

OGILIVE

Change of Use to a Secondary Dwelling and Alterations and Additions

STATEMENT OF ENVIRONMENTAL EFFECTS





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SUMMARY

This SEE has been prepared pursuant to Section 24 of the *Environmental Planning and Assessment Regulation 2021* and is provided in the following format.

- > **Section 1** contains a description of proposed development.
- > **Section 2** of this report provides a description of the subject site and its locality.
- > **Section 3** details the planning framework applicable to the subject site and proposed development.
- > **Section 4** identifies the impacts of the proposed development.
- > **Section 5** provides a conclusion to the SEE.

1. DESCRIPTION OF THE DEVELOPMENT

Premise has been commissioned by K Ogilive to prepare a Statement of Environmental Effects (SEE) to accompany a Development Application (DA) for a change of use of the existing stables to a secondary dwelling, with alterations and additions at 141 Comur Street, Yass.

Details of the proposed development outlined on the drawings provided at **Appendix A**.

Specifically, the proposed development entails the following key aspects:

- > Change of Use – Stables to a Secondary Dwelling (adaptive reuse)
- > Minor demolition works including internal and external wall removal and reinstatement
- > Upgrade of existing sanitary facilities
- > Replacement of window fixtures and installation of skylights
- > Landscaping

2. THE SITE AND ITS LOCALITY

2.1 Description

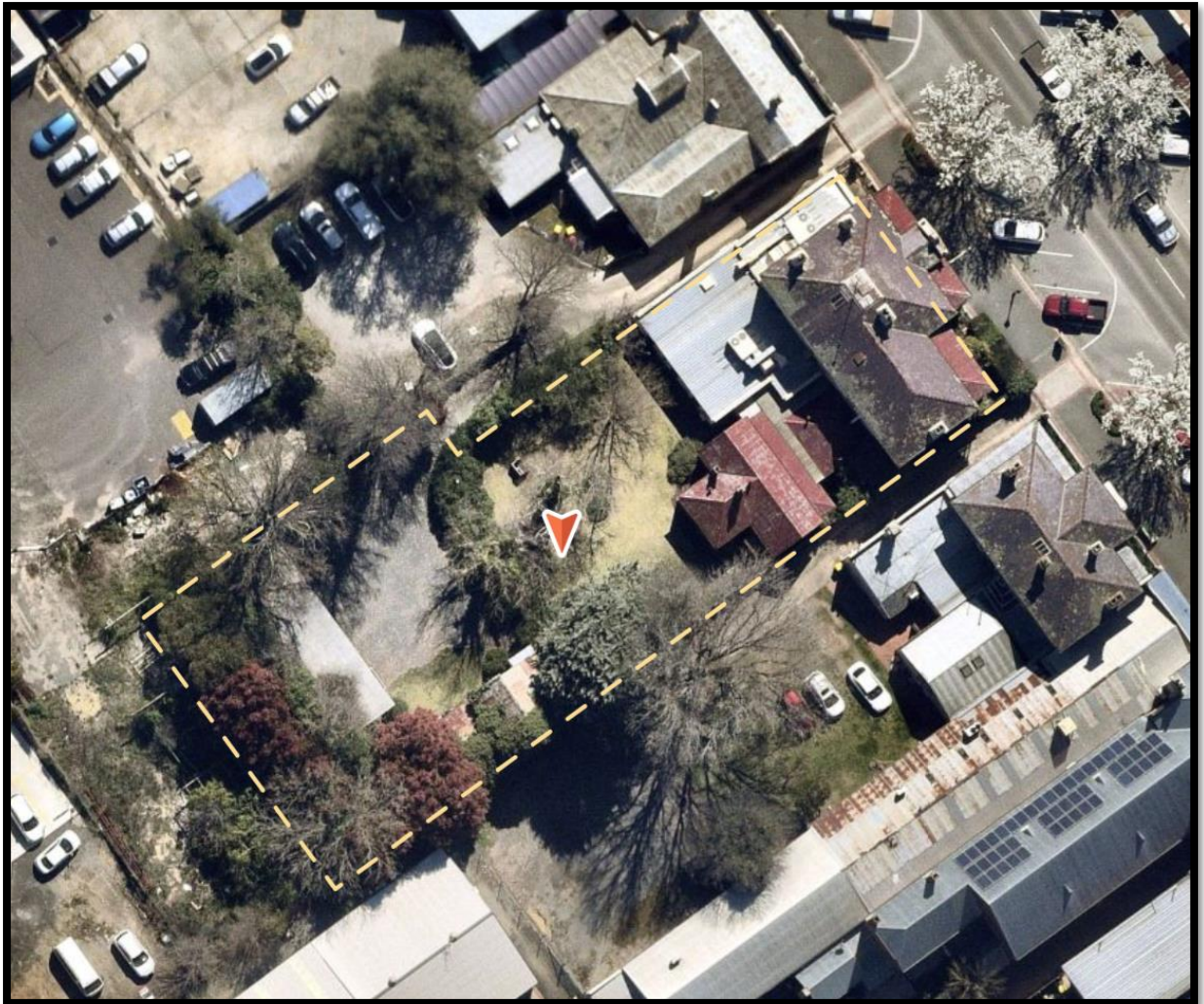
The site is 141 Comur Street, Yass, also known as Lot 1 in DP224341, and located within the Parish of Hume, County of Murray.

