

Statement of Environment Effects

Residential Development

A Ismail

Continued use of, and additions to, existing dwelling

Continued use of existing shed

Construction of a secondary dwelling

Lot 103 DP 587476

168 Henry Lawson Way, Young



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Disclaimer

This Statement of Environmental Effects has been prepared for the sole purpose of supporting a development application and is reliant upon the information supplied by the applicant. The information has been prepared using electronic resources publicly available provided by the NSW Government. The use of any information contained herein without the expressed written consent of the Author is unauthorised.

Introduction and Background

This Statement of Environmental Effect (SEE) provides an assessment of information to support the Development Application (DA) for the continued use of and additions to, an existing dwelling and construction of a secondary dwelling on Lot 103 DP 1298384, 168 Henry Lawson Way, Young. The dwelling has been constructed without consent and a Building Information Certificate has been lodged seek to rectify the situation (BIC-39889).

The Proposal

The proposal involves the continued use of the existing dwelling which was constructed without development consent. The existing dwelling is a 91m² rectangular shaped colorbond and stone clad structure and contains a kitchen and dining area, bathroom and three bedrooms, with the laundry being located within a cupboard. There is a 42m² carport attached to the south west of the structure. It is sited with a north east aspect overlooking Lot 2 DP 253382.

It is proposed to make additions of 120m² consisting of a master bedroom and ensuite to the south west of the existing structure, a media room to the south east and two living areas to the north west. It is also proposed to add a 200.86m² garage to the south east. It is proposed to locate a gym with amenities and storage area as a distinct and separate area in the garage addition which will have a floor area of 41.9m². The area in the garage used for the parking of vehicles will be 158.96². Upon completion of the additions the dwelling will have a floor area of 252.9m².

It is also proposed to add a colorbond clad secondary dwelling, approximately 72.9m west of the existing building (6.8m from the front boundary) consisting of two bedrooms, living room, kitchen, bathroom and laundry. The secondary dwelling is proposed to have a floor area of 81m². Clause 5.5 of Hilltops Local Environmental Plan 2022 allows for a secondary dwelling to be 33% of the floor area of the principal dwelling (excluding areas used for car parking). In this situation the proposed principal dwelling will be 252.9m² upon completion, 33% of which is 83.4m². The proposed secondary dwelling is less than this at 81m². The secondary dwelling therefore complies with the provisions of clause 5.5 of Hilltops Local Environmental Plan 2022.

