

DOCUMENT TITLE

Statement of Environmental Effects – Rev A

OWNER

Aboriginal Housing Office

PROJECT

Proposed Dwelling
Lot 8 Sec 53 DP 759144
Bruce Street

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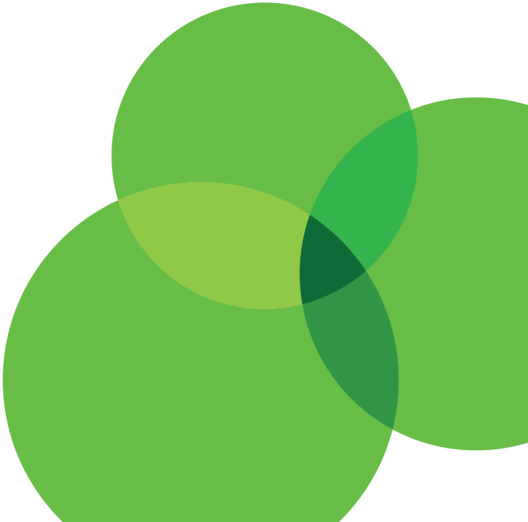


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1. Introduction

1.1. Project Scope

This Statement of Environmental Effects (SEE) has been prepared by Currajong Pty Ltd (Currajong) on behalf of Jefe Constructions for the proposed Dwelling on Lot 8 Sec 53 DP 759144, Bruce Street, Young. This document has been prepared to accompany a Development Application (DA) for determination by Hilltops Council.

1.2. Project Overview

A high-level overview of the proposed development is included as follows:

- **Existing Site Conditions.** A site survey has been completed to identify the existing natural and built features of the subject land and to properly inform the site layout and building design for the project. A copy of the site survey confirms the land is currently vacant of any buildings or structures. The area of the land is calculated to be 1015.95m². The land contains a number of trees which will require removal in order to facilitate the construction of the two semi-detached dwellings. There is an existing concrete post and wire mesh fence located along the western (front) property boundary and none of the other boundaries are currently fenced. There is a single electricity pole located within the confines of the property boundary and this is positioned generally in the south-eastern corner. Poles and wires are also located within the Bruce Street road reservation. The land slopes generally from the south to the north and there is a fall of approximately 3.0m from the SE to the NW corners of the lot.
- **New Constructions.** The proposal involves the Construction of a single residential dwelling. The dwelling is to be constructed as split-level single storey brick veneer dwelling with 5 bedrooms, single bathroom, single ensuite, laundry, study nook, combined kitchen / dining and family, media room and outdoor entertaining area. The proposed dwelling has been designed with an attractive street elevation to Bruce Street and is designed to accommodate the sloping nature of the site. The dwelling has also been designed to achieve acceptable levels of privacy and amenity for occupants of the proposed dwelling as well those on adjoining properties.
- **Land title.** The subject land is not burdened by any existing easements, restrictions or other incumbrances.
- **Access.** Practical and legal access to the development is to be provided directly from Bruce Street, which is an existing public road that is owned and maintained by Hilltops Shire Council. Bruce Street is constructed with a 10m wide sealed road surface sufficient for two-way traffic movement and on-street parking as necessary. Bruce Street has kerb and gutter infrastructure which is assessed to be in good condition and connects to underground stormwater infrastructure further north of the development site. The proposal will require the construction of a new access crossing to Hilltops Council's minimum engineering specifications for urban access crossings.
- **Utilities and Servicing.** The proposed development will be connected to all available urban services and utilities including reticulated water and sewer, grid electricity and NBN telecommunications. Relevant services are understood to be available within the road reservation to Bruce Street and connection is to occur in accordance with the specific requirements of the relevant authorities.
- **Stormwater Management.** Stormwater is proposed to be managed by diverting all roof-water (including rainwater collection tank overflow) directly to the public drainage system in Bruce Street.
- Further details relating to the proposed development have been included in the following sections of this Statement of Environmental Effects.

Further details relating to the proposed development have been included in the following sections of this Statement of Environmental Effects. Architectural drawings for the proposed dwelling have been prepared by Design Six One. Copies of these drawings have been submitted with the DA.

1.3. Approvals Required

The proposal requires development consent under Part 4 of the Environmental Planning and Assessment Act 1979 (EP&A Act) and a Development Application is to be lodged with Hilltops Shire Council via the NSW Planning Portal, along with a Statement of Environmental Effects (this report) and various plans in support of the proposed dwelling.

The proposal is local development, as it does not trigger any of the provisions listed below:

- The proposal is not 'designated development' pursuant to Part 1 of Schedule 3 of the Environmental Planning and Assessment Regulation 2021 (EP&A Regulation) and an Environmental Impact Statement is not required.
- The proposal does not trigger 'regionally significant development' because it is not designated development and is and is general development less than \$30 million, pursuant to State Environmental Planning Policy (Planning Systems) 2021.
- The proposal does not trigger 'integrated development' because it does not require any other approval listed under Section 4.46 of the EP&A Act 1979.
- The proposal does not trigger the Biodiversity Offset Scheme as the proposal does not require the clearing of native vegetation exceed nominated thresholds.

1.4. Application Details

The key details of the application are presented in Table 1 as follows.

Table 1 – Application Details

Applicant	Currajong
Landowner	Aboriginal Housing Office
Developer	Aboriginal Housing Office
Proposed Site	Lot 8 Sec 53 DP 759144, Bruce Street, Young NSW
Proposal	Dwelling
Zoning	R1 General Residential
Consent Authority	Hilltops Shire Council

1.5. Format of this Report

The information presented in this SEE covers all aspects of the proposal as specified under the EP&A Regulation 2021. The SEE has been prepared as a single document of several sections as shown in Table 2 below.

Table 2 – Report Format

Section 1	Introduces the proposal and the main project drivers.
Section 2	Describes the main features of the site and surrounds.
Section 3	Provides a description of the proposal
Section 4	Reviews the proposal against the relevant legislative requirements.
Section 5	Assesses the potential environmental impacts of the proposal and documents the proposed mitigation and management strategies proposed to minimise impacts.
Section 6	Reviews the proposal against the environmental, economic and social considerations
Section 7	Provides the conclusion for the SEE.



2. DEVELOPMENT SITE DESCRIPTION

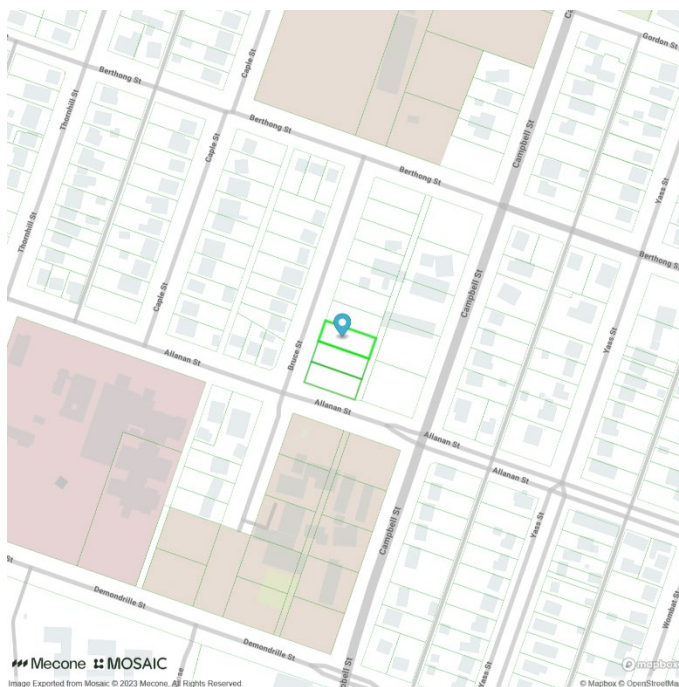
2.1. Site Description

The subject land is described as Lot 8 Sec 53 DP 759144, Bruce Street, Young. Key features of the site and it's existing environs is included as follows:

- The total area of site is approximately 1,015.95m².
- The site is currently vacant of any existing structures. The only built form on the land relates to an existing concrete post and wire mesh fence on the western (front) boundary. None of the other boundaries are currently fenced.
- The site contains a number of trees which will require removal in order to facilitate the construction of the two semi-detached dwellings. Some of the trees are native species and others are exotic species.
- There is a single electricity pole located within the confines of the property boundary and this is positioned generally in the south-eastern corner. Poles and wires are also located within the Bruce Street road reservation.
- The land is currently not connected to reticulated water supply, sewer or electricity.
- Practical and legal access to the development is from Bruce Street, which is an existing public road that is owned and maintained by Hilltops Shire Council. Bruce Street is constructed with a 10m wide sealed road surface sufficient for two-way traffic movement and on-street parking as necessary. Bruce Street has kerb and gutter infrastructure which is in good condition and connects to underground stormwater infrastructure further north of the site.
- The site slopes generally from the south to the north and there is a fall of approximately 2.0 – 2.5m from the SE to NW corner of the site.

Figure 1 shows the location of the subject site, followed by various photographs of existing site conditions and features.

Figure 1 – Bruce Street Locality Map



Photographs 1 – 3 shows the existing site conditions and key features of the existing natural and built environment relating to the subject land.



Photograph 1 – View East from Bruce Street towards western boundary of Lot 8.



Photograph 2 – View North-East from Bruce Street towards western boundary of Lot 8.





Photograph 3 – View of Bruce Street looking North.

2.2. Surrounding Land-use

The site is located within the Young urban area.

Lot 6 Sec 53 DP 759144 is an existing portion of land that is owned by the Aboriginal Housing Office and forms part of a larger group of allotments formerly associated with the former Mercy Place Mount St Joseph Care Facility.

