

STATEMENT OF ENVIRONMENTAL EFFECTS

96 Knockfin Road,
Luskintyre NSW 2321

Erection of Dwelling to Create Dual Occupancy

July 2021

Buildcert.
PLANNING

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Statement of Environmental Effects				
Rev No	Date	Revision details	Author	Checked
1	09.07.2021	Final	L. Grainger Junior Planner	Valeria Toose Planning Manager

This Statement of Environmental Effects accompanies the Development Application to Maitland City Council for the erection of a double storey dwelling house to create dual occupancy. 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 1431/-/DP 1170670 96 Knockfin Road, Luskintyre 2321
Zone	RU1 Primary Production
Local Government Area	Maitland City Council
Calculations	Lot Area: 4.25ha m ² Dwelling Area: 361.54m ²
Existing Structures	Dwelling and ancillary structures.

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 SoEE 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 development site (the site) is a generally rectangular parcel of land; approximately 4.25ha in site area. Access to the site is granted via the Knockfin Road frontage (north). Surrounding development is comprised of a collaboration of low-density residential development within similarly large scale allotments and land designated for agricultural primary production.

The rear boundary of the site is formed by the Hunter River waterbody bounding the site at the southwestern side.

Topographically, the site is varied; within the development area the land falls approximately 4m from the north to south. The site then continues falling to the southwest towards to the banks of the bounding waterbody. The development area contains only grassed area.

Proposed Development

The applicant seeks consent to erect a double storey dwelling with garage for three (3) vehicles on the allotment. More specifically, the proposal will:

- Erect a four (4) bedroom face brick dwelling with a hip sheet metal roof and gable features. Combined living areas and covered outdoor living area are to be utilised as the principal Private Open Space (POS)
- Site works include cut (approx. 1.14m) and fill (approx. 1.0m) to facilitate the new building on the site. Excess soil will be spread across the site. Ground works required are associated with the installation of services and drainage infrastructure and establishment of the building foundation (concrete slab).
- The dwelling is to have a maximum ridgeline height of 7.75m, measured from the existing ground level (EGL).

The development proposes the following setbacks:

- Dwelling to frontage: 191m
- Garage to frontage: 192m
- Dwelling to east side boundary: 64m
- Dwelling to west side boundary: 22m
- Dwelling to south rear boundary: 198m

Stormwater will be directed to an above ground poly rainwater tank and reticulated from there to new toilet cisterns, cold-water washing machine taps and external yard taps. Stormwater overflow will be directed to soakage pit (rear of dwelling).

Essential services, including water, sewer, electricity and telecommunications are available to the site.

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).

Roads Act 1993

New driveway access is required, sought under *Section 138 of the Roads Act 1993*.

Biodiversity Conservation Act 2016 No 63

The Biodiversity Conservation Act 2016 (BC Act) came into force on 25 August 2017 and supersedes the Threatened Species Conservation Act 1995 (TSC Act). The BC Act requires all types of development (Part 4 and Part 5 developments) to be assessed to determine whether the biodiversity offset scheme is to be applied.

While it is noted that the site is mapped as partially containing biodiversity value (abutting the rear boundary line), the proposed development, including any services, are not located within the area identified by the map.

No new or additional clearing of vegetation that is mapped as biodiversity will be required for the proposed pool. As such no further assessment is considered to be required under the Biodiversity Conservation Act.

Consideration was afforded to other legislation, including legislation concerning whether the proposal is integrated development.

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 No. 55 – Remediation of Land

The site is not identified as potentially contaminated in Council's inventory, with previous consideration undertaken as part of the parent subdivision approved by Council.

State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

The State Environmental Planning Policy was enacted to ensure buildings are designed to use less potable water and minimise greenhouse gas emissions by setting energy and water reduction targets for residential houses and units.

A BASIX assessment has been undertaken as part of the proposed development, by a qualified Building Sustainability Assessments consultant, the certificate for the proposal plans is attached with this application.

