

BUILDING DESIGNERS | INNOVATIVE | AFFORDABLE | INDIVIDUAL



STATEMENT OF ENVIRONMENTAL EFFECTS

Date October 2024

CWC Ref A5638

Lot 106 DP1291002 | 7 Pepper Tree Way, Taree

Statement of Environmental Effects

S4.55 Modification to DA2023/0767 – Dual Occupancy at 7 Pepper Tree Way, Taree

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1.0 Introduction

Collins W Collins Pty Ltd has been engaged to prepare an application to modify DA2023/0767, which was approved on 17 November 2023 for a dual occupancy and Strata subdivision at 7 Pepper Tree Way, Taree. This Statement of Environmental Effects is to accompany the plans and specifications, and forms part of the application.

2.0 Property Details

Lot	106	Section	-	DP	1291002
Address	7 Pepper Tree Way, Taree 2430				

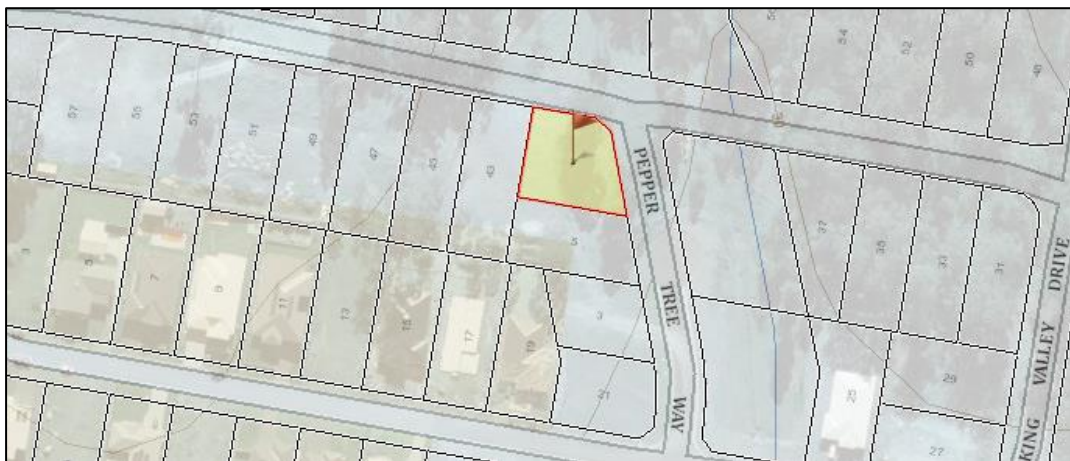


Figure 1: Aerial View, image from Six Maps (sourced: October 2024)

2.1 Site Characteristics

The subject site has an area of 902.9m² and is a corner lot with north orientation to King Valley Drive and east orientation to Pepper Tree Way. There is an approximate 4.6m fall across the site from north-west to south-east.

DA2023/0767 was approved on 17 November 2023 for a detached dual occupancy with Strata subdivision on the subject site. The proposed S4.55 modification provides a detached dual occupancy with Torrens subdivision, and will result in substantially the same development as approved DA2023/0767.

The subject site is identified as being bushfire prone. The Bushfire Attack Level Certificate of DA2023/0767 remains consistent with the proposed modification, providing a rating of BAL 12.5.

2.2 Existing and Proposed Services

Water

The proposed modification does not affect the water service to the dwellings as per DA2023/0767.

Sewer

It is proposed for Unit 1 to utilise the existing sewer junction at the south-eastern corner of the site.

As a Torrens subdivision, the proposal includes a sewer junction from the existing sewer main to service Unit 2, with an easement proposed to the north of the site.

Stormwater

The proposed modification does not affect the stormwater service to the dwellings as per DA2023/0767 which proposes kerb adapters to Pepper Tree Way to service Unit 1 and to King Valley Drive to service Unit 2.

Telecommunication and Electricity

The proposed modification does not affect the telecommunication and electricity connections available to the dwellings.

3.0 Proposal Overview

DA2023/0767 was approved on 17 November 2023 for a detached dual occupancy and Strata subdivision at 7 Pepper Tree Way, Taree.