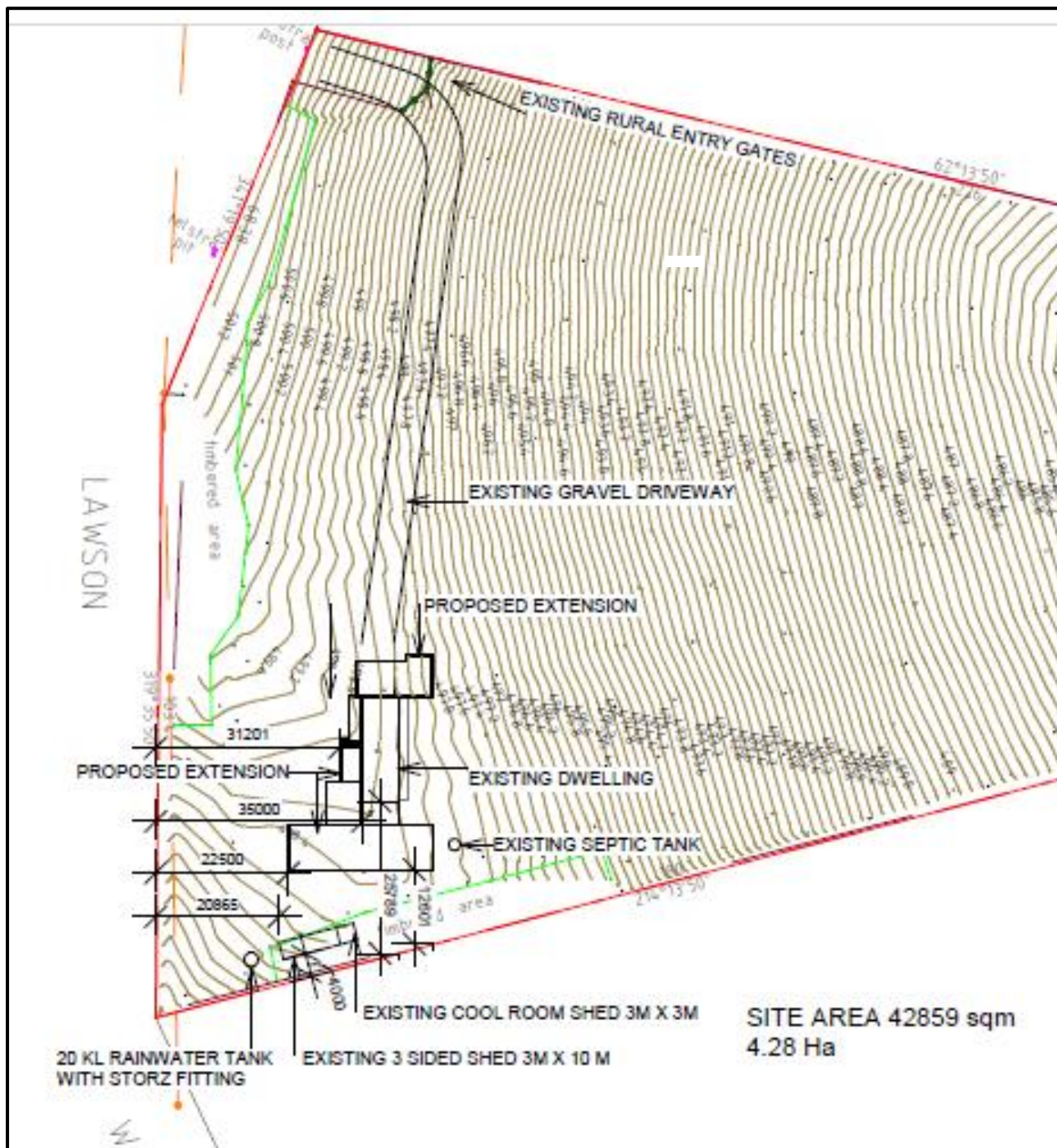


Figure 1 - Site Plan (1) existing structures and proposed dwelling additions



Figure 2 – Site plan (1A) location of proposed secondary dwelling

168 Heny Lawson Way, Young – Statement of Environmental Effects

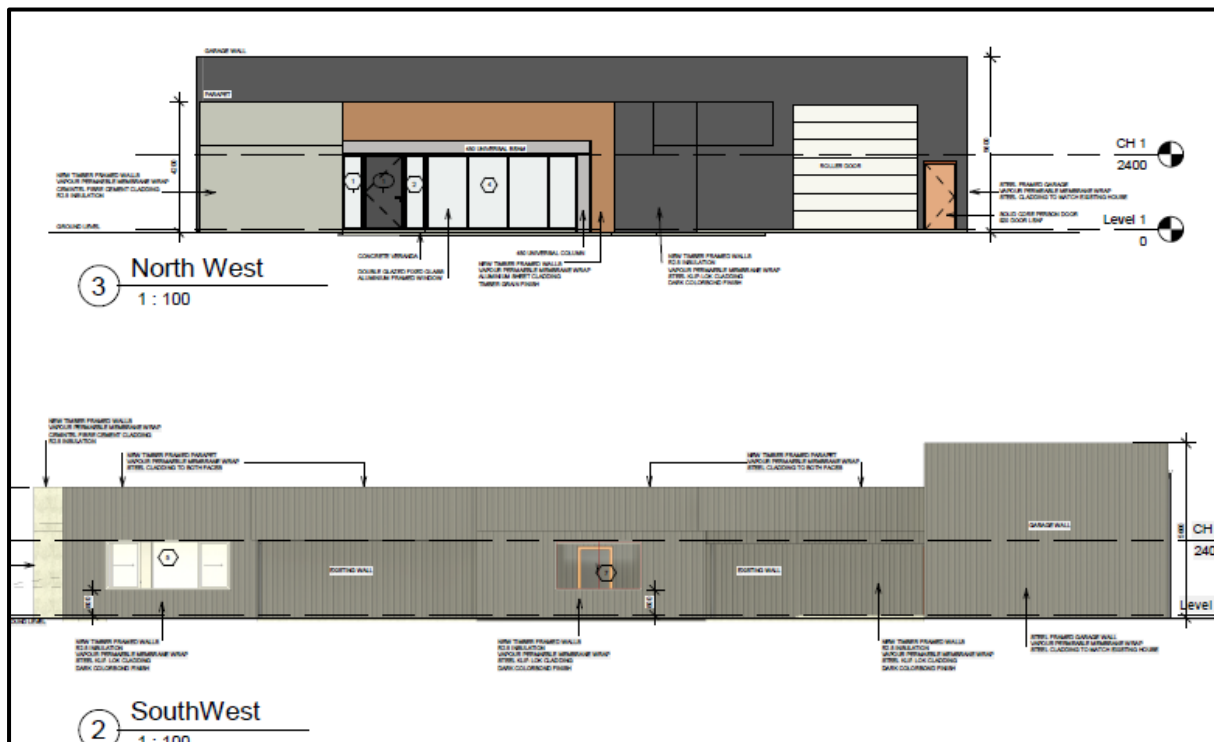


Figure 3 – Principal dwelling additions elevations (Plan 1)

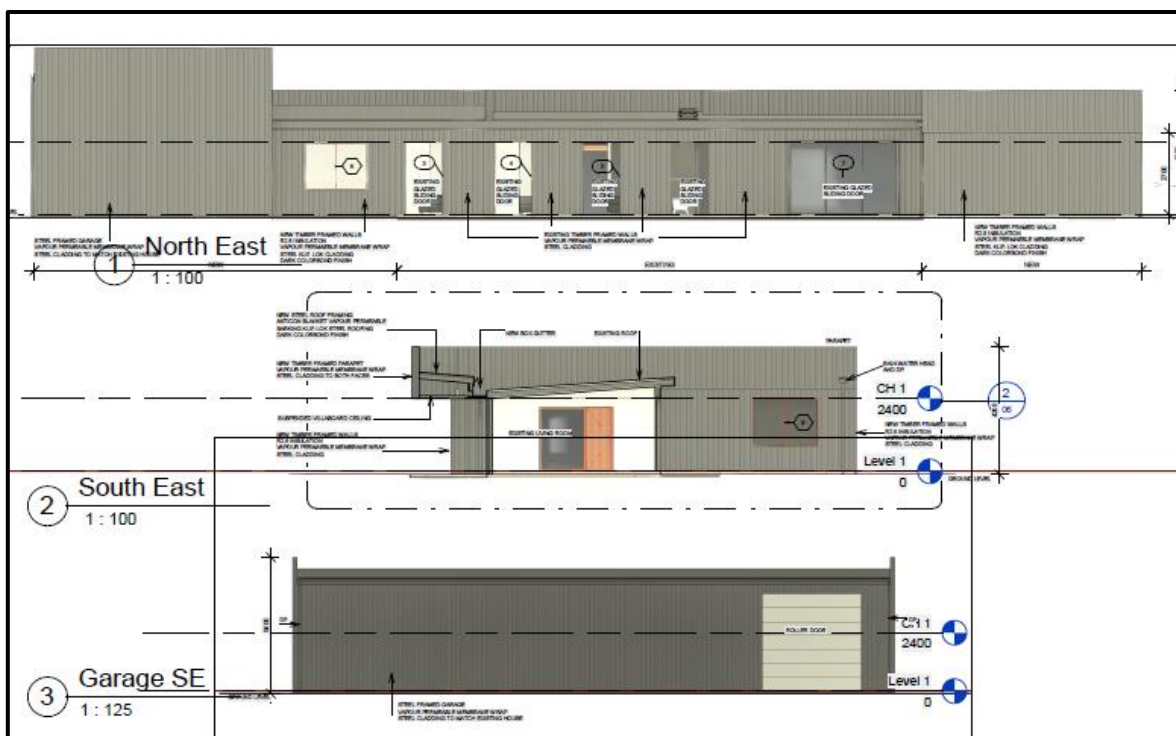


Figure 4 - Principal dwelling additions elevations (Plan 1A)



Figure 5 - Elevations Secondary Dwelling

The Site

The site is an irregular shaped allotment with an area of 4.38 hectares with direct frontage to Henry Lawson Way. rectangular shaped allotment with an area of 1623m² with frontage to Middle Street. It is located approximately 2km north of Young CBD within the RU4 Primary Production Small Lots zone on the edge of the general residential area, which is directly opposite the southern corner of the allotment across landra Street.