The subject site is wholly contained within the E1 Local Centre as per the *Yass Valley Local Environmental Plan (LEP) 2013*. The site has a total area of 1,862m² (approximately) and a frontage to Comur Street in the north westerly direction.

The subject site contains the heritage listed Westpac Bank Building and Hitching posts (I179), stables building, carport and gardens.

Surrounding development in the locality is characterised by a mix of commercial and residential properties fronting the main thoroughfare of Comur Street.

Figure 1 – The Subject Site



3. STATUTORY PLANNING FRAMEWORK

3.1 Environmental Planning and Assessment Act 1979

Table 1 provides a summary of potentially relevant sections of the *Environmental Planning and Assessment Act 1979* (EP&A Act) and identifies where further discussion is required and provided in this report.

Table 1 – EP&A Act considerations

EP&A Act Section		Comment	Section of the report addressed
1.7	Requirement to consider Section 7.2 of the Biodiversity Conservation Act 2016	The proposed development is unlikely to significantly affect threatened species or ecological communities or their habitats.	
4.5	Designation of consent authority	Yass Valley Council.	
4.10	Designated development	The development does not involve designated development.	
4.14	Certain bushfire prone land	The development is not identified as being bushfire prone.	
4.15	Evaluation	The proposal is in the public interest.	4 – Impact Assessment
4.21	Concept development applications	Not Applicable.	
4.32	Crown development	Not Applicable.	
4.46	Integrated development	Not Applicable.	
4.65	Existing uses	Not Applicable.	

3.2 Yass Valley Local Environmental Plan 2013

At a local level, the applicable plan is the *Yass Valley Local Environmental Plan 2013* (LEP).

Through a review of available LEP mapping, the following is known about site specific constraints – refer **Table 2**.

Table 2 – LEP mapping

Constraints		Applies	Relevance/Section of the report addressed
Land Zoning Map	E1 – Local Centre	Yes	Table 4 – 2.3

Lot Size Map	Not Applicable	No	
Floor Space Ratio Map	1:1	Yes	Table 4 – 4.4
Height of Buildings Map	12m	Yes	Table 4 – 4.3
Land Reservation Acquisition Map	Not Applicable	No	
Heritage Map	Item 179	Yes	4.4 and Appendix D
Natural Resources Sensitivity Land Map	Not Applicable	No	
Scenic and Landscape Values Map	Not Applicable	No	
Key Sites Map	Not Applicable	No	
Urban Release Area Map	Not Applicable	No	
Additional Permitted Uses Map	Not Applicable	No	
Active Street Frontages Map	Not Applicable	No	
Flood Planning Land Map	Not Applicable	No	
Land Reclassification Map	Not Applicable	No	

Other mapped constraints identified through a review of the NSW planning portal spatial viewer, and other available mapping are outlined in **Table 3**.