State Environmental Planning Policy (Koala Habitat Protection) 2021

The aim of this SEPP, Koala Habitat Protection is to encourage the proper conservation and management of areas of natural vegetation that provide habitat for koalas to ensure a permanent free-living population will be maintained and increased. The SEPP requires proponents and consent authorities to consider a number of steps to determine the impact a proposed development may have on core koala habitat.

The subject site area, is cleared following residential and agricultural activities and does not contain any habitat areas on the site comprising Potential Koala Habitat (PKH), as defined in Schedule 2 of the SEPP. There is no direct evidence or secondary indications of Koala presence in or around the subject site.

As such, it is considered that no further provisions of this Policy apply to this development application.

3.0 Local Environmental Plans (LEP)

Maitland Local Environmental Plan 2011

The subject development is located within land mapped as RU1 Primary Production. The proposed development is defined as *dual occupancy* and is permissible with Council consent in the RU1 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 proposal satisfies the objectives of the zone by establishing a low-density residential use on the site in the form of a dwelling house; imposing minimal fragmentation and alienation of the resource land. The proposal will not prevent other land uses from taking place within the zone and will not cause conflict between land uses within this zone and land uses within adjoining zones.

Principal development standards

Clause 4.2A Erection of dwelling houses on land in certain rural and environmental protection zones

Development consent must not be granted for the erection of a dwelling house or dual occupancy on land to which this clause applies unless the land—

(a) is a lot that is at least the minimum lot size shown on the Lot Size Map in relation to that land, or

(b) is a lot created before this Plan commenced and on which the erection of a dwelling house or dual occupancy was permissible immediately before that commencement, or

(c) is a lot resulting from a subdivision for which development consent (or equivalent) was granted before this Plan commenced and on which the erection of a dwelling house or dual occupancy would have been permissible if the plan of subdivision had been registered before that commencement, or

(d) would have been a lot or a holding referred to in paragraph (a), (b) or (c) had it not been affected by—

(i) a minor realignment of its boundaries that did not create an additional lot, or

(ii) a subdivision creating or widening a public road or public reserve or for another public purpose, or

(iii) a consolidation with an adjoining public road or public reserve or for another public purpose.

The proposed development serves to satisfy points (b) & (c), in that the subject lot was a lot created before the commencement of the current Maitland LEP 2011, inclusive of subdivision to the land (16.11.2011), had been registered prior to the commencement of the plan and to which the erection of a dwelling house and dual occupancy was identified as permissible immediately before the commencement of the current Maitland LEP 2011.

Development sub-division plan accompanies this development application.

Clause 4.3 Height of buildings

There is no applicable height limit for the subject land.

Clause 4.4 Floor Space Ratio

There is no applicable floor space map for the subject land.

Part 5 Miscellaneous provisions

None applicable.

Part 6 Urban release areas

Non applicable to the subject development.

Part 7 Additional local provisions

Clause 7.1 Acid Sulfate soils

The subject site is identified as land potentially affected by the Class 5 Acid Sulfate Soils. The proposal is not located within 500 metres of adjacent Class 1, 2, 3 or 4 Acid Sulfate soils, nor involve works by which the watertable is likely to be lowered below 1 metre Australian Height Datum on adjacent Class 1, 2, 3 or 4 land.

Any future consent for the works can be appropriately conditioned to ensure if the presence of Acid Sulfate Soils is found, the suitable measures will be taken to ensure no environmental damage occurs.

Clause 7.2 Earthworks

Site works include cut (approx. 1.14m) and fill (approx. 1.0m) to facilitate the new building on the site. Excess soil will be spread across the site. Ground works required are associated with the installation of services and drainage infrastructure and establishment of the building foundation (concrete slab).

All water run-off is to be contained on site within the boundaries or controlled with sediment control fencing and is not to cause nuisances to adjoining sites. The aforementioned works will be undertaken to ensure the drainage patterns and soil stability of site and adjoining lands is not compromised.

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'*.

And, any 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*.

