

STATEMENT OF ENVIRONMENTAL EFFECTS

D-PLAN URBAN PLANNING CONSULTANTS PTY LTD PO Box 201 Liverpool NSW 1871 Ph: (02) 9802 5030 Mob: 0410 331 467 E-mail: david@dplan.com.au www.dplan.com.au

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TWO (2) LOT SUBDIVISION & CONSTRUCTION OF A DWELLING HOUSE ON EACH LOT

18 YAMBA STREET, HAWKS NEST (LOT 85 DP 16379)

6/5/2025

D-Plan Urban Planning Consultants Pty Ltd

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1.0 EXECUTIVE SUMMARY

Hawks Nest forms part of the Great Lakes coastal strip, which is a popular attraction for retirees, those seeking to make lifestyle changes and holiday makers. The locality is close to a number of beaches and to the major urban centre of both Newcastle and Sydney. Statistics show that population growth has been sustained and is expected to continue, particularly in the zones which allow multiple dwelling developments.

Council promotes well-designed residential development that does not intrude on the amenity of existing neighbourhoods. It also encourages diversity and special attention to streetscape presentation. Council has comprehensive planning and urban design standards to ensure that residential development complements established development.

The urban design qualities of the proposed development are complementary to the established character of the locality and will generally improve the site's amenity by incorporating the following:

- Provision of new housing stock of a comparable scale to existing residential development in the locality;
- Provision of adequate off-street car parking; and
- New landscaping to enhance the amenity of the site.

Housing in the form of detached dwelling houses is an acceptable form of housing when good planning and urban design controls are established to guide the building industry. Council has comprehensive planning and urban design standards to ensure that this form of development complements existing residential areas.

Desired outcomes such as, soft soil areas for each dwelling and preservation of the streetscape amenity are more easily achieved with this form of development than any other low to medium density form of housing.

The locality provides good opportunity for redevelopment because of existing infrastructure, including the availability of local shops, schools and public transport.

The proposed development incorporates thoughtful design that satisfies most of Council's DCP requirements, resulting in a high-quality development that will enhance the locality.

2.0 SITE/LOCALITY DESCRIPTION

The subject land No. 18 (Lot 85 DP 16379) Yamba Street, Hawks Nest is located on the southern side of the street, between Booner Street and Tuloa Avenue. The site is rectangular in shape with a frontage of 20.115m and a length of 50.44m, comprising a total site area of **1014.8m²**.

The site is currently vacant. The locality is characterised by:

- Predominately single dwellings with interspersed dual occupancy and multi dwelling housing development of various size and mixed architectural styles;
- Predominately low scale or no front fencing; and
- Standard width nature strips with no particular street tree planting theme.

It is evident that the locality is experiencing a trend for improvement with older dwellings being replaced with larger dwellings and multiple dwelling developments.



Locality Map



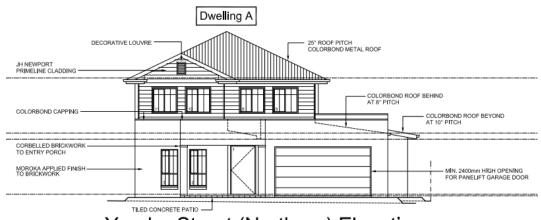
Photo – Subject Site



Photo - Streetscape

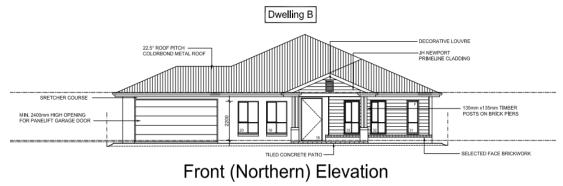
3.0 THE PROPOSAL

The proposal is to subdivide the existing allotment into two lots and construct a dwelling house on each lot.



Yamba Street (Northern) Elevation

Front Allotment



Rear Allotment

4.0 RELEVANT PLANNING CONTROLS

4.1 <u>State Environmental Planning Policy (Resilience and Hazards) 2021</u>

Coastal Management (Chapter 2)

The policy identifies sites within the coastal environment area and requires certain considerations for development applications under each respective heading/clause.