Table 3 – Other

Constraints		Applies	Relevance/Section of the report addressed
Bushfire prone land	Not Applicable	No	
Biodiversity values	Not Applicable	No	
Overland Flooding	Applicable	Yes	Table 8

Other relevant LEP clauses requiring considering are discussed in Table 4.

Table 4 – LEP clauses

Clause	Comment		Section of the report addressed if applicable
2.3	Zone Objectives and Land Use Table	The land subject to this development is contained within E1 Local Centre zone:	With respect to the objectives of the E1 zone for a change of use, the

		<ul style="list-style-type: none"> ○ To provide a range of retail, business and community uses that serve the needs of people who live in, work in or visit the area. ○ To encourage investment in local commercial development that generates employment opportunities and economic growth. ○ To enable residential development that contributes to a vibrant and active local centre and is consistent with the Council's strategic planning for residential development in the area. ○ To encourage business, retail, community and other non-residential land uses on the ground floor of buildings. 	<p>proposal complies with the objectives of the zone by:</p> <p>Enabling residential development that contributes to a vibrant and active local centre.</p>
4.3	Height of buildings	The identified height of building restriction is 12m. The proposal is limited to a height of 6.080m.	Appendix A
4.4	Floor space ratio	The identified FSR is 1:1. The site area is 1862m ² , the proposal requires a 5.5m ² extension to the existing building footprint to total floor area of 111.83m ² . Therefore, not exceeding the required FSR.	Appendix A
5.4	Controls relating to miscellaneous permissible uses	The proposal has a total floor area of 118.83m ² . The existing dwelling house is 238m ² . Therefore, the proposed secondary dwelling is not greater than 100% of the total floor area of the principal dwelling.	Appendix A
5.10	Heritage conservation	The proposal meets the objectives of the environmental heritage conservation as detailed in the attached Heritage Impact Statement prepared by Black Mountain Projects Heritage Consultants – Appendix D.	4.4 and Appendix D
5.21	Flood Planning	The proposed change of use and alterations and additions to the existing stables have been	Table 8 – Sec H

		assessed in relation to flooding impacts. The estimated flood depth for the 1% AEP event is minimal (0-0.2m) relative to the current floor level. The increase in the Finished Floor Level (FFL) to 492.00 AHD ensures the structure can withstand floodwater forces, debris, and buoyancy up to and including the 1% AEP event. The existing and proposed materials, including concrete footings, slab, and solid brickwork, provide a durable foundation for flood resilience. Additionally, the potential impact of the development on flooding and drainage patterns is minimal, with an estimated change of +0.01m.	
6.8	Essential services	The following essential services are existing; water, sewage, stormwater, electricity and communications coupled with suitable arrangements made for their extension to service the proposal.	4.3 and Appendix A

3.3 Yass Valley Development Control Plan 2024

Compliance with the relevant requirements of the DCP is demonstrated via the detailed assessment provided in Appendix B. The following matters require additional clarification or assessment.

Table 5 – DCP matters requiring further assessment

DCP matter requiring further assessment	Section of the report addressed
Nil	

On the basis of the assessment in **Appendix B** and the further discussion in relevant sections referenced in Table 5, it is considered that the proposed development is consistent with the relevant provisions of the DCP.

3.4 Yass Valley Development Contributions Plan 2018

The Yass Valley Development Contributions Plan 2018 is the applicable contributions plan for the subject site.

3.5 State Environmental Planning Policy

Table 6 outlines those State Environmental Planning Policies (SEPP) are relevant to the proposed development and identifies where these are discussed further in this report.

Table 6 – SEPP relevance

State Environmental Planning Policy	Relevant sections	Reason for relevance	Section of the report addressed if applicable
Transport and Infrastructure 2021	2.119 2.122	Frontage to a classified Road Traffic generating development	4.2
Hazards and Resilience 2021	Chapter 4	The proposal does not trigger the provisions of the SEPP.	5.1

4. IMPACT ASSESSMENT

Pursuant to clause 24 of the EP&A Regulation, this section outlines the environmental impacts of the proposed development, and any measures required to protect the environment or lessen the harm to the environment.