The proposed modification to DA2023/0767 includes:

- Change from Strata subdivision to Torrens subdivision
- Repositioning of the dwellings on site to provide minimum 450m² area to each proposed lot
- Reduced front setback of Unit 1 from 6.0m to 4.495m
- Reduced front setback of Unit 2 from 8.0m to 7.5m and increased rear setback from 4.2m to 4.7m
- Reduced FFL of Unit 1 from RL 36.31m to 36.16m AHD and reduced garage FFL from RL 35.80m to 35.65m AHD
- Reduction in Unit 1 maximum height from 5.343m to 5.164m
- Raised FFL of Unit 2 from RL 37.58m to RL 37.68m AHD and raised garage FFL from RL 37.495m to 37.595m AHD
- Increase in Unit 2 maximum height from 5.14m to 5.24m
- Unit 1 façade change to incorporate cladding
- Masonry retaining wall height amendments, with max 1.5m as approved

- Earthworks amendment, including fill increase to maximum 650mm and cut increase to maximum 1.6m

Access to the development is to remain as per approved, by way of one driveway and crossover to Unit 1 from Pepper Tree Way, and one driveway and crossover to Unit 2 from King Valley Drive.

DA2023/0767 was approved on 17 November 2023 for a detached dual occupancy and Strata subdivision at 7 Pepper Tree Way, Taree. The proposed modification includes change from Strata to Torrens subdivision, reduced front setbacks, and amended finished floor levels. The proposed modification does not affect the number of dwellings, the design of the dwellings or the floor space ratio, and results in a reduced maximum height of the development. The proposed modification will result in substantially the same detached dual occupancy development as approved.

4.0 General Information

Site Suitability	
Will the development:	
• Affect any neighbouring residences by overshadowing or loss of privacy?	No
• Result in the loss or reduction of views?	No
• Impact on any item of heritage or cultural significance?	No
• Result in land use conflict or incompatibility with neighbouring premises?	No
• Be out of character with the surrounding areas?	No
• Be visually prominent with the existing landscape/streetscape?	No
• Require excavation or filling in excess of 1 metre?	Yes
• Require the display of any advertising signage?	No
Will the proposal:	
• Result in any form of air pollution (smoke, dust, odour)?	No
• Have the potential to cause any form of water pollution?	No
• Emit noise levels that could affect neighbouring properties?	No
• Be considered potentially hazardous or offensive (refer SEPP Resilience and Hazards for definitions)?	No
• Affect native or aquatic habitat?	No
• Have an impact on a threatened species or habitat?	No
• Involve the removal of any trees?	No

<u>Access, Traffic & Utilities</u>	
• Are electricity and telecommunications services available to the site?	Yes
• Is lawful and practical access available to the site?	Yes
• Will the development increase local traffic movements and volumes?	Yes
• Are appropriate manoeuvring, unloading and loading facilities available on site?	N/A
<u>Waste Disposal</u>	
Provide details of waste management, including reuse and recycling: Individual bins to be collected via Council's Contractors	
How and where will the wastes be stored: As approved within the private open spaces	
• Does the proposed use generate any special wastes?	No
• Will the use generate trade wastes (ie greasy or medical wastes)?	No

5.0 State Environmental Planning Policy

5.1 Sustainable Buildings 2022

The proposed modification remains consistent with the BASIX Certificate and NatHERS Certificate of approved DA2023/0767.

5.2 Resilience and Hazards 2021

Part 2.2 Development controls for coastal management areas

The subject site is not mapped as being a Littoral Rainforest or Coastal Wetlands and is not within the proximity area for Littoral Rainforests or Coastal Wetlands.

5.3 Biodiversity and Conservation 2021

The subject site is not mapped as being a Koala Habitat area on the Koala Habitat Map, is not located within an approved Koala Plan of Management area, and the proposal does not include the removal of any trees.

5.4 Transport and Infrastructure 2021

The subject site does not have frontage to a classified road. The proposed modification has considered SEPP (Transport and Infrastructure) in regards to infrastructure and telecommunications relating to the subject site and proposed development.

6.0 Greater Taree Local Environmental Plan 2010

Clause 2.2 - Land Zoning

The subject site is zoned R1 – General Residential. The objectives of this zoning are as follows:

- *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.*

The proposed modification to provide a dual occupancy development with Torrens subdivision remains a permissible land use and provides a housing type that will meet the needs of a community segment. In this regard, the proposal remains consistent with the R1 zone objectives.

Clause 4.1 - Minimum Lot Size

The minimum lot size specified on the Lot Size Map is 450m².

The proposal includes an application for Torrens subdivision to create two (2) lots; proposed Lot 1 with area of 452.38m² and proposed Lot 2 with area of 450.51m².

Clause 4.3 - Height of Buildings

The maximum height of building specified on the Height of Building Map is 8.5m.

The proposed modification reduces the maximum height of the development to 5.24m above existing ground level, which remains compliant with the LEP and consistent with neighbouring developments.

Clause 4.4 - Floor Space Ratio

The floor space ratio specified on the Floor Space Ratio Map is 0.6:1.

The proposed modification does not affect the approved floor space ratio of the development, at 0.37:1.

Clause 5.21 - Flood Planning

The subject site is not identified as being within a Flood Planning Area.