Land on the western side of Bruce Street is used for residential purposes. Built form is characterised by single storey dwellings on lots ranging in size from 600m² to 1,100m². There are no listed heritage items or heritage conservation areas in the locality.

In close proximity of the site is the Young Health Service, Young Public School, Young High School, and the Young Regional Conservatorium. Young Central Business District (CBD) is located approximately 1km to the north.

Generally, the location of the subject land is well suited to future residential use, with excellent access to key community facilities and services.

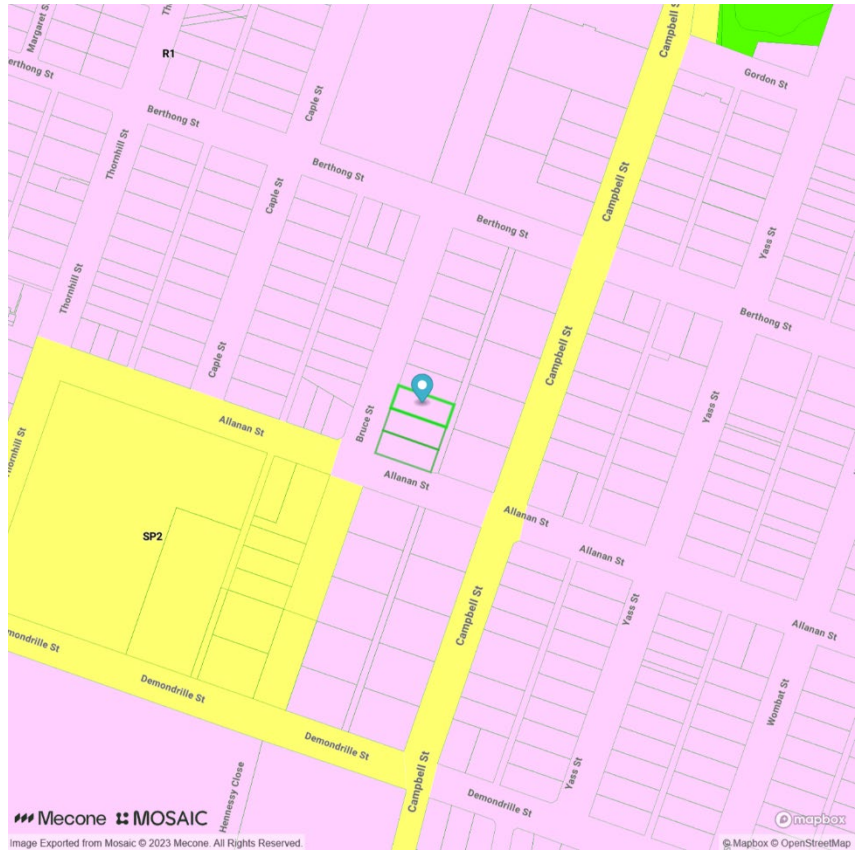


2.3. Land Zoning

The site is zoned R1 General Residential under the Hilltops Local Environmental Plan (LEP) 2022. All surrounding land is similarly zoned R1 General Residential. Figure 2 shows the zoning framework applying to the subject land and surrounding sites under Hilltops LEP 2022.

Figure 2 – Zoning Map

Land Zoning	
B1	Neighbourhood Centre
B2	Local Centre
B5	Business Development
B7	Business Park
E1	National Parks and Nature Reserves
E2	Environmental Conservation
E3	Environmental Management
IN1	General Industrial
IN2	Light Industrial
R1	General Residential
R5	Large Lot Residential
RE1	Public Recreation
RE2	Private Recreation
RU1	Primary Production
RU3	Forestry
RU4	Primary Production Small Lots
RU5	Village
SP2	Infrastructure
SP3	Tourist
W2	Recreational Waterways



3. DESCRIPTION OF THE PROPOSAL

3.1. Objectives of the Proposal

The objectives for the proposal are to:

- Provide a high quality, and well-designed dwelling that integrates within the existing residential setting of the land, complements streetscape amenity, and provides quality indoor and outdoor living spaces for the enjoyment of future residents.
- Provide for the erection of a dwelling that has been suitably designed having regard to identified site constraints and opportunities.
- Provide quality indoor and outdoor living spaces for the enjoyment of future residents.
- Minimise to the greatest extent possible, impact to the local environment and community stakeholders.

3.2. The Proposal

3.2.1. Subdivision Works

The proposal does not include any subdivision works.

3.2.2. Building Works

A description of the proposed buildings works associated with the development is as follows:

- Construction of a single residential dwelling. The dwelling is to be constructed as split-level single storey brick veneer dwelling with 5 bedrooms, single bathroom, single ensuite, laundry, study nook, combined kitchen / dining and family, media room and outdoor entertaining area. The proposed dwelling has been designed with an attractive street elevation to Bruce Street and is designed to accommodate the sloping nature of the site. The dwelling has also been designed to achieve acceptable levels of privacy and amenity for occupants of the proposed dwelling as well those on adjoining properties.
- Installation of rainwater collection tanks to meet minimum BASIX specifications.
- Site cut and associated earthworks are required in order to create a suitable building pad for the construction of the proposed dwelling. The plans submitted with the DA show that the slope of the land requires a careful design response in order to minimise site cut and fill, optimise streetscape appeal and create practical indoor and outdoor spaces for future occupants of the dwellings. This is achieved through a stepped building form, appropriate setbacks to boundaries and use of retaining walls where necessary.
- All building work will comply with the Building Code of Australia (BCA) and structural works are to be completed in accordance with engineering certification.

3.2.3. Practical and Legal Access

A description of the access arrangements associated with the development is included as follows:

- Practical and legal access to the development is to be provided directly from Bruce Street, which is an existing public road that is owned and maintained by Hilltops Shire Council.
- Bruce Street is constructed with roadside kerb and gutter infrastructure and has a 10m wide sealed carriageway with sufficient width for two-way traffic movement and on-street parking as necessary.
- The proposal involves the construction of a new hardstand internal driveway access, connecting the double-spaced garage in the dwelling to Bruce Street.

3.2.4. On-site Car Parking

A description of the proposed on-site car parking arrangements is as follows:

- The proposed dwelling to include provision for two car parking spaces in an enclosed garage.



- On-site visitor car parking is not provided (or required). Adequate opportunities will be available for visitor parking from Bruce Street, or within the front driveway area to the proposed dwelling.

3.2.5. Landscaping

A description of the proposed landscaping arrangements is as follows:

- Landscaped areas to BASIX minimum requirements.
- Landscape and path installations in accordance with concept landscape plan submitted with the DA.
- Retention of all existing trees on the site and within the road reserves where possible. Trees requiring removal (and therefore a permit from Hilltops Council) are identified in an Arborist Report prepared by Mark D McCrone Landscape Architect and submitted with the DA. Further details of the tree removal is included in Section 4.5.2 of this SEE.

3.2.6. Utilities and Services

- The proposed development will be connected to all available urban services and utilities including reticulated water and sewer, grid electricity and NBN telecommunications.
- Relevant services are understood to be available within the road reservation to Bruce Street and connection is to occur in accordance with the specific requirements of the relevant authorities.
- Stormwater is proposed to be managed by diverting all roof-water (including rainwater collection tank overflow) directly to the public stormwater drainage system in Bruce Street.

3.2.7. Staging

The proposed development is not lodged with Hilltops Shire Council as a staged development.

4. PLANNING AND LEGISLATIVE CONTEXT

The following section of the report describes the applicable local planning policies, State and Federal legislation and guidelines. The applicable documents are summarised in this section, followed by a statement outlining how the development will address and / or comply with the legislation or policy.

4.1. Commonwealth Legislation

Section 4.1 describes the applicable Federal legislation and guidelines followed by a statement outlining how the development will address and / or comply with the legislation or policy.

4.1.1. Environment Protection and Biodiversity Conservation Act 1999

Under the Federal Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act), referral is required to the Australian Government for proposed actions that have the potential to significantly impact on Matters of National Environmental Significance (MNES) or the environment of Commonwealth land. The EPBC Act identifies the following as matters of national environmental significance for which Ministerial approval is required:

- World heritage properties.
- Wetlands of international significance.
- Listed threatened species and communities.
- Listed migratory species protected under international agreements.
- National Heritage Places.
- Protection of the environment from nuclear actions.
- Commonwealth Marine environments.

Assessment of the proposal's impact on MNES confirms there is unlikely to be a significant impact on relevant MNES or on Commonwealth land. Accordingly, the proposal would not warrant referral under the EPBC Act.

4.2. New South Wales Legislation

Section 4.2 describes the applicable state legislation and guidelines followed by a statement outlining how the development will address and / or comply with the legislation or policy.

4.2.1. Environmental Planning and Assessment Act 1979

The EP&A Act 1979 forms the legal and policy platform for development assessment and approvals process in NSW. The objects of the EP&A Act 1979 are:

- a. to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources,
- b. to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,
- c. to promote the orderly and economic use and development of land,
- d. to promote the delivery and maintenance of affordable housing,
- e. to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats,
- f. to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),
- g. to promote good design and amenity of the built environment,
- h. to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,
- i. to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State,

- j. to provide increased opportunity for community participation in environmental planning and assessment.

Under the EP&A Act, local councils prepare Local Environment Plan (LEPs) that specify planning controls for specific parcels of land. The EP&A Act also provides for State Environmental Planning Policies (SEPPs) and Regional Environmental Plans (REPs). Applicable environmental planning instruments are discussed in later sections of this report.