The impacts have been identified through an assessment of the proposed development against the provisions of Section 4.15(1)(b) of the EP&A Act and the *Application Requirements* (Department of Planning and Environment 2022).

This section also addresses the consideration at Section 4.15(c) and Section 4.15(e) of the Act that relate to the suitability of the site for the development.

4.1 Context and Setting

The proposal is located along the main thoroughfare of Yass (Comur Street), featuring a blend of commercial and residential historical establishments. The proposal is located at the rear of the property, as to not affect the heritage listed front building and streetscape. The proposal is respectfully repurposing an existing historical structure, allowing for the structure to remain relevant and functional.

4.2 Access, Transport and Traffic

The development site is serviced by an existing unnamed laneway off Comur Street, with an approx. 3.66m and variable width pavement providing a heritage view corridor to the main street.

Comur Street is a classified Road. The proposal does not meet the criteria associated with traffic generating development.

4.3 Servicing

The following essential services are existing; water, sewage, stormwater, electricity and communications coupled with suitable arrangements made for their extension to service the proposal.

4.4 Heritage

The submitted plans prepared by SC Design Solutions has incorporated the heritage advice provided by Black Mountain Projects Heritage Consultants including landscaping works conducive to the heritage objectives of the *Yass Valley Local Environmental Plan 2013* and NSW Heritage Council guidelines. In summary *"the development will balance the preservation of the stables building with the provision of modern housing"*. Appendix D – Heritage Impact Statement.

4.5 Waste

The proposal requires some minor demolition and construction works. A waste management plan will be provided at construction certificate application stage.

4.6 Stormwater

A stormwater drainage plan is included in the plans prepared by SC Design Solutions – A08-3 Appendix A.

4.7 Natural Hazards

There are no known natural hazards identified for the proposal.

4.8 Safety, Security and Crime Prevention

The guidelines prepared by the NSW Department of Urban Affairs and Planning (DUAP 2001) identify four (4) Crime Prevention Through Environmental Design (CPTED) principles to be considered in a Development Application to ensure developments do not create or exacerbate crime risk. The four key principles of the guidelines include surveillance, access control, territorial reinforcement, and space management.

The proposal would increase surveillance of the public realm and offer improvement to the current CPTED situation at the site as a result of the proposal.

4.9 Site Design and Internal Design

The proposed development has a site design that reinforces the public domain and heritage integration with the surrounding area. The internal design has included the selective removal of invasive weed species and specific trees to facilitate the implementation of the proposed landscaping works conducive to the heritage values, see Appendix C – Arboricultural Impact Assessment prepared by Arboriculture Consultancy.

The proposed change of use and alterations and additions to the existing stables have been assessed in relation to flooding impacts. The estimated flood depth for the 1% AEP event is minimal (0-0.2m) relative to the current floor level. The increase in the Finished Floor Level (FFL) to 492.00 AHD ensures the structure can withstand floodwater forces, debris, and buoyancy up to and including the 1% AEP

event. The existing and proposed materials, including concrete footings, slab, and solid brickwork, provide a durable foundation for flood resilience. Additionally, the potential impact of the development on flooding and drainage patterns is minimal, with an estimated change of +0.01m.

4.10 Construction Impacts

Construction impacts would be short-lived and manageable. The following standard construction management measures would be implemented to ensure impacts to the locality are minimised:

- > Standard construction hours (7 am to 6 pm Monday to Friday and 8 am to 1 pm Saturday and at no times on public holidays) would be implemented.
- > Avoiding dust generating activities during windy and dry conditions; and
- > Maintaining all equipment in good working condition such that the construction contractor and site manager ensure the prevention of the release of smoke by construction equipment, which would be in contravention of Section 124 of the Protection of the Environment Operations Act 1997 and Clause 16 of the Protection of the Environment Operations (Clean Air) Regulation 2010.

Given the nature of the identified proposed works, it is not anticipated that the works will result in any significant construction impacts.

4.11 Cumulative Impacts

It is not anticipated that the development would result in any cumulative impacts.

