side boundary.
- Approximately 324m from the east boundary.
- Approximately 65m from the fence separating the production area (east) from the living/management area.

All the setbacks were scaled from the site plans and present measurements that comply with the DCP provisions.

7 Site Coverage and Unbuilt Areas

The proposal satisfies the requirements detailed in *Table 3 – Site Coverage and Unbuilt Areas of Section 7*.

Table 3 states the **maximum site coverage and minimum unbuilt area for a dwelling house is 60% and 40%** respectively. The proposal displays a total site coverage of less than 10% – Compliant with the DCP provisions.

8 Building Height, Bulk and Scale

The shed is positioned within an area of the site that will not impede upon any adjoining development in terms of bulk and scale. It has been specifically designed and articulated to present an appropriate scale and building typology in consideration of its rural location and lot size.

The proposal does not seek to build higher than the **maximum 8.0m** allowable under *Table 4 Section 8 of the Maitland DCP*; proposed at approximately 6.21m (ridgeline) – Complaint with the DCP provisions.

9 External Appearance

The shed is appropriate in terms of its appearance within a rural locality. The design, articulation and varied composition of external materiality will ensure the shed is both functional as storage area and a positive addition against the rural landscape it is sited amongst.

14 Fencing and Walls

No fencing is indicated to be proposed.

16 Views and Visual and Accoustic Privacy

The development is not considered to impact upon any view corridors or acoustic privacy, noting it will be sited 600m from any boundary and is not located upon a ridgeline to impede outlook.

17 Water and Energy Conservation

The dwelling house has been designed to maximise the conservation of water and energy. A BASIX Certificate has been generated for the proposal and accompanies the development application.

18 Stormwater Management

Stormwater will be redirected to the nominated stormwater pipe, with overflow discharged to Council's requirements.

Adjoining developments will not be impacted by stormwater at the proposal site.

19 Security, Site Facilities and Services

The proposed development will be provided with all relevant services and utilities. Refer to accompanying documentation.

5.0 Environmental Effects

The proposed development has been evaluated with regard to the matters for consideration of section 4.15 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) that have not been addressed elsewhere within this statement.

The Provisions of any Environmental Planning Instrument – 4.15 (1)(a)(i)

Consideration has been given to relevant Environmental Planning Instruments (EPI) above. The proposed development is not inconsistent with any EPI.

The Provisions of any Draft Environmental Planning Instrument – 4.15(1)(a)(ii)

The proposal has been considered with regards to any Draft Environmental Planning Instrument.

The Provisions of any Development Control Plan – 4.15(1)(a)(iii)

Consideration has been given to the provisions of the relevant Development Control Plan. The proposed development is not inconsistent with the objectives or controls within any DCP.

The Provisions of any Planning Agreement – 4.15(1)(a) (iiia)

None applicable to this application.

The Provisions of the Regulations – 4.15(1)(a)(iv)

None applicable to this application.

The Provisions of any Coastal Zone Management Plan – 4.15(1)(a)(v)

None applicable to this application.

Likely Impacts of the Development – 4.15(1)(b)

Likely Impacts	Assessment
<i>Context and Setting</i>	The proposal is appropriately located within the site and with respect to adjoining properties.
<i>Access, Transport and Traffic</i>	Any additional traffic generated by the proposed development would not create any adverse impact on the surrounding road network and ample local parking exists.
<i>Public Domain</i>	The proposal would not result in any adverse impacts to the public domain.
<i>Utilities</i>	The proposal will be connected to the mains power and reticulated sewer and water.
<i>Heritage</i>	Not relevant to the subject site.
<i>Other Land Resources</i>	The proposed development would not alienate other uses within the site or on neighbouring sites and would limit the demands on other lands.

Likely Impacts	Assessment
<i>Water Quality</i>	Stormwater management to Council regulations.
<i>Soils</i>	The site of the proposed development is identified as being located within the Class 5 Acid Sulphate Soils zone. As the development includes minimal ground works, it is not expected investigation is required.
<i>Air and Microclimate</i>	The proposal is expected to have a negligible impact on the existing air quality and microclimate.
<i>Ecological</i>	There are negligible ecological impacts anticipated.
<i>Waste</i>	Waste generated will be handled through existing waste collection and recycling services that presently available, with additional services used on occasion.
<i>Energy</i>	The proposed development incorporates applicable energy efficient design features.
<i>Noise and Vibration</i>	The proposal would have negligible impact on the existing air quality and microclimate.
<i>Natural Hazards</i>	The site is identified as being flood affected. There is no anticipated increase of risk to life or property as a result of the works proposed.
<i>Technological Hazards</i>	None exist in respect to this type of development.
<i>Safety, Security and Crime Prevention</i>	The development is designed and located to ensure safety and security would be maintained.
<i>Social Impact in Locality</i>	The proposal does not introduce a type of development or scale of development that would result in an adverse impact.
<i>Economic Impact in Locality</i>	No adverse economic impact expected, and the proposal would not impact future economic viability of the locality.
<i>Site Design and Internal Design</i>	Commensurate to existing built form and context of surrounding urban locality.
<i>Construction</i>	To Council and BCA requirements.
<i>Cumulative Impacts</i>	None are likely to result from this scale of development.

Ecologically Sustainable Development

The principles of ecologically sustainable development (ESD) have been considered in preparing this SEE. Schedule 2 of the Environmental Planning and Assessment Regulation 2000 note that ecologically sustainable development requires the effective integration of economic and environmental considerations in decision-making processes. The principles of ESD have been considered in the preparation of this SEE and development design. The proposed development is considered to be able to comply with the ESD objectives for the site.

Suitability of the Site for Development

The subject site is considered suitable for the proposed development in this location. The SEE

has demonstrated in detail that the site is suitable for the proposed development. In summary, suitability is achieved given:

- The proposed development is permissible and will be consistent with the relevant zone objectives;
- The development will respect the existing and desired future character of the immediate and surrounding locality;
- There are no prohibitive constraints posed by the site or those adjacent.

Submissions

Should the proposal be notified in accordance with the requirements of Council's DCP, providing opportunity for the public to comment on the development, all reasonable concerns raised in any submissions will be considered.

Public Interest

It is considered that the proposal will have no detrimental effect on the public interest, subject to appropriate conditions being proposed.

6.0 Conclusion

The application for development seeks assessment and consent under the provisions of section 4.15 of the Environmental Planning and Assessment Act 1979. The development is a permissible use of the land under the *Maitland Local Environmental Plan 2011* and In light of the minor merits of the proposal and the absence of any adverse environmental impacts, it is therefore submitted that Council favourably consider the proposed development, subject to appropriate conditions of consent.