Development consent is required for the proposal pursuant to the Hilltops LEP 2022. The proposal is assessed to be consistent with relevant environmental planning instruments, as evidence in this SEE.

4.2.2. Local Government Act 1993

Section 68 of the Local Government Act 1993 (LG Act) specifies that approval is required for a number of activities carried out on operational land, including:

- Structures or places of public entertainment.
- Water supply, sewerage and stormwater drainage work.
- Management of trade waste in the sewerage system.
- Swing or hoist goods over a public road.
- Install a domestic oil or solid fuel heating appliance.

Local government approvals are required for plumbing and drainage works. No LG approvals have been applied for at this stage. Issue of a Construction Certificate provides further opportunity for the applicant to liaise with Hilltops Council regarding their requirements for LG approvals.

4.2.3. Heritage Act 1977

The Heritage Act 1977 provides for the conservation of environmental heritage defined as places, buildings, works, relics, moveable objects, and precincts, of State or local heritage significance which are at least 50 years old. The Act applies to non-Aboriginal relics only, as Aboriginal relics are protected under the National Parks and Wildlife Act 1974.

The subject site is not listed on the State Heritage Register and an approval from Heritage NSW is not required under the Heritage Act 1977. The site is not listed in the Schedule to Hilltops Local Environmental Plan 2022 as an item of local heritage significance and the land is not located within any Heritage Conservation Areas. Heritage issues are assessed under Section 5 of this SEE.

Heritage issues / impacts are assessed under Section 5 of this SEE. In general, no heritage issues / impacts have been assessed to apply, and no separate approvals are required relating to heritage matters.

4.2.4. National Parks and Wildlife Act 1974

The National Parks and Wildlife Act 1974 (NPW Act) is administered by the Office of Environment and Heritage and provides the basis for the legal protection of flora and fauna in NSW. Unless a licence is obtained under the NPW Act (or the Threatened Species Conservation Act 1995), it is an offence to harm any animal that is protected or is a threatened species, population or ecological community. It is also an offence to pick any plant that is protected or is a threatened species, population or ecological community. In addition, a person must not, by act or omission, damage any critical habitat. The NPW Act also provides the basis for the legal protection and management of Aboriginal sites within NSW. Sections 86, 90 and 91 of the NPW Act provide statutory protection for any physical / material evidence of Aboriginal occupation of NSW and places of cultural significance to the Aboriginal community.

The site comprises 'disturbed land', as defined under The National Parks and Wildlife Regulation 2019 (NPW Regulation) and an Aboriginal due diligence assessment is not required.

Heritage and threatened species issues are assessed under Section 5 of this SEE. In general, no heritage issues / impacts have been assessed to apply, and no separate approvals are required relating to heritage matters.

4.2.5. Biodiversity Conservation Act 2016

The Biodiversity Conservation Act 2016 (BC Act 2016) provides the framework for the management of flora and fauna on lands within NSW. Under this Act the principles of ecologically sustainable development are used to achieve the conservation and protection of biodiversity values. Clause 7.2 of the Biodiversity Conservation Act 2016 (BC Act) identifies the following circumstances where a development is likely to significantly affect threatened species:

- It is likely to significantly affect threatened species or ecological communities, or their habitats, according to the test in section 7.3, or
- The development exceeds the biodiversity offsets scheme threshold if the biodiversity offset scheme applies to the impacts of the development on biodiversity values, or
- It is carried out in a declared area of outstanding biodiversity value.

The plans and documents submitted with the DA show that proposed dwellings will require the removal of existing site vegetation. An assessment is required to determine if the removal of this vegetation is likely to significantly affect threatened species or ecological communities, or whether the NSW Biodiversity Offset Scheme (BOS) is triggered.

4.2.6. Roads Act 2016

Under Section 138 of the Roads Act 1993 a person must not erect a structure or carry out a work in, on or over a public road, or dig up or disturb the surface of a public road, otherwise than with the consent of the appropriate roads authority. Hilltops Shire Council is the relevant authority for works on Bruce Street.

The construction of a new access crossing will require a permit under Section 138 of the Roads Act 1993. The permit will be obtained prior to the commencement of any works.

4.2.7. Protection of the Environment Operations Act 1997

The Protection of the Environment Operations Act 1997 (POEO Act) regulates air, noise, land and water pollution.

The proposal would not operate under an Environment Protection Licence (EPL) and Hilltops Council is the Appropriate Regulatory Authority (ARA) for general pollution control matters in the Hilltops LGA.

4.2.8. Contaminated Land Management Act 1997

Hilltops Shire Council is required to notify the EPA if contamination is discovered that presents a significant risk of harm. Guidelines on the Duty to Report Contamination under the *Contaminated Land Management Act 1997* are available on the EPA website.

The site is vacant of any existing buildings or active land-use activities. The site forms part of a larger holding which was previously used for purposes associated with Mercy Place Mount St Joseph (aged care). There is no evidence that the subject land is contaminated arising from previous land-use activities on the land or on adjoining lands. EPA notification is not required to be obtained for site.

4.2.9. Rural Fires Act 1997

The Rural Fires Act (RF Act) 1997 requires approval of development on bushfire prone land as identified by a bushfire prone land map prepared under Section 146 of the EP&A Act.

According to the mapping prepared by the NSW Rural Fire Service, the subject land is not identified as being bushfire prone.

4.3. State Environmental Planning Policies (SEPP)

A high level assessment of the applicability of each SEPP to the proposed development is included in Table 3, with further assessment work completed in Section 4.3.1 as necessary.

Table 3 - SEPP Overview

Name of SEPP	Applicability	Further Assessment Warranted
SEPP (Biodiversity and Conservation) 2021	Yes	Yes. See Section 4.3.1
SEPP (Sustainable Buildings) 2022	Yes	Yes. See Section 4.3.1
SEPP (Exempt & Complying Development Codes) 2008	N/A	Yes
SEPP (Housing) 2021	Yes	No
SEPP (Industry and Employment) 2021	N/A	No
SEPP 65 (Design Quality of Residential Apart. Development)	N/A	No
SEPP (Planning Systems) 2021	N/A	No

Name of SEPP	Applicability	Further Assessment Warranted
SEPP (Primary Production) 2021	N/A	No
SEPP (Precincts - Central River City) 2021	N/A	No
SEPP (Precincts - Eastern Harbour City) 2021	N/A	No
SEPP (Precincts - Western Parkland City) 2021	N/A	No
SEPP (Precincts - Regional) 2021	N/A	No
SEPP (Resilience and Hazards) 2021	Yes	Yes. See Section 4.3.1
SEPP (Resources and Energy) 2021	N/A	No
SEPP (Transport and Infrastructure) 2021	Yes	Yes. See Section 4.3.1

4.3.1. SEPP Assessment

SEPP (Biodiversity and Conservation) 2021

The Biodiversity and Conservation SEPP 2021 aims to protect the biodiversity values of trees and other vegetation in non-rural areas of the State and preserve the amenity of non-rural areas of the State through the preservation of trees and other vegetation. Provisions protecting bushland, trees, heritage items, waterways, wetlands, and koalas are included in the SEPP.

The plans submitted with the Development Application show that a number of existing trees will require removal in order to facilitate the construction of the proposed dwellings. The location, species and condition of the trees have been properly documented in the Arborist Report prepared by Mark D McCrone Landscape Architects and submitted with the DA. A total 4 trees are to be removed from Lot 7 including:

- Tree 1 – Ulmus glabra Lutescens
- Tree 2 – Prunus cerasifera Nigra
- Tree 3 - Sorbus aucuparia
- Tree 5 – Sorbus aucuparia

All of the above trees are designated (for the purposes of the Hilltops DCP) and require a permit from Council. The Arborist report identified 'inappropriate position' as the reason for the need to remove the trees, as they are located where dwellings are proposed to be erected. The trees are reported to be in varying degrees of health. The trees exist as isolated vegetation and are not situated within a larger intact community. The clearing of the specific trees does not exceed the thresholds identified in the BC Act 2016 and the Biodiversity Offset Scheme does not apply to the proposed development. The ecological significance of the vegetation is assessed to be low. Based on the scale of the clearing work, no significant impacts on threatened flora or fauna species are likely to result.

SEPP (Sustainable Buildings) 2022

The Sustainable Buildings SEPP 2022 requires that a BASIX certificate must be prepared for the proposed dwelling and submitted with the DA. A BASIX certificate has been prepared demonstrating that the minimum targets for water, thermal comfort and energy can be achieved for the project.

SEPP (Housing) 2021

The Housing SEPP 2021 facilitates development of affordable and diverse housing including boarding houses, build-to-rent housing, seniors housing, caravan parks / manufactured home estates, group homes, secondary dwellings, social and affordable housing, and short-term rental accommodation.

The DA has been prepared to facilitate the construction of a new dwelling on behalf of the Aboriginal Housing Office. In accordance with Clause 15B(2) of the SEPP, residential development carried out by or on behalf of the Aboriginal Housing Office is to be taken to be used for the purposes of affordable housing. The provision of Chapter 2 of the SEPP apply to the proposal and must be taken into consideration.