The relevant clauses state:

Clause 2.10 - Development on land within the coastal environment area

- (1) Development consent must not be granted to development on land that is within the coastal environment area unless the consent authority has considered whether the proposed development is likely to cause an adverse impact on the following:
 - (a) the integrity and resilience of the biophysical, hydrological (surface and groundwater) and ecological environment – the application is accompanied by an Arboricultural Impact Assessment Report which identifies trees being removed and the protection measures for those being retained. As such, appropriate mitigation measures will be employed to protect the biological attributes of the site and surrounds. The proposed drainage facilities take into account the hydrological aspects of this consideration.
 - (b) coastal environmental values and natural coastal processes the proposed development is positioned some distance from the shoreline (approx. 250m walking distance) and there is already some access along the shoreline. The special attributes of Myall River and Port Stephens in general, catering for private and public foreshore lookouts will not be compromised.
 - (c) the water quality of the marine estate (within the meaning of the Marine Estate Management Act 2014), in particular, the cumulative impacts of the proposed development on any of the sensitive coastal lakes identified in Schedule 1 - the proposed drainage facilities take into account the hydrological aspects of the site and development. Grated/silt arrestor pits, absorption systems, OSD and water harvesting tanks ensure that the quality of water leaving the site is not compromised (see accompanying Stormwater Management Plan).
 - (d) marine vegetation, native vegetation and fauna and their habitats, undeveloped headlands and rock platforms addressed in the Arboricultural Impact Assessment Report.
 - (e) existing public open space and safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability **N/A**
 - (f) Aboriginal cultural heritage, practices and places N/A
 - (g) the use of the surf zone N/A



Coastal Environment Area Map

Development on land within the coastal use area (Clause 2.11)

- (1) Development consent must not be granted to development on land that is within the coastal use area unless the consent authority:
 - (a) has considered whether the proposed development is likely to cause an adverse impact on the following:
 - (i) existing, safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability **N/A**
 - (ii) overshadowing, wind funnelling and the loss of views from public places to foreshores the proposal will not result in any view loss from public places.
 - (iii) the visual amenity and scenic qualities of the coast, including coastal headlands,
 - (iv) Aboriginal cultural heritage, practices and places none in the immediate vicinity.
 - (v) cultural and built environment heritage N/A



Coastal Use Area Map

Remediation of Land (Chapter 4)

A consent authority must not consent to the carrying out of any development on land unless:

- (a) it has considered whether the land is contaminated, and
- (b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and
- (c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.

It is unlikely that the subject land is contaminated as it is located in a wellestablished residential setting and has not been used for purposes likely to contaminate the site. A Preliminary Site Investigation is not considered necessary under the circumstances.

4.2 Great Lakes Local Environmental Plan 2014

The subject site is partly within Zone R3 – Medium Density Residential and partly in C2 Environmental Conservation under Great Lakes Local Environmental Plan 2014 (LEP). The proposed development falls within the definition of subdivision and '*dwelling house*" development and is permissible with the consent of Council, viz:

dwelling house means a building containing only one dwelling.



Zoning Map

Relevant Clause	Comment	√ /X
 Clause 2.3 - Zone Objectives Zone R3 To provide for the housing needs of the community within a medium density residential environment. To provide a variety of housing types within a medium density residential environment. To enable other land uses that provide facilities or services to meet the day to day needs of residents. To achieve increased population density in locations that support the business centre. 	A permissible form of development is being provided on an allotment of land that subject to good design can accommodate detached dwellings with all residential amenities. Consideration has been given to the existing and likely future character of the area and it is considered that the proposed development will complement both the existing and future character of the locality through the provision of new housing stock and landscaping.	\checkmark
 Zone C2 To protect, manage and restore areas of high ecological, scientific, cultural or aesthetic values. To prevent development that could destroy, damage or otherwise have an adverse effect on those values. 	Apart from an access driveway (ROW), which is ancillary to a dwelling house, no works are proposed within this zone.	V
Clause 4.1 – Minimum subdivision lot size The size of any lot resulting from a subdivision of land to which this clause applies is not to be less than the minimum size shown on the <u>Lot Size Map</u> in relation to that land. However, Clause 4.1A allows smaller lots for certain residential development.	The provisions of Clause 4.1A apply.	\checkmark
Clause 4.1A Exceptions to minimum lot sizes for certain residential development This clause applies to development on land in the following zones— (a) Zone R2 Low Density Residential, (b) Zone R3 Medium Density Residential. The size of each lot will be equal to or greater than— (i) for development on land in Zone R2 Low Density Residential—300 square metres, or (ii) for development on land in Zone R3 Medium Density Residential—200 square metres.	The proposed development will result in allotments that comply with the minimum lot size stipulated in the clause, being: Lot 100 – <u>411.4m² (excl. ROW)</u> Lot 101 – <u>499.9m²</u> The proposed areas achieve the objective of increasing densities. As such, there is compliance by the development with the associated objectives for the R3 – Medium Density Residential zone. Note: the C2 Environmental Conservation zoned portion will be wholly contained within Proposed Lot 100.	$\sqrt{1}$
Clause 4.3 – Height of Buildings The Height of Building Map categorises the site within the maximum <u>12m</u> building height limit.	The proposed dwellings comply with the maximum building height, viz: Dwelling A (Lot 100) – <u>8.412m</u> Dwelling 2 (Lot 101) – <u>6.326m</u>	$\sqrt{1}$