The land to the north, south and east is predominantly rural small holdings with the Young meat works located to the south east approximately 500m. Land to the west is residential, with a subdivision having been approved, but not yet constructed behind the old blue still building.

Henry Lawson Way is a regional tar sealed road with no kerb and gutter in this area. There is a gravel formed driveway which is directly accessed from Henry Lawson Way with sufficient site distance in each direction. The gates are recessed into the property boundary. As the location and formation of the access was approved as part of the subdivision there is no requirement for any upgrades to occur to facilitate this development.

The site current contains an authorised dwelling as described above. The site has a history of agricultural development which is known to be a potentially contaminating activity; however, no testing has been undertaken to confirm. The site slopes significantly from Henry Lawson Way and the rear of the property to a centrally located dam.

The site is connected to electricity and water services. There are no sewer services connected to the site with the existing dwelling being reliant upon on site effluent disposal. The owner

has indicated a desire to connect to the reticulated sewer system and has made approaches to the relevant department of Council in this regard. To this end the secondary dwelling will be connected directly to reticulated effluent with the principal dwelling being connected at a later date.

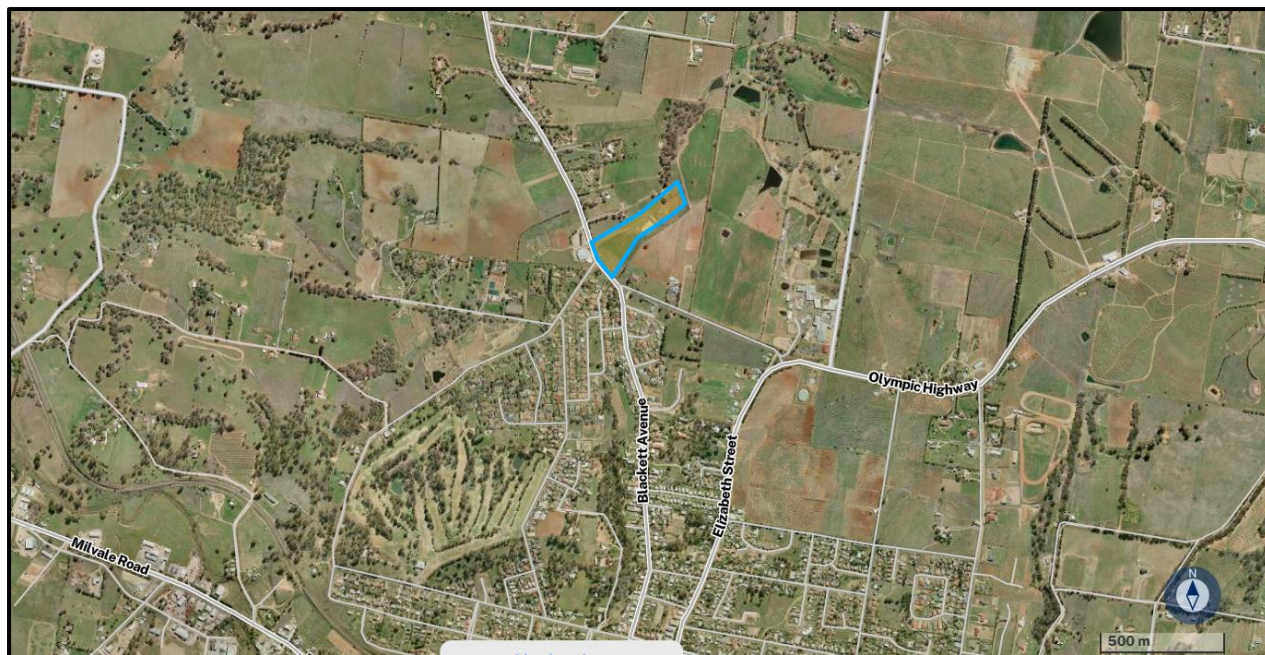


Figure 6 - Allotment in context of surrounding area (source: six maps, 2023)