The proposal is generally consistent with the requirements of the SEPP, as follows:

- The proposal is consistent with the objective (in Clause 15A) which is to facilitate the delivery of new in-fill affordable housing to meet the needs of very low, low and moderate income households.
- The proposal is for the erection of a new dwelling, which is an acceptable form of residential development in accordance with Clause 15B(1).
- The provision of affordable housing is not a requirement of the Hilltops Local Environmental Plan 2022 or a planning agreement within the meaning of the EP&A Act 1979.
- The subject land is within 800 metres of the MU1 Mixed Use zone, being a relevant zone prescribed by clause 15C(3).
- There are no floor space ratio controls applying to the land under the Hilltops Local Environmental Plan 2022. The proposal does not rely on the additional 30% floor space ratio allowance under Clauses 16 or 17.
- There are no height of building controls applying to the land under the Hilltops Local Environmental Plan 2022. The proposal does not rely on the additional 30% height of building allowance under Clause 18.
- The proposal is consistent with relevant non-discretionary development standards prescribed by Clause 19.
- The design of the proposal is generally compatible with the desirable elements of the character of the local area, as required by Clause 20.
- The proposal relates to housing on behalf of the Aboriginal Housing Office, which meets with the definition of affordable housing.

SEPP (Resilience and Hazards) 2021

The Resilience and Hazards SEPP 2021 requires that a consent authority must consider the contamination potential of the land, and if the land is contaminated, it is satisfied that the land is suitable for the development in its contaminated state, or that appropriate arrangements have been made to remediate the site prior to the development being carried out.

The site is vacant of any existing buildings or active land-use activities. The subject site forms part of a larger holding which was previously used for purposes associated with Mercy Place Mount St Joseph (aged care). There is no evidence that the subject land is contaminated arising from previous land-use activities on the land or on adjoining lands. EPA notification is not required to be undertaken by Council and the site is suitable for its intended residential use.

SEPP (Transport and Infrastructure) 2021

There are provisions contained within the Transport and Infrastructure SEPP 2021 which are triggers for the referral of the DA to certain authorities prior to Council being able to grant consent. The potential triggers for referral are summarised as follows:

Development Likely to affect an electricity transmission or distribution network

Clause 2.48 of the Transport and Infrastructure SEPP 2021 requires Council to give written notice to the electricity supply authority (and consider any response received within 21 days) when a DA involves development that comprises of involves:

- The penetration of ground within 2m of an underground electricity power line or an electricity distribution pole or within 10m of any part of an electricity tower,
- Development carried out within or immediately adjacent to an easement for electricity purposes or substation, or within 5 metres of an exposed overhead electricity power line.
- Development involving the installation of a swimming pool within 30m of a structure supporting an overhead transmission line, or within 5m of an overhead electricity power line.
- Development involving or requiring the placement of power lines underground.

Based on a review of the plans and documents submitted with the DA, the proposed DA is unlikely to trigger referral to the electrical supply authority, as the nearest overhead pole location is further than 5 metres of the proposed construction site.

Development in or adjacent to road corridors and road reservations

Clause 2.122 of the Transport and Infrastructure SEPP 2021 requires Council to give written notice to Transport for NSW (and consider any response received within 21 days) when a DA involves traffic generating development of a kind specified in Column 1 of Schedule 3 of the SEPP.

The nature and scale of the proposed development does not trigger referral of the application to TfNSW.

4.4. Local Environmental Plans

4.4.1. Relevant Local Environmental Plan

Hilltops Local Environmental Plan 2022 (LEP) applies to the land. The site of the proposed development is zoned R1 General Residential.

An assessment has been completed to determine the potential applicability of key clauses in the Hilltops LEP 2022 to the proposed development. This work is presented in Table 4 as follows.

Where it is identified that a clause of Hilltops LEP 2022 applies to the proposed development, this assessment work is presented in Section 4.4.2

Table 4 – Preliminary LEP Assessment

LEP Clause	Clause Name	Statement of Applicability
1.9A	Suspension of covenants, agreements & instruments	Not applicable to proposal
2.3	Zone objectives	Assessment Required. See Section 4.4.2
2.5	Additional permitted uses for particular land	Not applicable to proposal
2.6	Subdivision - consent requirements	Not applicable to proposal
2.7	Demolition requires development consent	Not applicable to proposal
2.8	Temporary use of land	Not applicable to proposal
	Land-use Table	Assessment Required. See Section 4.4.2
4.1-4.1A	Minimum Lot Size Standards	Not applicable to proposal
4.2	Rural Subdivision	Not applicable to proposal
4.6	Exceptions to development standards	Not applicable to proposal
5.1	Relevant acquisition authority	Not applicable to proposal
5.2	Classification and reclassification of public land	Not applicable to proposal
5.3	Development near zone boundaries	Not applicable to proposal
5.4	Controls relating to miscellaneous uses	Not applicable to proposal
5.5	Controls relating to secondary dwellings on land in a rural zone	Not applicable to proposal
5.8	Conversion of fire alarms	Not applicable to proposal
5.10	Heritage Conservation	Not applicable to proposal
5.11	Bushfire Hazard Reduction	Not applicable to proposal
5.12	Infrastructure development and use of existing buildings of the Crown	Not applicable to proposal
5.13	Eco-tourist facilities	Not applicable to proposal
5.16	Subdivision of, or dwellings on, land in certain rural, residential and conservation zones	Not applicable to proposal



LEP Clause	Clause Name	Statement of Applicability
5.18	Intensive livestock agriculture	Not applicable to proposal
5.19	Pond-based, tank based and oyster aquaculture	Not applicable to proposal
5.20	Standards that cannot be used to refuse consent - playing music	Not applicable to proposal
5.21	Flood planning	Not applicable to proposal
6.1	Earthworks	Assessment Required. See Section 4.4.2
6.2	Essential Services	Assessment Required. See Section 4.4.2
6.3	Terrestrial Biodiversity	Not applicable to proposal
6.4	Riparian Lands and Watercourses	Not applicable to proposal
6.5	Groundwater Vulnerability	Not applicable to proposal
6.6	Salinity	Not applicable to proposal
6.7	Highly Erodible Soils	Not applicable to proposal
6.8	Drinking Water Catchments	Not applicable to proposal
6.9	Development along the Lachlan and Boorowa Rivers and Lake Wyangala	Not applicable to proposal
6.10	Development on Carinya Estate	Not applicable to proposal
6.11	Development control plan for development in urban release area	Not applicable to proposal

4.4.2. LEP Assessment

Clause 2.3 - Zone Objectives

Clause 2.3 of Hilltops LEP 2022 states that Hilltops Council must have regard to the objectives for development in a zone when determining a development application in respect of land within the zone. The objectives of the R1 General Residential zone are to:

- To provide for the housing needs of the community.
- To provide for a variety of housing types and densities.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To provide and protect a high quality residential amenity that adds value to the existing character and amenity of the town, neighbourhood and street.
- To provide fully serviced residential lots linked to town water and sewer networks.

The proposed development is assessed to be consistent with the objectives for the R1 General Residential zone. The project involves the development of an existing residential zoned allotment for future housing purposes. It will positively contribute to housing supply and variety within the Young community. The site is located within an establishing residential neighbourhood, and services are available to cater for the development.

Clause 6.1 – Earthworks

The objective of Clause 6.1 is to ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land.

Before granting development consent for earthworks, the following issues must be considered:



- The likely disruption of, or any detrimental effect on, drainage patterns and soil stability in the locality of the development,
- The effect of the development on the likely future use or redevelopment of the land,
- The quality of the fill or the soil to be excavated, or both,
- The effect of the development on the existing and likely amenity of adjoining properties,
- The source of any fill material and the destination of any excavated material,
- The likelihood of disturbing relics,
- The proximity to, and potential for adverse impacts on, any waterway, drinking water catchment or environmentally sensitive area,
- Any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.

Site cut and associated earthworks are required in order to create a suitable building pad for the construction of the proposed dwellings. The plans submitted with the DA show that the slope of the land requires a careful design response in order to minimise site cut and fill, optimise streetscape appeal and create practical indoor and outdoor spaces for future occupants of the dwelling. This is achieved through appropriate setbacks to boundaries and use of retaining walls where necessary. Impacts are unlikely in terms of:

- Drainage patterns or soil stability.
- Soil quality and health. Imported fill is not required and there are no underlying soil quality or health problems observed at the site.
- Amenity. An appropriate relationship to adjoining properties is maintained.
- Disturbing relics. An assessment of European and Aboriginal heritage matters is included in a further section of this report and concludes that impacts are unlikely.

Appropriate soil and erosion control techniques will be implemented throughout the construction phases of the project to minimise impacts.

Clause 6.2 – Essential Services

Clause 6.2 of Hilltops LEP 2022 requires that development consent must not be granted to development unless the consent authority is satisfied that any of the following services that are essential for the development or available or that adequate arrangements have been made to make them available when required:

- The supply of water
- The supply of electricity
- The disposal and management of sewage
- Stormwater drainage or on-site conservation
- Suitable vehicle access.

The proposed development complies with the requirements for Clause 6.2 as follows:

- The proposed dwelling is intended to be connected to Hilltops Council's reticulated water supply system. The main is understood to be located within the road reservation to Bruce Street. On-site rainwater tank storage will be utilised to supplement the mains water supply to the dwelling. Adequate arrangements exist and will be made for the provision of a suitable water supply to the proposed dwelling.
- The proposed dwelling is intended to be connected to Council's gravity sewerage supply system. A new connection (and any required main extension) will be undertaken in accordance with the requirements of Hilltops Council as the relevant supply authority.
- Electricity supply infrastructure. Adequate arrangements will be made for the provision of a suitable electrical supply to the proposed dwelling. Essential Energy is the relevant supply authority.