Clause 7.3 Flood Planning

(1) The objectives of this clause are as follows—

- (a) to minimise the flood risk to life and property associated with the use of land,
- (b) to allow development on land that is compatible with the land's flood hazard, taking into account projected changes as a result of climate change,
- (c) to avoid significant adverse impacts on flood behaviour and the environment.

The subject site is identified as being partially located within a flood planning area as identified within Maitland LEP. Flood planning levels applicable to the land necessitate a minimum finished floor level of 26.23m AHD.

The applicant is aware of the flood nature of the area, designing the proposal to have a finished floor level (FFL) in excess of 37m AHD 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.

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.

4.0 Development Control Plan (DCP)

Maitland Development Control Plan 2011

Consideration has been given with regards to the outcomes and prescriptive requirements of the Maitland Development Control Plan 2011. The proposed development is considered consistent with these requirements in the DCP. The following Chapters are considered applicable to the proposal.

Part B Environmental Guidelines

B.2 Domestic Stormwater

Stormwater will be directed to an above ground poly rainwater tank and reticulated from there to new toilet cisterns, cold-water washing machine taps and external yard taps. Stormwater overflow will be directed to soakage pit (rear of dwelling).

B.3 Hunter River Floodplain

The subject site is identified as being partially effected by flood hazard. Flood planning levels applicable to the land necessitate a minimum finished floor level to habitable structures of 26.23m AHD.

The applicant is aware of the flood nature of the area, designing the proposal to have a finished floor level (FFL) in excess of 37m AHD 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.

No floodway's 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.

B.4 On-Site Sewage Management System

The proposed development will be serviced by an on-site sewerage treatment plant (to be supplied and installed by owner), transferring wastewater flow to designated effluent area (behind dwelling). Please refer to Architectural Plan set.

B.5 Tree Management

To Builder Planning's knowledge no trees or significant vegetation are proposed for removal to facilitate the proposed development. All trees within proximity to the development will acquire suitable protection for the duration of development works.

B.6 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 demolition 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 & Site Context

A comprehensive site analysis of the proposed development site has been undertaken and the design of the proposed dwelling is a result of how the site relates to neighbouring allotments, development and natural environment.

Single detached dwellings under this section are exempt from requiring Site Analysis and Context Analysis documents to accompany the Development Application.

4 Bulk Earthworks and Retaining Walls

Site works include cut (approx. 1.14m) and fill (approx. 1.0m) to facilitate the new building on the site. Excess soil will be spread across the site. Ground works required are associated with the installation of services and drainage infrastructure and establishment of the building foundation (concrete slab). The cut and fill is limited to levelling the site and is largely contained within the building footprint. It is considered that the earthworks proposed will not cause disruption of, or any detrimental effect on, drainage patterns and soil stability in the locality of the development.

All water run-off is to be contained on site within the boundaries or controlled with sediment control fencing and is not to cause nuisances to adjoining sites.

Accordingly, erosion and sediment control measures will be implemented prior to the commencement of works and maintained during the period construction in accordance with the requirements of *Managing Urban Stormwater: Soils and Construction 4th Edition - Vol. 1 (the 'Blue Book')* published by Landcom 2006.

5 Street Building Setbacks

The proposed setbacks complement the future desired streetscape character and ensures the best functionality of the site, whilst allowing for the private open space requirements of the allotment.

The proposal, including the garage element will display a setback in excess of **191m** from the frontage.

6 Side and Rear Setbacks

The proposal allows for adequate areas for landscaping at the side and rear of the site, and acceptable levels of privacy and natural light.

The proposal is compliant with Principle design requirements for side and rear setbacks for rural zones – The proposal will display a setback of **22m** to the west side boundary and **64.3m** to the east side boundary. The proposed development is compliant with the setback provisions.

7 Site Coverage and Unbuilt Areas

The proposal maximises opportunities for soft and deep soil landscaping and deep soil plantings due to the large percentage of unbuilt area available on the site, which will also allow for permeable surface area to aid in the on-site dispersion of the stormwater.

This proposal seeks to improve the visual amenity of the surrounding area and enhance the streetscape.