Evaluation

Council, as the consent authority, requires consideration of Section 4.15 of the *Environmental Planning and Assessment Act, 1979* relevant to the development application. Within Section 4.15 the items for consideration are:

- (a) *Section 4.15 considerations*
 - (i) *any environmental planning instrument, and*

The following State Environmental Planning Policies (SEPPs) are applicable to the development:

State Environmental Planning Policy (Resilience and Hazards) 2021

Clause 4.6 of this SEPP requires that a consent authority must not consent to development on land unless it has considered whether land is contaminated and, if contaminated, that the land is suitable for the development. The site has a history of agricultural use which is known to be a potentially contaminating activity. It is unclear if testing was undertaken as part of the requirements for the

subdivision. However, the site was not previously used for orcharding activity, nor is there any known burial, dip or disposal sites in the vicinity of either of the proposed dwellings and additions.

State Environmental Planning Policy (Sustainable Buildings) 2022

This SEPP requires that residential development meet the provisions of BASIX in relation to thermal comfort, water and energy use. Both dwellings have compliant BASIX certificates.

State Environmental Planning Policy (Transport and Infrastructure) 2021

The proposal is located on Henry Lawson Way, a regional road. Accordingly, notification to Transport for NSW may be required. However, the proposal is not considered to be a traffic generating development and as previously mentioned the location and construction of the access way which has direct frontage to Henry Lawson Way was approved as part of the subdivision which created this allotment.

Hilltops Local Environmental Plan 2022

The Hilltops Local Environmental Plan 2022 (HELP) is the applicable environmental planning instrument for this proposal. The aims of this plan, as relevant to this proposal, are:

(b) to provide for the lifestyles sought by current and future residents of Hilltops, including by providing for the following—

- (i) the rural lifestyle and liveability of Hilltops communities,*
- (ii) connected, safe and accessible communities,*
- (iii) diverse and affordable housing options,*
- (iv) timely and efficient provision of infrastructure,*
- (v) sustainable building design and energy efficiency,*

The proposal involves the continued use of the existing dwelling as well as additions to that dwelling to make it a comfortable and suitable family home. It is also proposed to construct a secondary dwelling to allow ageing parents to live close by to maintain strong family support and connection. To this end the proposal achieves the above aim of the HELP in that it provides for a rural lifestyle which is connected to the existing community in a safe manner whilst providing affordable options for families to remain living close together. The proposal does not place additional demand for the provision of infrastructure with water services already connected and the ability to connect sewer service with these having been planned as part of the subdivision which created the allotment.

The proposal does not seek the suspension of any covenants, agreements or instruments as prescribed by clause 1.9A.

Clauses 2.4 – 2.9 of HLEP are not applicable to this proposal as it does not involve any matter prescribed by these clauses.

The site is zoned RU4 Primary Production Small Holdings under the LEP. The objectives of this zone applicable to this proposal are:

- *To encourage the development of non-agricultural land uses that are compatible with the character of the zone and sustain high quality rural amenity.*

The proposed continued use of the existing dwelling as well as additions to that dwelling are compatible with the character of the zone and do not conflict with the adjoining or nearby land uses. The placement of a secondary dwelling on the allotment will not detract from the rural amenity. Each of the dwellings are located below the ridgeline, and whilst visible from Henry Lawson Way, are not prominent in the landscape due to the slope of the land and the nestling of the buildings within that slope.

The provisions of Part 3 are not applicable as the proposal does not include any matter to which this part relates.

The proposal does not include a subdivision, accordingly, the provisions of 4.1, 4.1A, 4.2, 4.2A. Nor does it seek to vary any development standards in accordance with clause 4.6.

Similarly, the matters contained within Clauses 5.1-5.4 are not relevant to this proposal.

Clause 5.5 contains controls relating to secondary dwellings in rural zones and is therefore applicable to this proposal. The proposed secondary dwelling is less than 33% of the floor area of the principal dwelling (upon completion of the proposed additions). The proposal is therefore consistent with this clause.

Clauses 5.6 – 5.9 are not applicable to this proposal as the matters contained therein are not part of the proposal.