- Stormwater is proposed to be managed by diverting all roof-water (including rainwater collection tank overflow) directly to the public stormwater drainage system in Bruce Street. Adequate arrangements exist and will be made for stormwater drainage from the proposed dwelling.
- Practical and legal access to the development is to be provided directly from Bruce Street, which is an existing public road that is owned and maintained by Hilltops Council. Bruce Street is constructed with roadside kerb and gutter infrastructure and has a 10m wide sealed carriageway with sufficient width for two-way traffic movement and on-street parking as necessary. The proposal involves the construction of a new hardstand internal driveway access, connecting the existing access crossover to the proposed dwelling. Adequate arrangements exist and will be made for the provision of suitable vehicle access to the proposed Dwelling.

The proposed subdivision is capable of being connected to essential services in accordance with the requirements of Clause 6.2. Council is asked to grant consent subject to normal conditions relating to the servicing of the development to the requirements of the relevant service providers.

4.5. Development Control Plans

4.5.1. Relevant Development Control Plan

The Young Development Control Plan 2011 (DCP) applies to the subject land. The site is zoned R1 General Residential.

An assessment has been completed to determine the potential applicability of key parts of the Young DCP 2011 to the proposed development. This work is presented in Table 5 as follows.

Where it is identified that a part of the Young DCP 2011 applies to the proposed development, this assessment work is presented in Section 4.5.2.

Table 5 – Preliminary DCP Assessment

Ch	Name	Applicability	Further Assessment Warranted?
1	General Provisions	Yes	Yes. Refer Section 4.5.1
2	Zone Based Controls		
	2.1 – Rural Dwellings	No.	No.
	2.2 – Single Residential Development	Yes	Yes. Refer Section 4.5.1
	2.2A – Single Residential Development	Yes	Yes. Refer Section 4.5.1
	2.2B – Ancillary Development to Single Residential Dwellings	No.	No.
	2.2C – Single Residential Dwellings in B4 Mixed Use Zones	No.	No.
	2.3 – Multi-Dwelling Residential Development	No.	No.
	2.3D – Other Controls	Yes	Yes. Refer Section 4.5.1
	2.3E – Design Cues / Suggestions	No.	No.
	2.4 – Commercial, Business and Retail Development	No.	No.
	2.5 – Food Premises	No.	No.
	2.6 – Shop Top Housing	No.	No.
	2.7 – heritage Conservation Areas	No.	No.
	2.8 – Enterprise Corridor and Business Park Zones	No.	No.



Ch	Name	Applicability	Further Assessment Warranted?
	2.9 – Industrial Development	No.	No.
	2.10 – Village Development	No.	No.
3	Additional Precinct Based Controls	Yes	Yes. Refer Section 4.5.1
4	Specific Provisions – All Zones		
	4.1 – Car Parking and Vehicle Access	Yes	Yes. Refer Section 4.5.1
	4.2 – General Provisions for Car Parking Areas	No.	No.
	4.3 – Development Requiring Tree Removal	Yes	Yes. Refer Section 4.5.1
	4.4 – Footpath Display and Use	No.	No.
	4.5 – Spray Drift	No.	No.
	4.6 – Animal Boarding, Breeding or Training	No.	No.
	4.7 – Bed and Breakfast and Farm Stays	No.	No.
	4.8 – Use of shipping containers	No.	No.
	4.9 – Restrict Premises and Sex Services Premises	No.	No.
5	Subdivision Development	No.	No.
6	Codes of Practice	No.	No.
7	Appendices	No.	No.

4.5.2. Detailed DCP Assessment

Table 6 overpage includes an assessment of the proposed development against the relevant planning controls and standards in each of the relevant Parts of the Young DCP 2011.



Table 6 – DCP Assessment

Chapter	Ref	Summary of Requirements	Planning Assessment Comment	Statement of Consistency
1. General Provisions	1.1	Section 1.1 provides introductory information relating to the DCP including name, date commencement, application of controls and relationship to other planning policies and instruments	Noted.	Noted.
	1.2	Section 1.2 provides general information relating to the lodgement and processing of a DA	Noted.	Noted.
	1.3	Section 1.3 provides general information relating to the Council's procedures for notifying development.	Based on the project scope, it is expected that the DA will trigger neighbour notification in accordance with the Young DCP 2011 and the Hilltops Community Participation Plan 2019.	Proposal complies.
2. Zoned Based Controls	2.2A – Single Residential Development			
	Site Design			
	ASR1.1	Cut and Fill shall be limited to a maximum of 1m cut and 1m fill.	<p>The plans submitted with the DA show that there is a moderate degree of slope across each elevation, owing to existing site topography. Site cut and fill is required in order to create a suitable building pad for the construction of the proposed dwelling.</p> <p>The architectural plans show that cut and fill is to be minimised as far as possible through a stepped building form, retaining wall structures and site batter. Retaining walls are proposed along the northern and southern boundaries and adjoining the rear elevation of the dwellings.</p> <p>The retaining walls shown on the development plans are planned to be constructed with varied heights, depending on the level of cut and / or fill required at the specific location. Largely, cut and fill is to be kept to levels at 1.0m or less in accordance with Young DCP 2011 requirements, however some locations require cut / fill up to 1.8m. A variation to the Young DCP 2011 is requested for the following reasons:</p>	Variation to Council policy. Sufficient justification exists for Hilltops Council to accept a variation to Council policy.



			<ul style="list-style-type: none">▪ The subject land exhibits a moderate degree of slope. Cut and fill is unavoidable without generating adverse built form impacts.▪ The architectural design process explored the possibility of dwellings 1 and 2 having a larger difference between their individual finished floor heights as a way of minimising cut and fill height, however this resulted in a poor design response with negative impacts likely to occur in terms of streetscape appeal.▪ At 0.8m (worst case), the variation is considered to be minor and acceptable in the circumstances. The cut and fill will not be excessive and is unlikely to result in any significant impacts in terms of streetscape or amenity for residents of the dwellings or adjoining properties.	
	ASR1.2	Construction within registered easements or over utilities is avoided	There are no known easements on the land. The location of relevant utilities have been shown on the site survey submitted with the DA, none of which are impediments to the proposed site layout.	Proposal complies.
	ASR1.3	Construction over any natural watercourse/natural drainage lines through the land is prohibited.	There are no natural watercourses or drainage lines identified on the land.	Proposal complies.
	ASR1.4	The property access shall be located respectful of street trees, structures or fixtures in the road reserve.	A new access crossing is required, however no trees are required to be removed. The access crossing location does not require the removal of any trees.	Proposal complies.
	ASR1.5	On lands identified as former orchard lands, soil testing may be required.	The known history of land-use does not involve Orchading activities.	Proposal complies.
	Character of the neighbourhood			
	ASR2.1.1	Fencing forward of the front building line shall be an open style (incorporating pickets, vertical stiles, slats or palings); or vegetative screening/ plantings, no greater than 1.2m in height.	The proposal does not involve the construction of new fencing forward of the building line.	Proposal complies.



	ASR2.1.2	Dwellings fronting a street shall that street frontage by the primary entrance door to the dwelling facing the street, and the front elevation incorporating windows to habitable rooms.	The dwelling design incorporates a front entrance and windows to habitable rooms fronting Bruce Street.	Proposal complies.
	ASR2.1.3	Materials (including large areas of glass and the use of “zincalume” or similar reflective materials) are selectively used so that a glare nuisance is not caused to surrounding neighbours or public roads;	The dwelling design does not incorporate the use of highly reflective materials.	Proposal complies.
	ASR2.2.1	Control relates to the front setback of dwellings in the R1 and R5 zones.	<p>The proposed development does not comply with the front setback requirement of 6m . The plans submitted with the DA show that the foremost part of the buildings front elevation is to be setback a distance of 4.5m. A variation to the Young DCP 2011 is requested for the following reasons:</p> <ul style="list-style-type: none"> ▪ Under current conditions, there are no other existing dwellings located on the eastern side of Bruce Street between Allanan Street and Berthong Street and as a result there is not an established building line. ▪ The Aboriginal Housing Office is also planning the construction of two more residential developments on adjoining Lots 7 and 8 (plans have been presented to Council concurrently with this DA). These dwellings will have a similar setback at 4.5m creating a consistent building line along the eastern side of Bruce Street. ▪ The dwellings are purposefully positioned as close to Bruce Street as possible. The landform rises towards the east boundary. The further the buildings are setback from Bruce Street, the higher the retaining walls need to become and the greater the impact in terms of streetscape and amenity. 	Variation to Council policy. Sufficient justification exists for Hilltops Council to accept a variation to Council policy.
	ASR2.2.2	Garages in dwellings directly addressing the street do not project in front of other parts of the dwelling and,	The proposed shed is setback behind the building line of the proposed dwelling.	Proposal complies.



		preferably, are recessed behind the front facade of the dwelling		
	ASR2.3.1	Control relates to the side and rear setbacks of dwellings in the R1 zone.	The proposed development complies with the prescribed 3m setback for side and rear boundaries.	Proposal complies.
	ASR2.3.2	Control relates to side and rear setbacks of dwellings in the R5 zone.	Not applicable to the proposed development.	Not applicable.
	Dwelling height, bulk and scale			
	ASR3.1.1	Dwellings are restricted to 8m.	The proposed dwelling has a height that does not exceed 8m.	Proposal complies.
	ASR3.1.2	Wall lengths exceeding 8m shall have wall offsets, openings or articulation of some manner.	The dwelling design incorporates window / door openings in any wall exceeding 8m in length.	Proposal complies.
	ASR3.2.1	Permeable areas are at least 40% of the site;	At least 40% of the total site area will be retained as permeable surface.	Proposal complies.
	ASR3.2.2	A maximum of 30% of the area forward of the front building setback is occupied by paving, access driveways or the like;	The proposal is consistent. No more than 30% of the area forward of the front building setback is occupied by paving, access driveways and the like (despite the proposed front setback variation).	Proposal complies.
	ASR3.2.3	Site coverage (gross building area) does not exceed 40% of the site;	Site coverage does not exceed 40% of the site area.	Proposal complies.
	ASR3.3	Private open space for the dwelling must be located adjoining living rooms, or the like, within the dwelling	The building design provides appropriate connections between habitable areas within the dwelling and site area to be utilised for private open purposes.	Proposal complies.
	Access and car parking			
	ASR4.1.1	The control specifies the requirements for car parking associated with new residential dwellings.	Two car parking spaces are provided on-site in a garage that complies with the minimum dimensions.	Proposal complies.
	ASR4.1.2	The control relates to dwelling development in cul-de-sacs.	Not applicable to the proposed development.	Not applicable.