Clause 4.4 – Floor Space Ratio The FSR Map indicates a maximum FSR of <u>1:1</u> for the subject site.	The proposed subdivision and dwellings on each lot will result in the following FSR's, viz: Dwelling A – $0.499:1$ Dwelling B – $0.38:1$ In terms of bulk and scale, the proposed development is comparable to adjoining and nearby development and will not detract from the amenity of the neighbourhood.	$\sqrt{1}$
Clause 4.6 – Exceptions to development standards Consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument.	In this regard, NO variation requests are required as the proposal complies with all development standards contained in Great Lakes LEP 2014.	V
Clause 5.10 - Heritage Conservation	The subject site is not listed as a heritage item or located in the immediate vicinity of any heritage-listed items.	\checkmark
Clause 5.21 - Flood Planning	According to Council's Section 10.7 Planning Certificate, the subject site is not flood affected.	\checkmark
Clause 7.1 - Acid Sulfate Soils	According to the Acid Sulfate Soils Map, the subject site is not within any category (Class 4) which may limit excavation of the kind proposed (i.e., the site works would not affect the structural viability of the buildings due to the existing soil conditions).	\checkmark
Clause 7.2 – Earthworks	Standard slab on ground construction with some excavation due to the crossfall of the site is required to establish the building platforms at the required levels.	V
	The Stormwater Management Plan demonstrates that stormwater can be appropriately drained, as such, no detrimental impacts are envisaged.	
	The proposal aims to achieve the highest and best use of the site, therefore, the future housing needs of the community are being accommodated for.	
	Excavated material taken from the site is unlikely to be contaminated, therefore, reuse would be acceptable.	
	The design of the proposed development takes into account the preservation of amenity to adjoining properties, particularly in relation to controlled stormwater drainage and reasonable ground floor levels.	

	Being an established residential area, it is unlikely that any relics will be found on the site.There are no natural water courses in the immediate vicinity of the subject site (i.e., 40m).	
Clause 7.5 – Stormwater Management	Council's goal is to develop the long- term improvement of waterway health, which enhances the ecological integrity of the system, whilst balancing the need to manage flooding, wastewater and stormwater. To achieve this goal the proposed development provides the following:	V
	 A Stormwater Management Plan which demonstrates that stormwater can be collected, stored in rainwater harvesting tanks and discharged via absorption at an acceptable rate of flow, ensuring that there will be no adverse impact on Council's stormwater system, the development itself or adjoining properties; On-site stormwater detention compensates for any additional runoff resulting from the development. The storage capacity of the detention system caters for the required storm event, which ensures that there will be no additional impact on natural watercourses; Soft soil areas within the site also assist in reducing runoff from the site; and Erosion and sedimentation control measures will be implemented during construction. 	
Clause 7.9 – Protection of Wildlife Corridors	The site is identified as a wildlife corridor, as such, the proposal limits the removal of vegetation and aims to protect the remaining trees. An Arboricultural Impact Assessment Report accompanies the application, to describe the health of trees and assist Council in their assessment, therefore the considerations of this clause, have been satisfied.	\checkmark
Clause 7.21 - Essential Services	All services are available to the site.	\checkmark

4.3 Great Lakes Development Control Plan (DCP)

All relevant numeric DCP requirements have been tabulated and are provided as *Attachment 1 - Compliance Tables*.

