

**Statement of Environmental Effects
for
The Use of a Structure as a Secondary Dwelling**

**Lot 74 in DP 30790
36 Kurrawong Avenue
HAWKS NEST**

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INTRODUCTION

Site Description and Characteristics

The subject site is a standard residential identified as Lot 74 in DP 30790 and is located at 36 Kurrawong Avenue, Hawks Nest in the MidCoast Local Government Area (LGA). The site has a total area of 556.4 square metres.

There is an existing dwelling on the subject site and an existing car port which has been converted to a secondary dwelling.

The topography of the site is flat and the vegetation within the site consists solely of managed lawns and gardens.

The Proposal

The proposal is for the use of an existing structure as a secondary dwelling – the structure is currently before Council for a Building Information Certificate (BIC) due to the fact that it has been constructed without approval. The relevant reference for the BIC application is BIC-41630. It is noted that further investigations and minor works will be required so that this development is acceptable for the proposed use and as outlined within the BCA report as included with this application.

The proposed use is to be occasional and only by friends and relatives when they come to visit – it is strictly noted that the proposed use is in no way related to rentable/leasable accommodation.



Photograph 1 – Side access to rear setback



Photograph 2 – Structure subject to this Development Application



Photograph 3 – Structure subject to this Development Application



Photograph 4 – Structure Subject to this Development Application

Land Ownership

The subject site is currently owned by Lyn Anseline and the Owners signature has been provided on a letter of authority to enable lodgement of this development application.

STATEMENT OF ENVIRONMENTAL EFFECTS

This Statement of Environmental Effects has been prepared in accordance with Schedule 1 of the Environmental Planning and Assessment Regulation (2000) and Section 4.15 of the Environmental Planning and Assessment Act (1979).

Provisions of any environmental planning instrument

Great Lakes Local Environmental Plan 2014

The subject site is zoned R2 – Low Density Residential, pursuant to the provisions of Great Lakes Local Environmental Plan 2014 (the LEP).

The objectives of the R2 – Low Density Residential zone are:

- *To provide for the housing needs of the community within a low density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*

Comment: The proposal will assist in providing housing needs within a low density residential environment and as such, the proposal is considered consistent with the above stated objectives and the proposal is permissible with consent under the provisions of the LEP (*Secondary Dwellings*).

All relevant clauses of the LEP are addressed below.

Clause 4.3 Height of buildings

Comment – The proposed use of this structure as a secondary dwelling will in no way impact upon the structures existing height. Having stated this, it is noted that the maximum stipulated building height for this site is 8.5 metres and the structure has an existing maximum height of 2.970, and as such it is well within the limits stated in the LEP for this location.

Clause 4.4 Floor Space Ratio

Comment – The proposed use of this structure as a secondary dwelling will in no way impact upon the Floor Space ratio. Having stated this, it is noted that the maximum permissible floor space ration (FSR) is 0.5:1; whilst the FSR has not been calculated, a cursory glance at the site plan reveals that the structures within the site are far below the maximum allowable 0.5:1.

Clause 7.1 Acid Sulfate Soils

Comment – The site is identified as being Class 4 Acid Sulfate Soils which requires development consent for:

Works more than 2 metres below the natural ground surface.

Works by which the watertable is likely to be lowered more than 2 metres below the natural ground surface.

The proposal is for the use of an existing structure. Whilst it is acknowledged that there will be minor works required, it is noted that none of these works shall be below ground level and as such there can be no concerns or requirements for further investigations relating to ASS.

Great Lakes Development Control Plan

The sections (only) of the Great Lakes Development Control Plan (the DCP) relevant to the proposed development are addressed below:

Part 4 Environmental Considerations

4.1 Ecological Impacts

The proposed use of the structure and any minor works will not result in the removal of any vegetation or any other issues which may otherwise have any potential environmental impact.

The use of the structure can in no way impact upon wildlife corridors or biodiversity. It is considered that there is no requirement for any ecological assessment.

4.2 Flooding

The subject site is not flood prone. The use of the structure as a secondary dwelling can in no way have any adverse impacts in this regard.

4.3 Coastal Planning Areas

The site is not within a coastal planning area.

4.4 Effluent Disposal

The development is connected to the reticulated sewage system as is appropriate.

4.5 Poultry Farms Buffer

There are no poultry farms in the vicinity and hence this part is not applicable.

4.6 Contaminated Land

The site is not known, nor suspected of being contaminated.

4.7 Bush Fire

The site is not bush fire prone and a bush fire assessment report is not required.

Part 5 Single Dwellings, Dual Occupancies, Villas and Townhouses

Whilst it is unclear that this part is relevant to the structure as it is not a single dwelling but it is instead a secondary dwelling and the application is for the use of the structure as such, it is considered worth addressing as there is no other part which is specifically for a secondary dwelling within the DCP.

5.1 Solar Access and Overshadowing

The use of the structure as a secondary dwelling will have no impact upon solar access or overshadowing. The structure is a single storey less than 3 metres in height and its location is such that there can be no possible way that it would be considered to have any overshadowing potential. Similarly, its location and orientation allow for maximum solar access both to and around the dwelling. It is considered that the proposal must be considered satisfactory with regard to solar access and overshadowing.