	ASR4.2.1	Access driveways (from road edge to property boundary) serving dwellings shall be constructed to the standards set in Council's Engineering Guidelines for Subdivision and Development.	New access will comply with prescribed standards.	Proposal complies.
	ASR4.2.2	Cross grades for access driveways and parking areas do not exceed 4% grade	As above.	Proposal complies.
	ASR4.2.3	Access driveways to any required parking spaces onsite are provided through a single width crossover (maximum 3.5m wide)	As above.	Proposal complies.
	Utilities and Services			
	ASR5.1.1	Council's reticulated water service shall be connected to the dwelling	Reticulated water supply will be made available to the development.	Proposal complies.
	ASR5.1.2	Council's reticulated sewer service shall be connected to the dwelling.	Reticulated sewer is not available to the site. A new connection will be required, and appropriate application will be made to Hilltops Council.	Proposal complies.
	ASR5.1.3	The control relates to dwellings in the R5 zone.	Not applicable to the proposed development.	Not applicable.
	ASR5.1.4	Payment of any headworks contributions for water and/or sewer	The applicability of the payment of any charges is to be calculated by Hilltops Council and conditioned as necessary as part of the determination of the application.	Not applicable.
	ASR5.2.1	All stormwater from the property shall be disposed of without causing nuisance.	Stormwater generating from the development will be discharged to the public drainage system in Bruce Street.	Proposal complies.
	ASR5.2.2	Payment of any headworks contributions for stormwater.	Headworks charges would have been applied at subdivision stage.	Not applicable.
	Vehicle and occupant safety.			



	ASR6	Performance Requirement PSR6 is satisfied if a means (manual or electronic) is put in place to restrict a dwelling's occupant or visitor from bringing into potential harm and occupant of that dwelling, whilst parking the motor vehicle. This may be done by any or a combination of the means contained in this section. This provision applies to all class 1, 2 and 10 buildings.	The proposed design complies. Internal access to the garage space of the dwelling is provided via a controlled access door.	Proposal complies.
3. Additional Precinct Based Controls	3.1 – The Health, Medical and Educational Precinct			
	AH1	These controls relate to medical centres	Not relevant to the proposal.	Not applicable.
	AH2.1	These controls relate to medical centres	Not relevant to the proposal.	Not applicable.
	AH3	These controls relate to medical centres	Not relevant to the proposal.	Not applicable.
	AH2.2	These controls relate to main-stream education centres and child care centres	Not relevant to the proposal.	Not applicable.
	AH2.3	These controls relate to main-stream education centres and child care centres	Not relevant to the proposal.	Not applicable.
4. Specific Provisions – All Zones	4.1 – Car Parking and Vehicle Access			
	APA1.1	Car parking is provided at the rate set out in Table 4.1	The dwelling design includes a single enclosed single car parking space under the main roof line.	The proposal complies.
	APA1.2	Car parking is provided on the site of the development	As above.	The proposal complies.



	APA2.1	Vehicles enter and leave the site in a forward direction;	As the dwelling enjoys a direct and immediate frontage to Bruce Street, there is no need for cars to enter and leave the site in a forwards direction.	The proposal complies.
	APA2.2	All parking spaces are suitably marked by lines or spaces indicated by other approved means;	As the car parking spaces are under the main roof line of the proposed dwelling, line marking is not necessary	The proposal complies.
	APA3.1	The layout and dimensions of car parking areas are in accordance with the design standards and principles as set out in Figures 4.1 and 4.2;	As above.	The proposal complies.
	APA3.2	Unless specified to a different standard elsewhere in this DCP, all car parking areas, driveways, turning areas and loading areas are paved in either a bitumen seal coat, asphaltic or bituminous concrete, cement concrete, concrete paving blocks, or brick paving blocks.	All driveways and car parking spaces will be concreted and constructed to Hilltops Council's engineering requirements.	The proposal complies.
		Free and uninterrupted access to car parking areas is maintained at all times	Direct access to the enclosed garage will be provided at all times.	The proposal complies.
	4.3 – Development requiring tree removal or lopping			
	AT1.1	Development is designed to avoid impact on designated trees unless this would reduce the development yield of the property;	<p>Trees requiring removal are identified in an Arborist Report prepared by Mark D McCrone Landscape Architect and submitted with the DA. A total 4 trees are to be removed from Lot 8 including the following trees which are identified in the Arborist Report:</p> <ul style="list-style-type: none"> ▪ Tree 1 – Ulmus glabra Lutescens (designated tree) ▪ Tree 2 – Prunus cerasifera Nigra (designated tree) ▪ Tree 3 - Sorbus aucuparia (designated tree) ▪ Tree 5 – Sorbus aucuparia (designated tree) 	The proposal complies.



		A total of 4 trees are to be removed from Lot 8, all of which are designated and require a permit from Council. The Arborist report identified 'inappropriate position' as the reason for the need to remove the trees. The position of the trees is generally such the construction of the dwellings on the land would not be possible without their removal.	
	Designated trees are retained where not directly impacted by a development or where they are not within 3 metres (measured from the trunk) of a building approved as part of a development or where they would create a safety risk for traffic unless a qualified arborist has assessed the tree and found that by reason of its health or otherwise that it is not worthy of retention;	No trees are planned to be removed outside of the recommendations in the Arborist report submitted with the DA.	The proposal complies.
	Where a designated tree is removed, it is replaced by at least two trees, of a species endemic to the Young area, which would develop to a similar size at maturity.	A total of 4 designated trees are proposed to be removed. The applicant is prepared to replace these trees with suitable endemic species if conditioned by Hilltops Council. Suitable area is available at the rear of the development site.	The proposal can comply.
	Work is not conducted within the drip line of a retained tree (such as digging, trenching, compacting, filling (by more than 150mm) or paving) unless a qualified arborist has assessed the tree and provided guidelines as to how the work can be carried out with minimal risk to the long term survival of the tree;	Trees impacted by the planned construction work are identified in the Arborist report.	The proposal complies.
	Pruning or protection works are carried out in accordance with Australian Standard 4373;	All tree removal is to be carried out in accordance with relevant standards and Council requirements.	The proposal can comply.



5. ASSESSMENT OF ENVIRONMENTAL ISSUES

The main environmental issues that have been raised and investigated as part of the design process for the proposed development have been documented in this section. Each issue is investigated by way of introducing the key issue(s), documenting existing conditions, assessing impacts, and proposing management and mitigation measures.

5.1. Visual impacts and amenity

5.1.1. Existing Conditions Assessment

The subject land is currently vacant. There are no visual impacts associated with existing site conditions.

5.1.2. Assessment of Potential Impact

An assessment of the potential impacts of the proposed development on visual amenity has been undertaken, including an assessment of the likely visual impacts of the development on private landowners in the vicinity of the development and key vantage points in the public domain. The visual impacts of the proposal have been assessed against the contrast that will result post new development and operation of the new dwellings.

Given the existing urban location and context of the land, the construction of the dwellings can be expected to result in minimal changes to the surrounding environment. The site is not heritage listed and is not part of a heritage streetscape or conservation area. The physical changes to the landscape should not be expected to create significant impacts in terms of the context and setting of the immediate area. The scale of development is generally consistent with other dwellings in Bruce Street with regard to built form, setbacks, and landscaping.

A reduced setback to Bruce Street is proposed. Details of the variation have been addressed in a prior section of this report. The reduced setback is not expected to generate unacceptable impacts in terms of streetscape, resident amenity, or privacy on adjoining allotments.

5.1.3. Management and Mitigation

No additional mitigation measures are proposed, other than implementation of the design drawings prepared by Design Six One.

5.2. Building Code Compliance

5.2.1. Existing Conditions Assessment

As vacant land, there are no known building code compliance issues associated with existing site conditions.

5.2.2. Assessment of Potential Impact

The proposal involves construction of a new dwelling on a site with a moderate degree of slope. Architectural plans have been progressed to a point where it is possible to present the preliminary findings of the assessment of the proposal against the BCA in the SEE.

Building works would involve construction of a single storey building. There are no separate ancillary structures proposed at this stage. Some cut and fill is required to facilitate the construction work and a balanced approach to managing slope is proposed using site batter and retaining walls as necessary. The proposed buildings will be sufficiently setback and designed to comply with the BCA, including building setbacks, access, fire safety and structural adequacy requirements of the BCA.

The specific design detail of the proposed construction works is intended to be further developed at Construction Certificate stage. However, in general it is assessed the proposal can comply with the BCA.

5.2.3. Management and Mitigation

A Construction Certificate is proposed to be obtained prior to any new building work, which provides further opportunity to ensure all aspects of the design meets the requirements of the BCA. Roof water from the new building will be discharged to the stormwater drainage system in Bruce Street. Plumbing and drainage would be undertaken in accordance with LG approvals.