Character Statements

The subject site falls within the Tea Tree and Hawks Nest Character Statement area, which is described as follows:

... Tea Gardens and Hawks Nest are at a significant turning point in their history. The rapid growth of apartment development has been the result of a combination of expanded medium density zoning and recent improvements in the profitability of such projects.

The historic context is characterised by single storey Victorian and Federation era houses and cottages, however a there is not a strong local architectural language for multi-unit buildings.

The significant challenge in these towns is to establish a building type that has a good "fit" with the place; a building that relates to its context of human and natural history and to its purpose. This quality of fit is what a competent architect with an appropriate brief will bring...

The future character of this area will slowly transition from low to medium density residential neighbourhoods, where the scenic quality of prominent backdrops to coastal waterways is enhanced by new developments that are surrounded by native vegetation, and improved standards of amenity and urban design quality are achieved. Designs should not be antipathetic to the natural backdrops.

Future developments should not dominate the scenic qualities associated with coastal environments and significantly impact on ecological communities.

In this regard, the proposed development is considered to be a sympathetic response to the intentions of Council for the following reasons:

- The existing character of the locality will be complemented with a development comprising contemporary dwellings of an appropriate bulk and scale (i.e., similar to dwellings in the immediate locality);
- The proposed detached dwellings provide an opportunity to improve street presence and surveillance of the public domain;
- The configuration enables the provision of effective landscaping within the front and rear yard of the street fronting dwelling, whilst utilising the length of the site to accommodate a low scale single storey dwelling on the proposed rear allotment, which is consistent with traditional suburban design;
- The design incorporates modern architectural themes with articulation and varied rooflines which effectively assimilates with the existing streetscape;
- Front and side boundary setbacks ensure that there is adequate separation between adjoining development and provides scope for new landscape planting; and
- The height of the development is below the maximum stipulated in Council's LEP, which ensures that the development is not visually prominent.

Overall, the proposed development will achieve the anticipated density and character of development in the Hawks Nest locality which is consistent with the desired future character.

Single Dwellings, Dual Occupancies, Villa and Townhouses

Solar Access and Overshadowing

The rooms in each dwelling have been appropriately orientated to receive access to natural sunlight, with northern exposure to habitable rooms. Likewise, the Private Open Space area receives sunlight for 2hrs during winter.

Buildings should be designed to allow at least two hours of sunshine upon the internal and outdoor living areas of <u>adjacent</u> dwellings and between 9.00am and 3.00pm on 21 June. In this regard, a large setback from the southern boundary for the front dwelling and single storey construction on the rear allotment ensures that shadows cast by the proposed development fall primarily within the subject site and will not adversely affect north facing windows of adjoining properties.

Views and Privacy

All windows have been located to minimise any loss of privacy, with no windows directly opposite each other, and the single storey design of the rear dwelling prevents any visual privacy concerns. Existing fencing and proposed landscaping will provide adequate privacy between the adjoining dwellings.

Acoustic privacy is maintained by appropriately positioning rooms in each dwelling and separation between adjoining buildings.

Energy Efficiency

BASIX - the State Government introduced BASIX, which consolidates planning provisions relating to water consumption and greenhouse gas emissions. A BASIX Certificate is provided for each proposed dwelling demonstrating the applicant's commitments in achieving the objectives of the state government's policy.

Energy conservation principles will be achieved through the construction method and orientation of the buildings, together with thoughtful planting of trees and shrubs (i.e., maximise access to natural sunlight during the winter months, use of materials with thermal massing properties and landscaping that minimises exposure to the sun during summer).

General Building Design

The length of the parent allotment (i.e., 50.44m) somewhat dictates the pattern for development and subdivision. An access corridor leading to the rear portion of the site is the only means of realising the potential of that part of the allotment.

Under the circumstances, a detached configuration with one dwelling positioned behind the other is considered to be the best option. The siting of the dwellings enables greater scope for the provision of landscaping and vehicular manoeuvring, as vehicles associated with the rear allotment are able to enter and leave the site in a forward direction.