5. CONCLUSION

5.1 Suitability of the site

The site is well-suited for conversion into a secondary dwelling, as it has existing infrastructure, adequate access, and compatibility with surrounding land uses. Its current location minimises the need for extensive modifications, making the proposal a cost-effective and sustainable solution. Additionally, the structure's integration into the neighbourhood ensures that the development aligns with local character and does not negatively impact adjoining properties.

5.2 The Public Interest

The proposed conversion of the existing structure into a secondary dwelling is in the public interest, as it promotes the efficient use of an existing building while addressing the growing demand for housing. This change would help prevent the structure from falling into further disrepair, which could pose safety concerns and negatively impact the surrounding locality. Additionally, preserving and adapting older buildings enhances the character of the area, contributing to both historical preservation and community vitality.

5.3 Conclusion

The development the subject of this SEE seeks approval for the change of use of the existing stables to a secondary dwelling, with alterations and additions at 141 Comur Street, Yass.

In supporting this proposal serves the public interest by preventing the deterioration of the existing structure, enhancing neighbourhood aesthetics, and contributing to much-needed housing availability. Additionally, the adaptive reuse of the building promotes historical preservation and sustainable development, ensuring the site remains a valuable asset to the community.

The SEE has considered the development against the relevant consideration of the *Environmental Planning and Assessment Act 1979*, relevant State and local environmental planning instruments and the controls in the applicable development control plan. The development is permissible with consent and satisfies the provisions of the relevant legislation and policies.

Potential environmental impacts from the development have been considered by the SEE. The assessment of relevant environmental considerations has found that the development will not have unacceptable impacts, and the approval of the development is in the public interest.

REFERENCES

Table 7 - References

References
Appendix A – Architectural Plan prepared by SC Design Solutions dated December 2024
Appendix C – Arboricultural Impact Assessment prepared by Arboriculture Consultancy Australia dated November 2024
Appendix D – Heritage Impact Statement prepared by Black Mountain Projects Heritage Consultations dated January 2025
BASIX Certificate dated January 2025
Identification Survey prepared by SRD Land Consulting dated April 2024

APPENDIX A

ARCHITECTURAL PLANS

APPENDIX B

DCP COMPLIANCE TABLE

Table 8 – Development Control Plan Matters and Assessment

Clause	Objective	Assessment	Compliance?
D.1 Solar Access	To ensure that living and private open space areas are provided solar access to enhance enjoyment and reduce energy consumption.	<p>The proposal demonstrates the requirement to provide adequate solar access.</p> <p>D1.1 Siting A site analysis plan is provided in Appendix A.</p> <p>D1.2 Streetscape Character The existing structure has a front setback of greater than 6m.</p> <p>D1.3 Side Setback Existing masonry building.</p> <p>D1.4 Site Coverage and Floor Space Ratio Landscape plan is attached under Appendix A demonstrating the ability to provide for deep rooted vegetation and to assist in stormwater management. The FSR does not exceed 1:1.</p> <p>D1.5 Building Height The identified height of building restriction is 12m. The proposal is limited to a height of 6.080m.</p> <p>D1.6 Building Design The proposal is an adaptive reuse of an existing structure. Privacy has been considered in the proposed alterations and additions of the existing structure.</p>	Yes

Clause	Objective	Assessment	Compliance?
		D1.7 Private Open Space The proposal has an area greater than 40m2 of P.O.S with minimum dimensions of 4x4m.	
D.2 Privacy	To ensure that residents of new residential development have privacy from overlooking from other nearby development. To ensure that new residential development does not impede on the privacy of existing or future development.	The proposal is an adaptive reuse of an existing structure. Privacy has been considered in the proposed alterations and additions of the existing structure.	Yes
D.3 Stormwater	To ensure that stormwater is appropriately designed to minimise harm to the environment or buildings.	Stormwater disposal will comply with AS3500.3 Plumbing and Drainage as indicated in Plan A08-B of Appendix A.	Yes
D.4 Services	To ensure that services essential for residential development are considered in the design phase.	The proposal complies with the following provisions: <ul style="list-style-type: none"> ○ Provision of a letterbox wholly contained within the property boundary. ○ House numbering visible from the street. ○ Provision of the storage of waste bins within the property boundary not visible from the street. ○ Rainwater tanks will be positioned behind the building line and not exceeding 3m in height. ○ Connection of reticulated sewer. 	Yes