5.3. Access and Traffic

5.3.1. Existing Conditions Assessment

The subject land is currently accessed from Bruce Street, which forms part of the local road network owned and maintained by Hilltops Shire Council. Bruce Street is constructed to a 10m wide bitumen sealed standard and has roadside kerb and gutter infrastructure. The site is nearby to a number of large-scale traffic generating developments including the Young Public School and Young Health Service. The road network appears to be operating within the capacity of the traffic demand created by these uses. As vacant land, there is no traffic load associated with the existing condition of the site.

5.3.2. Assessment of Potential Impact

A description of the proposed access arrangements to the development is as follows:

- Primary vehicle access to the site is intended to be gained directly from Bruce Street via a single concrete driveway access that is to be constructed in accordance with Hilltops Council's engineering requirements.
- On-site car parking is to be provided for residents in an enclosed double space garage.
- Visitor parking is not provided or required to be provided under the Young DCP 2011. Opportunities for visitor parking will exist within the front setback area to the dwelling, or on-street within Bruce Street which appears wide enough for kerb-side parking outside of the main traffic lanes. The scale of the proposal is unlikely to generate any parking issues on the public street.

Assessment of the implications of the proposal has been undertaken against the general functioning of the local road network and intersections in the area. The general assessment findings are as follows:

- The proposed development is not traffic generating development as defined under the Transport and Infrastructure SEPP 2021 and is not development that has implications for main roads or railways.
- The proposed development will have the result of increasing the number of daily traffic numbers utilising Bruce Street (primarily) and the surrounding local road network. Based on the 'Guide to Traffic Generating Developments' by NSW Roads, the expected number of daily vehicle trips for low density residential dwellings is 7.4 per dwelling. The proposed development will therefore increase the number of daily vehicle trips using Bruce Street by a maximum of 7.4, equivalent to a single dwelling.
- Bruce Street is considered suitable to accommodate the proposal and has capacity to accommodate the likely increase in trip movements associated with the proposed development. The eastern side of Bruce Street is currently undeveloped. Road upgrades are not considered to be necessary. Section 7.12 Contributions will be made towards public infrastructure costs if deemed applicable by Hilltops Council.
- The planned access to Bruce Street has safe sight distance and has sufficient separation to the nearest intersection (with Allanan Street). The access avoids streetscape infrastructure and services and allow vehicles to enter in a forwards direction and leave in a rear direction consistent with arrangements for normal residential dwellings with direct frontage to the public road system.
- Traffic and transport impacts are assessed to be minimal, based on existing local road conditions and the limited additional traffic generation proposed. A traffic management plan is not required for the proposal.

5.3.3. Management and Mitigation

No specific transport or traffic mitigation measures have been identified as being necessary.

5.4. Site Design

5.4.1. Existing Conditions Assessment

A detailed site survey of the land has discovered the location of important site features including boundaries, site vegetation, kerb and gutter infrastructure, fencing and utilities within and external to the site. The survey also identifies site contours at 0.25 intervals.

5.4.2. Assessment of Potential Impact

The plans submitted with the Development Application show that the key components of the proposed site design include:

- Construction of a single storey residential dwelling with a front elevation that interfaces with Bruce Street directly.
- Construction of a single concrete access driveway to service the enclosed double space garage to each dwelling.
- Removal of existing site vegetation as necessary to allow for the construction of new built form.
- Re-instatement of boundary fencing to suit.
- Connection of each dwelling to individual services, utilities and infrastructure in accordance with the requirements of the relevant servicing authorities.

The site layout and building design aims to achieve compliance with the Hilltops LEP 2022 and Young DCP 2011 where possible. A number of minor variations have been identified and planning justifications have been provided in the relevant sections of this report. Generally, the site design is considered acceptable in terms of:

- Separation of built features to property boundaries.
- Building height, bulk and scale.
- Relationship to adjoining land-uses.
- Enabling connection to relevant utilities and services.

5.4.3. Management and Mitigation

The site layout will be pegged out by survey prior to the commencement of works to ensure that building and other site features are properly located.

5.5. Soils and Water Quality

5.5.1. Existing Conditions Assessment

There are no watercourses on the site. The land is not affected by the “Flood Planning” layer identified by Council or under the NSW Planning Portal. The likelihood of a flood inundating the site is low. The site is not mapped as being located in an area with vulnerable groundwater.

5.5.2. Assessment of Potential Impact

Soil Quality

Some changes to existing landform are required in order to facilitate construction of the proposed dwellings. The extent of cut and fill is shown on the development plans submitted with the DA. The site and building design respond to existing topographical constraints.

An assessment of the likely impacts of the proposed earthworks confirms the following:

- Site inspection did not reveal any existing natural surface water drainage lines or significant environmental features in proximity to the proposed location of site earthworks.
- The existing topography of the land is assessed to be moderate considering the width of the lot. Site earthworks are capable of being undertaken without creating soil stability issues for the site or nearby land.
- The footprint of required earthworks is to be kept to minimal levels. There are no impacts likely to occur in terms of the future use of redevelopment of the land.
- Due to the minor nature of the proposed earthworks, the likelihood of the development impacting the amenity of adjoining property owners is assessed to be low. The relationship of the proposed dwelling to adjoining properties will not be altered significantly by the proposed earthworks.
- The likelihood of earthworks disturbing relics is low. Appropriate searches of the AHIMS database has not identified any recorded items within a 50m buffer of the subject land.
- Earthworks are sufficiently distanced from any existing water ways, drinking water catchments or environmentally sensitive areas.

Water Quality

The proposal is unlikely to impact adversely on water quality. The dwelling will be connected to Council's reticulated water supply system and will not rely on extracted groundwater for domestic water supply purposes. The dwelling will also be connected to Council's gravity sewerage supply system.

Stormwater is proposed to be managed by diverting all roof-water (including rainwater collection tank overflow) directly to the approved stormwater drainage system in Bruce Street.

5.5.3. Management and Mitigation

The proposed management measures to reduce impacts on water resources are as follows:

- No groundwater will be taken.
- Stormwater runoff entering the site will be managed by perimeter sediment fencing in a manner that minimises soil erosion and the contamination of that water from discharge points to the street drainage system.
- All reasonable and practicable measures will be implemented to control / manage sediment fence lines in such a manner than prevents soil erosion along drainage paths and at the entrance and exit.
- All plumbing and drainage to occur in accordance with an approval granted by Hilltops Council under Section 68 of the Local Government Act 1993.
- An Erosion and Sediment Control Plan would be implemented at the site in accordance with Managing Urban Stormwater: Soils and Construction – Volume 1 (Landcom, 2004). Details have been shown on the relevant plans submitted with the Development Application.

5.6. Air Quality

5.6.1. Existing Conditions Assessment

As vacant land, there are no air quality impacts created by existing site conditions.

5.6.2. Assessment of Potential Impact

Due to the nature and scale of the proposed development, an air quality assessment by a qualified professional is not considered to be necessary or warranted. Dust pollution is not expected to be an issue with the proposed development as all trafficable surfaces are to be constructed of hardstand materials (concrete). The nature and scale of the proposed development is such that air pollution from excessive motor vehicle impurities is not identified to be a key issue.

5.6.3. Management and Mitigation

No additional mitigation measures are proposed.

5.7. Noise and Vibration

5.7.1. Existing Conditions Assessment

As vacant land, there are no noise or vibration impacts created by existing site conditions. The site is located within an established residential area. The predominant use of land within the immediately and wider locality is for residential purposes. A number of key community uses are also located nearby including the Young Health Service and the Young Public School.

5.7.2. Assessment of Potential Impact

An assessment of the potential impacts of the proposed development on noise and vibration has been undertaken, including an assessment of the likely impacts associated with the use of the land for residential purposes. Some localised impacts are likely to occur during construction processes associated with the development, however these are not expected to be significant and will not continue through the life of the development. Noise and vibration are not expected to be ongoing issues given the nature and scale of the proposal.

5.7.3. Management and Mitigation

The proposed noise management measures to be employed at the site during construction phase are as follows:

- Limit construction activities to daylight hours.
- Enclose fixed engines, pumps, and compressors where practicable.
- Use of electrical motors in mechanical systems where practical.
- Maintain equipment in accordance with the original equipment manufacturer's specifications.
- Shut down equipment when not in use.

5.8. Heritage

5.8.1. Existing Conditions Assessment

A search of the Aboriginal Heritage Information System (AHIMS) has been completed for the subject land. The search was completed to determine whether there are any items of cultural heritage significance either on the subject land or within 50m of the subject land. The search result found that:

- There are 0 Aboriginal sites recorded in or near the subject land.
- There are 0 Aboriginal places that have been declared in or near the above location.

The site largely comprises 'disturbed land', as defined under the NPW Regulation 2019. The subject land is not listed as a heritage item under the Hilltops LEP 2022 or State Heritage Register.

5.8.2. Assessment of Potential Impact

A visual inspection of the site reveals a highly disturbed / modified residential environment. Section 80B of the NPW Regulation 2019 define disturbed land as follows:

Land is disturbed if it has been the subject of a human activity that has changed the land's surface, being changes that remain clear and observable. Examples include ploughing, construction of rural infrastructure (such as dams and fences), construction of roads, trails and tracks (including fire trails and tracks and walking tracks), clearing vegetation, construction of buildings and the erection of other structures, construction or installation of utilities and other similar services (such as above or below ground electrical infrastructure, water or sewerage pipelines, stormwater drainage and other similar infrastructure) and construction of earthworks.

Due to the highly disturbed nature of the site, it is unlikely that any items of Aboriginal heritage will be discovered during construction or operation of the Dwelling. The proposal is considered a "low impact activity" and is exempt from the Due Diligence process as per Section 80B (1) of the NPW Regulation. Consequently, an Aboriginal Archaeological Due Diligence Assessment is not required.