The bulk, scale and height of the proposed development is comparable to other single and two-storey dwellings and is well below the maximum permitted floor space ratio.

Setbacks

The proposed <u>front setback</u> is generally in line with the more recently constructed adjoining dwelling west of the site. Proposed lot 100 will be less than $900m^2$ in area, as such, a setback of <u>5.9m</u> is considered to be adequate.

The articulation zone feature projects less than 1.5m into the articulation zone.

Furthermore, additional setback controls are contained in the DCP, which stipulate a reduced range as such, there is some inconsistency between controls.



Side Setbacks fully comply with the minimum offset requirements, viz:

- Lot 100 (GF) <u>1185mm</u> (min) and (FF) <u>5200mm</u> (min)
- Lot 101 <u>930mm</u> (min)

<u>**Rear Setbacks**</u> – the rear setback of each dwelling complies with the DCP requirements, being as follows:

- Lot 100 (GF) <u>3064mm</u> and (FF) <u>5664mm</u>
- Lot 101 <u>3000mm</u>

A green private open space area has been provided at the rear yard area of each dwelling and accessed from living areas, resulting in a good relationship between the indoor and outdoor living spaces.

Building Heights

The proposed dwellings comply with the maximum building height requirement stipulated in the LEP, whilst articulation and roofline variations break up the bulk and scale of each dwelling.

Cut and Fill

Being a relatively level site, minimal site works are required to establish the building platforms of the proposed dwellings (i.e., slab on ground construction). The amount of cut/fill is well within acceptable limits.

Private Outdoor Areas

Both dwellings have Private Open Space areas in excess of the minimum DCP requirement (Dwelling A – $\frac{111.32m^2}{2}$ and Dwelling B – $\frac{59.98m^2}{2}$), with a minimum dimension of 4m adjacent to the living areas and accessed via a sliding door.

Subdivision

The LEP and DCP encourage diversity in housing choice which is facilitated by subdivision. Subdivision can be carried out with the consent of Council. It is proposed to subdivide the development (Torrens Title) and the resulting lot configurations are provided in the table below, viz:

Lot	Frontage/Width/ROW	Area
100	20.115m (including ROW)	514.9m² (incl. ROW) 411.4m² (excl. ROW)
101	20.115m benefits from ROW 4m wide	499.9m ²

Both proposed lots are sufficient in size to easily accommodate the proposed dwellings with an adequate level of residential amenity through the provision of private open space, landscaping, car parking, drying areas, and driveways associated with the scale of residential development permissible in the zone.

Car Parking & Access

Two car parking spaces are available for each dwelling in the form of a double width garage. A manoeuvring area is available for vehicles associated with Dwelling B on the rear allotment to enable vehicles to enter and leave in a forward direction.

The proposed driveway access points (i.e., a 4m wide ROW corridor leading to the rear dwelling) and a double width driveway for the front dwelling are considered to be adequate. The driveway gradient has been designed in accordance with Australian Standard 2890.1 – 1993.

The traffic generated by the proposed development will have a negligible impact on the road system and servicing of intersections. There is sufficient sight distance available to enable the safe passage of vehicles in and out of the site.

Tree and Vegetation Preservation

As mentioned earlier, the proposal does not involve the removal of any significant trees (i.e., none of which are Koala feed or habitat trees - see Arboricultural Impact Assessment Report).

Formalised landscaping will be planted as indicated on the Landscape Plan which will enhance the future amenity of the site and locality in general.

Landscaping and Open Space

The amount of open space available (i.e., Lot $100 - \frac{36.7\%}{2000}$ and Lot $101 - \frac{30.51\%}{2000}$) and the selection of planting nominated on the Landscape Plan will achieve the objectives outlined in the DCP as follows:

- Screening between adjoining properties;
- Softening the visual impact of hard surface areas and car parking spaces;
- Appropriate species selection for the climate; and
- Enhancement of the streetscape amenity.

Overall, the design and siting of the dwellings provides opportunity for effective landscaping that satisfies the objectives of this requirement. Soft soil zones at the front and rear of the development maintain a continuous landscaping corridor, consistent with adjoining development, screening opportunities and general beautification of the streetscape.