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 & Dual Occupancy is 60% and 40%** respectively. The development proposes the following:

- Total site coverage: 0.05%

8 Building Height, Bulk and Scale

The proposed dual occupancy dwelling house is designed, oriented and articulated to minimise bulk and scale when viewed from the street and surrounding locality, and is consistent with existing and desired future development within the locality in this regard. In respect to the ample setback of the proposed development from the frontage, it is not expected for the dwelling to be fully identifiable from the frontage.

At a maximum height of **7.75m** from natural ground level, the proposal does not seek to build higher than the **Maximum 8m** allowable under Table 4 Section 8 of the Maitland DCP.

9 External Appearance

The proposed dwelling house demonstrates an external appearance which responds to the surrounding environment and is compatible with the vision for future residential development in the locality. The use of textured finishes; face brick, vertical cladding and sheet metal hip roof will ensure an appropriate contemporary aesthetic.

Garaging

The DCP states that garages should be no greater in width than **50 per cent of the total width of the dwelling's frontage**.

The garage element will display a total width of **7.2m**, occupying a total width of **47%** of the dwelling frontage. The proposed development is compliant with this control.

10 Open Space

The proposal includes level areas for use as private open space which are compliant with the minimum dimensions displayed in Figure 20 of the DCP. Identified as outdoor living – 39.43m² in addition to the grassed areas to the north, east and south. These areas are both functional and easily accessible from the main living areas of the dwelling and have access to northern sunlight for a minimum of 3 hours during 21 June.

13 Landscape Design

Landscape planting will be provided at the front setback, side setback and rear yard.

14 Fencing and Walls

None proposed.

15 Driveway Access and Parking

Provision for driveway access and car parking on the site will be to Council requirements; three (3) spaces will be provided on the site, secured within the integrated triple garage.

16 Views and Visual Acoustic Privacy

The proposed dwelling house has been designed to capture any potential outlook from the site whilst not compromising view corridors that are present within the locality. This is further augmented by the orientation of the subject lot with respect to adjoining allotments and expected siting of dwellings on these neighbouring allotments.

On-site noise generating sources including the air conditioning unit, and recreation areas are located to ensure that the noise levels generated have minimal impact to adjoining properties.

Overall, the proposed development is not anticipated to detrimentally impact adjoining properties with regards to visual amenity. The proposal displays a compliant setback to each boundary which will ensure the direct overlooking from a habitable rooms is dismissed.

17 Water and Energy Conservation

The dwelling house has been designed to maximise the conservation of water and energy. A BASIX Certificate relating to the development has been completed and is attached.

18 Stormwater Management

Stormwater will be directed to an above ground poly rainwater tank and reticulated from there to new toilet cisterns, cold-water washing machine taps and external yard taps. Stormwater overflow will be directed to soakage pit (rear of dwelling).

19 Security, Site Facilities and Services

The proposed development allows for adequate safety and security by allowing for passive surveillance, achieved through appropriate design elements. Appropriate arrangements for recycling, garbage and mail collection have been provided for in accordance with the DCP.

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 Planning Agreement 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 the Draft Environmental Planning Instrument.

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 or site.

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

Repealed.

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.

<i>Likely Impacts</i>	<i>Assessment</i>
<i>Water Quality</i>	Stormwater management to Council regulations.
<i>Soils</i>	The subject allotment is identified under the LEP as affected by Class 5 Acid Sulfate Soils. Given the moderate nature of earthworks, the development does not drain or expose acid sulfates. Accordingly, no Acid Sulfate Soils Management Plan 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 will not generate unacceptable noise or vibration.
<i>Natural Hazards</i>	Flood impacts have been addressed.
<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 SoEE. 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 SoEE 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– 4.15(1)(c)

The subject site is considered suitable for the proposed development in this location. The SoEE 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–4.15 (1)(d)

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–4.15(e)

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 displays compliance with the objectives and controls of the *Maitland Development Control Plan 2011*

It is therefore submitted that Council favourably consider the proposed development, subject to conditions.