Clause	Objective	Assessment	Compliance?
		Details demonstrating compliance are denoted on the plans prepared by SC Design Solutions – Appendix A.	
H. Development in Hazard Affected Areas	Table 22 – Development Controls for Major Overland flow - Yass FPCC2		
	A2 – Habitable floor levels to be set no lower than the 1% AEP flood level plus freeboard.	The proposed habitable floor level has been set as 492.00 AHD.	Yes
	A4 – Habitable floor levels to be as close to the Minimum habitable floor level as practical and no lower than the existing floor level when undertaking concessional development.	Existing FFL is 491.75 AHD.	Yes
	B1 – All structures to have flood compatible building components below the 1% AEP flood level plus freeboard.	The existing and proposed materials include a concrete footing and slab with solid brickwork, providing a robust foundation that enhances the structure's ability to withstand flooding impacts, including floodwater forces, debris, and buoyancy up to and including the 1% AEP event.	Yes
	C1 – Engineers report to certify that any structure can withstand the forces of floodwater, debris and buoyancy up to and including 1% AEP flood plus freeboard.	The estimated flood depth for the 1% AEP event falls within the lowest category (0-0.2m) relative to the current floor level. The proposed increase in the Finished Floor Level (FFL) to 492.00 AHD ensures that the structure can withstand the forces of floodwater, debris, and buoyancy up to and including the 1% AEP event.	Yes

Clause	Objective	Assessment	Compliance?
	D2 – The impact of the development on flooding elsewhere is to be considered.	The potential impact of the proposed infill development on flooding and drainage patterns is minimal, with an estimated change of +0.01m.	Yes
	F2 – Flood safe plan to address safety and property damage issues considering the full range of flood risk.	A flood safe plan will be provided prior to the issuance of a CC for the proposed works.	Yes
	H6 – Enclosed car parking and car parking areas accommodating more than three vehicles, with a floor level below the 5% AEP flood or more than 0.8m below the 1% AEP flood level, shall have adequate warning systems, signage and exits.	No enclosed carparking is proposed.	Not applicable
	H7 – Restraints or vehicle barriers to be provided to prevent floating vehicles leaving the site during a 1% AEP flood.	The estimated flood depth for the 1% AEP event falls within the lowest category (0-0.2m) relative to the current floor level, elevating the need for barriers to be installed.	Yes
	H8 – Driveway and parking space levels to be no lower than the design ground floor levels. Where this is not practical, a lower level may be considered. In these circumstances, the level is to be as high as practical, and, when undertaking concessional development, no lower than existing levels.	Access is provided by an existing laneway, and it is not practical for the pavement to be increased.	Yes

Clause	Objective	Assessment	Compliance?
I7.1 Residential Access	An access is the area of driveway between the road and the property boundary.	Access is provided via the existing laneway with a 3.66m variable width and is conducive to the heritage view corridor to Comur Street.	Yes
J.12.1 Additional Dwellings in or Near Heritage Areas and Items	To ensure that additional dwellings do not negatively impact upon the heritage values or significance of heritage items and conservation areas.	The Heritage Impact Statement prepared by Black Mountain Projects Heritage Consultants (Appendix D) summarises the proposal as <i>'honouring the site's heritage significance...'</i> .	Yes
J.15 Change of Use	To provide controls for the change of use of heritage items and items in a heritage conservation area.	The development does not propose to change the use of the listed item 'Westpac Bank and Hitching Posts'. The proposal is seeking to change the use of the stables at the rear of the heritage listed item. The attached Heritage Impact Statement (Appendix D) articulates that no significant impact to the heritage listed item is proposed.	Yes

APPENDIX C

ARBORICULTURAL IMPACT ASSESSMENT

APPENDIX D

HERITAGE IMPACT STATEMENT