Clause 7.1 - Acid Sulphate Soils

The subject site is not mapped as having Acid Sulphate Soils.

7.0 Development Control Plan

7.1 Greater Taree Development Control Plan 2010

	DCP Requirements	Proposal	Complies Yes/No
D3.1 Cut and fill	Max cut or fill 1m	Cut to max 1.6m Fill to max 650mm	No Yes
	Council will consider permitting greater cut for split level on steeply sloping sites	Site has approximate 4.6m fall from north-west to south-east	Yes
H2.1 Site Coverage	Max site coverage 65%	Approx. 46% as approved	As approved
H3.3 Dual Occupancies	Min lot size 750m ²	Lot size 902.9m ²	Yes
H3.3 Front Setback	Primary frontage: 5m	Unit 2 setback 7.5m	Yes
	Secondary frontage: 3m	Unit 1 setback 4.495m	Yes
H3.3 Side and Rear Setback	Single Storey: 900mm	West: 1.5m as approved South: 1.5m as approved	As approved As approved
	Second Storey: 1.6m	N/A – single-storey dwellings	As approved
H3.3 Car Parking	1 space per 2 bed dwelling 2 spaces per 3+ bed dwelling	Attached garages as approved	As approved
	Garages and carports should not occupy more than 50% site frontage	Unit 1 – garage = approx. 23% site frontage as approved Unit 2 – garage = approx. 42% unit 2 site frontage as approved	As approved As approved
	Dual occs on corner lot: max 1 driveway to each frontage	Unit 1 driveway to Pepper Tree Way frontage and unit 2 driveway to King Valley Drive frontage	As approved
H2.4 Car Parking and Access	Driveways minimum 3m wide	Driveways min 4m wide and 4.5m wide	Yes
H2.3 Building Height	Lowest floor level max 1m above natural ground level	As approved - floor level partially below natural ground level Floor level to max 850mm above natural ground level	As approved

H2.3 Building Height	Not more than two storeys at any given point	Single-storey dwellings	As approved
	Max 6m height to intersection of wall and eaves lines at any point along line of external walls	As approved - max height 2.86m to intersection of wall and eaves line	As approved
H2.5 H3.3 Private Open Space	Min 80m ² for each dwelling, including: - min 4m dimension - level area of 6m x 4m - directly accessible from living area of each dwelling	Unit 1 – 91m ² including minimum dimension 4m and area of 6m x 4m directly accessed from the living area of the dwelling Unit 2 – 87m ² including minimum dimension 4m and area of 6m x 4m directly accessed from the living area of the dwelling	As approved Yes
	Part of POS may be provided in front of building line where lot is north facing	Unit 1 incorporates north-facing open space	As approved
	Max 1:10 gradient. On steeper slopes, open space to be terraced	Max grade 5%	As approved
	At least one principal living area must face predominantly north	Bedroom and living area windows north-facing	As approved
	Screened for privacy	Boundary fencing is incorporated, as per the 88B	As approved
H2.10 Front Fencing	Max 900mm high if solid Max 1.5m high if 50% transparent	N/A – no front fencing proposed	As approved
H2.5 H2.6 Solar Access	Shadow diagrams to be submitted for all 2 storey developments	Shadow diagrams submitted	Yes
	Predominant living space and key POS maximises northern or eastern sun	Unit 1 principal living area and private open space has been designed to maximise northern and eastern solar access Unit 2 POS is south-facing due to the orientation of lot, and the proposal therefore utilises the northern front setback for landscaping opportunities, with north-facing bedroom window	As approved

H2.5 H2.6 Solar Access	Sunlight must reach at least 50% of the POS of both the subject dwelling and of any adjoining dwelling, for not less than 3 hours between 9:00am and 3:00pm on 21 June.	Unit 1 private open space has north-eastern orientation and will therefore receive sunlight on 21 June Unit 2 private open space has southern orientation, therefore the increased northern front setback incorporates landscaping to compensate Proposal will maintain sunlight to approx. 74% of the southern adjoining POS on 21 June	As approved
	Minimum 3 hours solar access between 9:00am and 3:00pm on 21 June to principal living rooms of the proposed dwelling and the adjoining dwellings.	Unit 1 principal living rooms will receive more than 3 hours solar access on 21 June Unit 2 incorporates eastern living area window with increased side setback Proposal will maintain sunlight to southern adjoining dwelling's principal living room on 21 June	As approved
H2.7 Acoustic and Visual Privacy	Min 3m line-of-sight separation between parking areas/streets and bedroom windows	Exceeds 3m between bedroom windows and streets	As approved
	Where wall openings of adjacent dwellings opposite each other, min 3m separation	Wall openings offset and with variation in levels between dwellings Proposal increases separation between proposed dwellings	As approved Yes
	Opposing windows and doors on adjacent lots offset	Opposing windows offset, as approved	As approved
	Direct views between living area windows of adjacent dwellings must be screened or obscured where ground and first floor windows within 9m of adjacent dwellings, or other floor windows within 12m radius	No direct views 1.8m high boundary fencing	As approved
	Overlooking of ground level POS from upper levels to be avoided	N/A – single storey dwellings	As approved