5.2 Views and Privacy

The use of the structure as a secondary dwelling will have no impact upon views and/or privacy. The structure is not located such that there are any views which may be impacted upon. Additionally, the structure is considered to have adequate privacy and does not impact upon the privacy of any other properties; it is firmly considered that there is

adequate separation between this secondary dwelling and the primary dwelling on the site so that privacy for both will be maintained.

5.3 Energy Efficiency

The use of the structure as a secondary dwelling will have no impact upon Energy Efficiency. The structure is existing and this Development Application is merely for the use of the structure. It is noted that a dwelling of this size will use little energy (simply due to its size) and as such it is considered that in reality it will be energy efficient.

5.4 General Building Design

The use of this structure will in no way impact upon the existing design, however, the controls below have been noted to confirm that the structure is compliant regarding design for a secondary dwelling. The design of the structure is considered acceptable. With regard to the controls to demonstrate the proposals compliance in this regard, see below:

1. The structure is single storey and not on a corner lot and as such this control is not applicable.
2. The structure is located behind the primary dwelling and as such there is no possibility for a bedroom window or windows to face the primary street frontage and this is standard for a development of this nature.
3. There are no attached garages or carports proposed.
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5. There are no attached garages proposed.
6. The site is not a corner lot and hence this control is not applicable.
7. The building entry is clearly visible from the frontage and the street as much as possible for a dwelling of this nature, which is located in the rear setback of a primary dwelling. Full compliance with this control is achieved.
8. The eave width is less than stipulated in this control, however, this is stated as something to be considered; it is unlikely that any secondary dwelling would have eaves of 600mm in width as secondary dwellings are of a size which would make this cost prohibitive.
9. The site is flat and therefore there is no stepping required in the structure.
10. The choice of colour and materials is subjective, however, it is considered that the materials and colours chosen are appropriate for a development of this nature and in this location and as such, the structure should be considered acceptable in this regard.

5.5 Setbacks

The use of the structure as a secondary dwelling will have no impact upon the setback. It is noted that works will be required to ensure fire protection due to setbacks being less than 900mm and the Consent should be Conditioned accordingly (refer BCA report included in the application package).

5.6 Building Heights

The use of the structure as a secondary dwelling will have no impact upon the existing height and this has been addressed in detail in the LEP section of this report.

5.7 Cut and Fill

No cut and fill is proposed or required for the proposed use.

5.8 Private Outdoor Areas

The use of the structure as a secondary dwelling will have no impact upon the existing private outdoor areas. The private outdoor area requirements are 24 square metres with a minimum dimension of 4 metres. Whilst the plans do not identify the POS, it is evident from a cursory inspection of the site plan that the development is compliant in this regard.

5.9 Fencing and Walls

No fencing or walls are proposed.

5.10 Detached Garages, Carports, Sheds and Other Outbuildings

No such structure is proposed and therefore this part is not applicable.

5.11 Development on Lots Under the Minimum Lot Size

Not Applicable.

5.12 Dual Occupancies Within Large Lot Residential and Environmental Zones

Not Applicable

5.13 Dual Occupancies within the Rural Zone

Not Applicable.

10 Car Parking, Access. Alternative and Active Transport

10.3 Car Parking Rates

The structure is for the use of an existing structure as a secondary dwelling and there is no rate stipulated for such a development. It is noted that secondary dwellings often do not have any car parking requirements due to the nature of their use and it is suggested that as secondary dwellings are not identified in the car parking rates within this part of the DCP, that such is the case within this location.

11 Water Sensitive Design

The proposal will have no impact upon water leaving the site and the proposal will not result in any increase in permeable area and as such, no further comment or investigation is required in this regard.

13 Landscaping and Open Space

13.1 Single Dwellings, Dual Occupancies, Villas and Townhouses

As the proposal is for the use of an existing structure and the nature and scale of this proposal is minor, it is considered that no further landscaping should be required. It is noted that the site already contains managed lawns and gardens.

Rural Fires Act 1997

The subject land is identified as not being bush fire prone and as such a bush fire risk assessment is not required and there is no requirement for this application to be referred to the RFS. No further comment is required in this regard.

Suitability of the Site for the Development

The site is considered suitable for the proposed use for the following reasons:

- The site is zoned appropriately for a secondary dwelling.
- The relevant clauses of the LEP and DCP are satisfactorily met.
- There are no adverse environmental, social impacts or economic impacts resulting from the proposal.
- There are no site constraints which are contrary to the proposed use.
- Given the structure is existing, the proposed use as a secondary dwelling can in no way be considered to have any adverse impact upon the amenity.

The Public Interest

It is considered that there are no reasons relevant to the public interest which would otherwise cause the delay or refusal of this application.

CONCLUSION

This Development Application is for the use of an existing structure as a Secondary Dwelling at 36 Kurrawong Avenue Hawks Nest (Lot 74 in DP 30790), in the MidCoast LGA.

The provisions of Section 4.15 of the *Environmental Planning and Assessment Act 1979* have been addressed. There is no reason that the proposed use should be refused and the proposal is considered compliant in all regards and it is therefore submitted to MidCoast Council for assessment and approval.