Assessment of historic and built heritage is open for assessment, based on the matters for consideration under Section 4.15 of the EP&A Act 1979. This assessment reveals no impacts on heritage items or relics over 50 years old. Consequently, a Heritage Impact Assessment is not required.

5.8.3. Management and Mitigation

No specific mitigation strategies are proposed, other than general awareness of the legislative protection of Aboriginal cultural heritage objects under the NPW Act 1974 in the unlikely event that artefacts are discovered.

5.9. Hazards

5.9.1. Existing Conditions Assessment

No site-specific hazards have been identified. The site is not flood prone or bushfire hazard prone.

5.9.2. Assessment of Potential Impact

There are no historic uses of the land that are known to have been carried out at the site which might give rise to potential concerns of contamination. A site inspection of the site has not identified any obvious signs of activities, current or past, which might give rise to potential concerns of contamination. Further investigations are considered unnecessary in the circumstances and the land is considered suitable for the proposed development.

5.9.3. Management and mitigation

No additional mitigation measures are proposed in order to deal with contamination or bushfire.



5.10. Services and Utilities

5.10.1. Existing Conditions Assessment

The land is vacant land without connection to any urban utilities or services.

5.10.2. Assessment of Impacts

5.10.3. Existing Conditions Assessment

The land is vacant land without connection to any urban utilities or services.

5.10.4. Assessment of Potential Impacts

The location of existing service and utility locations have been identified as part of the site planning process. The proposed development will demand new connections to identified essential services and infrastructure and these will be arranged prior to commencement of use. The servicing requirements for the proposed development are assessed to be within the capacity of the relevant networks, subject to confirmation by relevant service authorities. A breakdown of infrastructure and services requirements is as follows:

Water

The Hilltops Council reticulated water supply system is available to service the proposed development, subject to a connection application with Hilltops Council as the local water supply authority. On-site rainwater tank storage will be utilised to supplement the mains water supply to the dwelling. Adequate arrangements will be made for the provision of a suitable water supply to the proposed dwellings.

Electricity

Electricity poles and wires have been identified on the site survey submitted with the DA. This infrastructure exists generally within the road reservations to Bruce Street. An individual connection will be made to the dwelling in accordance with the requirements of Essential Energy as the relevant service authority.

Sewer

The Hilltops Council gravity sewerage system is available to service the proposed development, subject to a connection application with Hilltops Council as the local supply authority. Any required extension of the main is to be funded by the developer and at no cost to Council. Adequate arrangements will be made for the provision of a suitable water supply to the proposed dwelling.

Stormwater

Stormwater is proposed to be managed by diverting all roof-water (including rainwater collection tank overflow) directly to the public drainage system in Bruce Street. Bruce Street is constructed with roadside kerb and gutter infrastructure, which connects to an underground stormwater drainage network further north of the development site towards Berthing Street.

Rainwater tanks are proposed to be installed for the dwelling and will collect roof-water from the proposed building for re-use throughout the dwellings in accordance with the commitments in the BASIX Certificate. Adequate arrangements exist and will be made for stormwater drainage from the proposed dwelling.

NBN

The proposed development will require connection to the NBN telecommunications network. A check with the NBN confirms that a connection to the NBN broadband access network is available as Fibre to the Node. An application to NBN co. will be required.

5.10.5. Management and Mitigation

The following mitigation measures are proposed:

- New connections to service and utilities to be completed in accordance with the requirements and specifications of the relevant service providers.
- No physical works to commence without a Construction Certificate from Hilltops Council and any other relevant permits / approvals and / or licenses from relevant servicing authorities.



- The site layout will be pegged out by survey prior to the commencement of works to ensure that building and other site features are properly located.
- Stormwater works to be installed in accordance with Hilltops Council requirements.
- No physical works to commence without first completing a Dial Before You Dig (DBYD) search.



6. EVALUATION AND JUSTIFICATION FOR THE PROPOSAL

6.1. Introduction

This section presents the evaluation and justification of the proposal in light of the objectives of the EP&A Act 1979. It also assesses the proposal against the principles of Ecologically Sustainable Development (ESD) and other key policy guidelines in order to provide further guidance as to the acceptability of the proposal, as presented in the SEE. An assessment of the consequences of not proceeding with the proposal and site suitability is also undertaken in this section.

6.2. Objectives of the EP&A Act 1979

Development Consent is being sought under Section 4.16 of the EP&A Act and must therefore satisfy the objectives of the EP&A Act 1979, which are as follows:

- a. to promote the social and economic welfare of the community and a better environment by the proper management, development, and conservation of the State's natural and other resources,
- b. to facilitate ecologically sustainable development by integrating relevant economic, environmental, and social considerations in decision-making about environmental planning and assessment,
- c. to promote the orderly and economic use and development of land,
- d. to promote the delivery and maintenance of affordable housing,
- e. to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities, and their habitats,
- f. to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),
- g. to promote good design and amenity of the built environment,
- h. to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,
- i. to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State,
- j. to provide increased opportunity for community participation in environmental planning and assessment.

The proposal is considered to be consistent with the above objectives. An objective of the EP&A Act is for the encouragement of ecologically sustainable development (ESD), which is assessed in the next section.

6.3. Ecological Sustainable Development

ESD is a long-standing and internationally recognised concept. The concept has been affirmed by the 2002 World Summit for Sustainable Development and has been included in multiple pieces of Federal and State legislation. Australia's National Strategy for Ecologically Sustainable Development (1992) defines ecologically sustainable development as:

Development that improves the total quality of life, both now and in the future, in a way that maintains the ecological processes on which life depends.

The proposal has endeavoured to address long established ESD principles, as follows:

- **The precautionary principle** - No serious environmental threats have been identified. No delays to the final design investigations or assessment process are recommended to allow for additional information / studies / surveys to take place under different climatic or seasonal conditions.
- **Inter-generational (social) equity** - Social equity provides a notion of preservation of environmental aspects that cannot be replaced for the enjoyment of future generations. Generally, such aspects relate to biodiversity, cultural heritage, land-use, and the transformation of the locality as a result of the development. The proposal has considered such aspects and the SEE assessment concludes that environmental impacts



will be minimal. By adopting the recommendations in this SEE for the construction and operational phases, the operation of intergenerational equity can be maintained.

- **Conservation of biological and ecological integrity** – A careful site / building design process has been completed to ensure that no significant flora or fauna impacts will occur. Procedures will be implemented during construction and operation of the premises to minimise potential risks on the environment.
- **Improved valuation, pricing, and incentive mechanisms** - The small volumes of waste generated from the proposal will be appropriately managed to minimise impacts on common public areas, the appropriate pricing mechanism are used to reflect the user pays approach to environmental management.

6.4. Safety, Security, and Crime prevention

The design of the development is acceptable having regard to the location of the land and the characteristics of the existing natural and built features of the surrounding environment. The dwelling has a distinct frontage and entry to Bruce Street with windows to a habitable room directly overlooking the street and allowing for passive surveillance of the street. The development, as designed, is generally consistent with the principles of Crime Prevention Through Environmental Design.

6.5. Cumulative Impacts

The potential environmental impacts of the proposal have been detailed in the relevant sections of the SEE. The proposal is not expected to generate significant impacts in terms of water and air quality, noise and amenity, safety, loss of views, traffic, or parking. Overall, the proposal makes a neutral / positive contribution to the environment. The proposal is considered compatible with the site and its surrounds and does not contribute to having a significant cumulative impact.

6.6. Suitability of the Site for the Development

The site has the capacity to support the proposed development without creating adverse impacts on the site or adjoining land. The proposal is considered suitable on the site.

6.7. Public Interest

The proposed site has been identified for a small-scale development and is permitted on the site as per the R1 General Residential zone. There are no specific policy statements from either Federal or State Government that are relevant to the proposal, nor any planning studies or strategies that need to be taken into account. The proposal is assessed to pose no significant detrimental impacts on the public interest.

7. CONCLUSION

This Statement of Environmental Effects has been prepared by Currajong Pty Ltd on behalf of Aboriginal Housing Office (landowner and developer) to support a Development Application for a dwelling on Lot 8 Sec 53 DP 759144, Bruce Street, Young.

The proposed development represents a small-scale residential development that is capable of integrated with the existing urban setting of the land, nearby housing in Bruce Street and the wider residential neighbourhood.

The assessment of the proposed development has been documented in this Statement of Environmental Effects to visualise all aspects of the relevant matters for consideration under the Environmental Planning and Assessment Act 1979 and Environmental Planning and Assessment Regulation 2021. The assessment concludes the dwelling is permissible in the R1 General Residential zone, is consistent with the special provisions contained in the Hilltops Local Environmental Plan 2022 and is generally consistent with the provisions of the Young Development Control Plan 2011, except for the following variations:

- The dwelling does not achieve the required 6m setback to the western property boundary, which is also the primary street frontage (Bruce Street) to the site. A variation of 1.5m is requested, based on the justifications presented in this Statement of Environmental Effects to allow a merit-based assessment of the matter by Hilltops Council.
- The site layout and building design creates a need for site cut / fill that is deeper than 1m limit in some places. A maximum variation of 0.8m is requested, based on the justifications presented in this Statement of Environmental Effects to allow a merit-based assessment of the matter by Hilltops Council.

It is recommended that sufficient information has been submitted with the Development Application to allow the Hilltops Council to make an informed decision on the proposal. It is the findings of this Statement of Environmental Effects that the proposed development should be supported.