Note: in terms of the 1.5m landscape strip requirement, the control is considered to be unattainable as it would require a ridiculously wide access handle to comply and would hence sterilise the development potential of most lots in the LGA. As such, strict enforcement of the control is contrary to the objectives of the LEP and EP&A Act in general.

Waste Management

A Waste Management Plan will be submitted as a separate document to accompany the demolition application. The plan adopts the principles of *Avoid Reuse Recycle and Dispose* to minimise landfill waste.

4.4 Non-Compliance

Apart from the landscape strip controls, which were discussed earlier in the Statement, this proposal complies with all other LEP and DCP requirements.

5.0 CONCLUSION

Council's DCP requirements and good planning principles have been incorporated in the design which has resulted in a high-quality development that will enhance the visual amenity of the locality.

The opportunities and constraints of the site have been taken into account and in this particular case, the selected development option involves a detached single dwelling design to avoid building in the C2 Environmental Conservation zone and to preserve the existing streetscape amenity.

Consideration has been given to matters listed in Section 4.15 (previously Section 79C) of the Environmental Planning and Assessment Act 1979, concluding that the proposed development warrants approval.

David Bobinac Town Planner

ATTACHMENT 1

COMPLIANCE TABLE PROPOSED LOT 100 (DWELLING A)

Control	LEP/DCP Requirement	Development Proposal	Complies
Lot Size (Clause 4.1A)	200m ² per lot	514.9m ² (excl. ROW) 411.4m ² (excl. ROW)	Yes
Width	15m (min)	20.115m	Yes
Floor Space Ratio	1:1	0.499:1	Yes
Building Height	12m (max)	8.412m	Yes
<u>Setbacks</u> Front Articulation Zone Secondary Street	Average of adjoining 1.5m (max) 3m	5.9m < 1.5m N/A	Merit Yes N/A
Side Rear	Up to 3.8m height - 0.9m (min) ➤ 3.8m - 0.9m + ¼ of height above 3.8m Up to 3.8m height - 3m (min)	(GF) 1.185m (min) (UF) 5.2m (min) (GF) 3.064m	Yes Yes Yes
Garage	 3.8m - 3m + ¼ of height above 3.8m 6m (min) & 500mm from facade 	(FF) 5.664m 7.68m & 500mm	Yes
Wall Length (façade)	12m (max)	< 12m (double fronted façade)	Yes
Landscaped Area	30% of site (min)	36.7%	Yes
Private Open Space	24m² (min) Min dimension 4m	111.32m ² provided	Yes Yes
Cut & Fill	1.2m (max)	< 1.2m	Yes
Eave Overhang	Suggested 600mm (min) 70% of dwelling	450mm	Merit
Parking	2 spaces	2 spaces	Yes
Garage Doors	6m & 50% (max) of building frontage width	4.87 & < 50%	Yes

COMPLIANCE TABLE PROPOSED LOT 101 (DWELLING B)

Control	LEP/DCP Requirement	Development Proposal	Complies
Lot Size (Clause 4.1A)	200m ² per lot	499.9m ²	Yes
Width	15m (min)	20.115m	Yes
Floor Space Ratio	1:1	0.38:1	Yes
Building Height	12m (max)	6.326m	Yes
<u>Setbacks</u> Front Articulation Zone Secondary Street	Average of adjoining 1.5m (max) 3m	N/A (internal allotment) N/A (internal allotment) N/A	N/A N/A N/A
Side Rear	Up to 3.8m height - 0.9m (min) > 3.8m - 0.9m + ¼ of height above 3.8m Up to 3.8m height - 3m (min) > 3.8m - 3m + ¼ of height above 3.8m	0.937m & 0.93m 3m	Yes
Garage	6m (min) & 500mm from facade	N/A (internal allotment)	N/A
Wall Length (façade)	12m (max)	N/A (single storey)	N/A
Landscaped Area	30% of site (min)	30.51%	Yes
Private Open Space	24m² (min) Min dimension 4m	59.98m ² provided	Yes Yes
Cut & Fill	1.2m (max)	< 1.2m	Yes
Eave Overhang	Suggested 600mm (min) 70% of dwelling	450mm	Merit
Parking	2 spaces	2 spaces	Yes
Garage Doors	6m & 50% (max) of building frontage width	N/A (internal allotment)	N/A