H2.9 Safety, Security and Entrances	One habitable room window overlooking street	Living area and bedroom windows overlook streets	As approved
	Front entrance easily identified	Each dwelling is provided with easily identifiable front entrance	As approved
	Separate and covered pedestrian entry to each dwelling. Entries should be oriented to the street and/or separated from driveways by eg. a porch	Each dwelling is provided with a front porch	As approved
	Front fences, garages and landscaping not to obstruct casual surveillance and permit safe access to dwelling	Casual surveillance provided to the streets, with safe vehicular access	As approved

7.2 Non-Compliances

We provide the following in relation to the non-complying issues identified in the table above:

Issue: Increase in cut from 1.4m to maximum 1.6m

DCP 2010 Part D3.1 Objectives

- *Minimise cut and fill through site sensitive subdivision, road layout, infrastructure and building design.*
- *Sensitively locate dwellings to ensure minimisation of site works prior to construction of a dwelling.*
- *Minimise additional earthworks of lots during the dwelling construction phase.*
- *Allow land forming only where it enhances the use and character of land.*
- *Ensure no adverse impact occurs to local drainage characteristics (including peak flows, velocity and depth of flow).*
- *Ensure land forming operations do not silt or pollute waterways, drainage lines and wetlands, damage topography or adversely affect bushland.*
- *Ensure land forming does not increase the potential for the inundation of water on any other land during the full range of flood events.*
- *Ensure appropriate environmental controls are applied to conserve the landscape and protect the surrounding environment.*
- *Protect and enhance the aesthetic quality and amenity of the area by controlling the form, bulk and scale of land forming operations to appropriate levels.*

- *Ensure properties in the vicinity are not adversely affected by any earthwork operations during or post construction.*
- *All retaining walls shall be constructed in a manner that is aesthetically compatible with the surrounding environment.*

The proposed modification includes additional earthworks, with cut to a maximum of 1.6m. Whilst 1.4m of cut was approved as per DA2023/0767, the proposed cut is not consistent with part D3.1 of the DCP, which states that the maximum amount of cut shall not exceed 1m.

The proposed dual occupancy development has been designed in consideration of the topography of the site, which has an approximate 4.6m fall across the site from north-west to south-east. The proposal incorporates increased cut to a maximum of 1.6m, and fill to a maximum of 650mm, to provide level areas for the construction of the dwellings, feasible driveways and useable private open spaces. The approved development incorporates retaining walls to a maximum height of 1.5m, which are to be constructed in accordance with engineer's details and specifications to ensure that there will be no adverse impacts to neighbouring properties. The proposed increase in cut and approved retaining walls will therefore not result in damage or instability to neighbouring lots.

The retaining walls will also incorporate adequate drainage measures to ensure that stormwater is drained away from the proposed dwellings and that the proposal will not result in adverse impacts to stormwater drainage for neighbouring properties.

The proposal comprises two detached, single-storey dwellings, with living room windows screened from the adjoining dwellings by boundary fencing. In this regard, the proposed increase in cut will not impact on residential privacy between neighbouring dwellings.

It is therefore considered that the proposal is consistent with the objectives of part D3.1 of the DCP. Due to the topography of the site, with approximate 4.6m fall, the proposal incorporates additional cut and amended finished floor levels of the dwellings to provide for the level construction of the development. The proposed modification does not affect the approved maximum height of retaining walls, to maximum 1.5m high, which are to be constructed in accordance with engineer's details and specifications to ensure that the proposed dual occupancy development will not lead to damage, instability or adversely alter drainage, and that the proposal will also maintain privacy to adjoining dwellings.

8.0 Conclusion

The above assessment has been completed and the proposed S4.55 Modification to DA2023/0767 at 7 Pepper Tree Way, Taree complies with:

- the State Environmental Planning Instruments;
- Greater Taree Local Environmental Plan 2010; and
- Greater Taree Development Control Plan 2010.

The proposed modification will result in substantially the same development as approved.

The proposal will not adversely impact on the natural or built environment.

The proposal will benefit the community, both socially and economically.

The proposal is suitable for the site.

This Statement of Environmental Effects is submitted to MidCoast Council for review.