Clause 5.10 – the site is not located within a heritage conservation area nor are there any heritage items in close proximity. A search via AHIMS has not revealed any items, objects or locations of Aboriginal cultural or heritage significance in the vicinity.

Clause 5.11 is not applicable as the site of the proposed is not within an area that is subject to bushfire.

Clauses 5.12 – 5.25 are not applicable to the proposal as it does not contain matters to which these clauses apply and the site is not subject to flooding.

Clauses 6.1 relates to earthworks and require separate development consent unless (2)(b)(b) they are ancillary to development for which development consent has been granted. This proposal seeks consent for the earthworks necessary to construct the additions and secondary dwelling and ancillary to those proposed structures

Clause 6.2 – relates to the provision of essential services including water, electricity, sewage management, stormwater drainage and suitable road access. Electricity, water and road access are existing to the site. It is proposed to connect reticulated sewer to the secondary dwelling upon construction with the principal dwelling being connected at a later date. To this end the owner has contacted the relevant Council department seeking an updated quotation for the provision of reticulated sewer services to the allotment. Stormwater will be captured in the rainwater tanks in accordance with the requirements of BASIX. The overflow from the tanks is to be directed overland to the existing dam on site.

Clause 6.3 – aims to maintain and enhance terrestrial biodiversity and applies to land as mapped on the Terrestrial Biodiversity Map. The allotment does contain an area mapped as containing biodiversity on the Terrestrial Biodiversity Map. However, the proposed structures are not located in a manner that will require removal of any trees or vegetation in the mapped area nor will the proposed development impact upon the survivability of the vegetation within the mapped area.

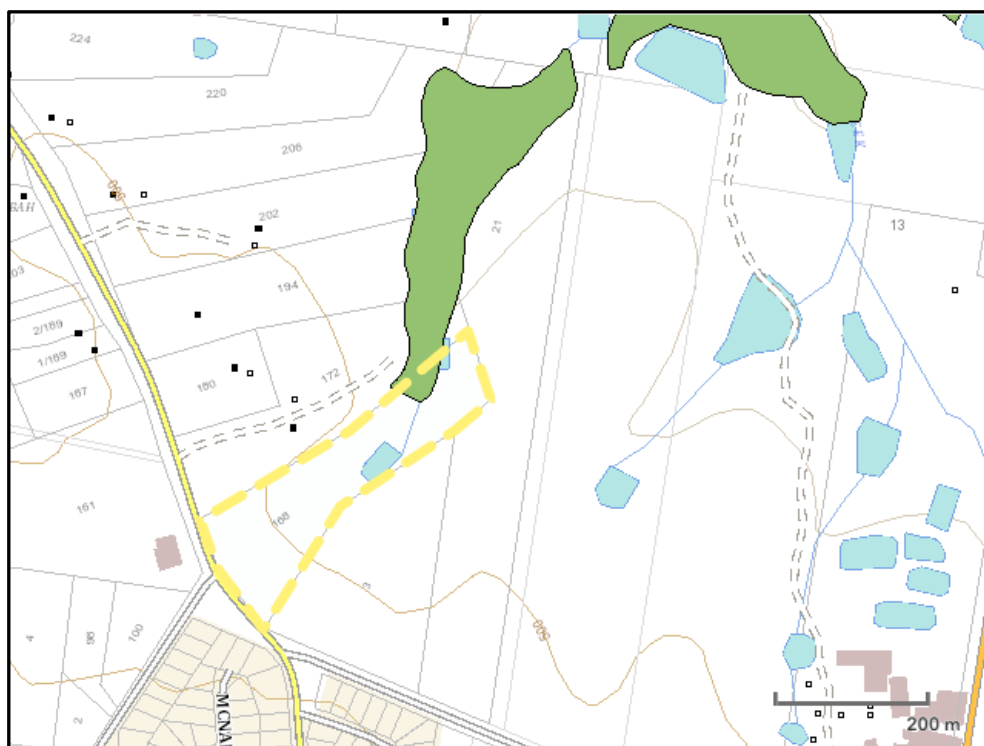


Figure 7 — Terrestrial Biodiversity (source e spatial viewer)

Clauses – 6.4 – 6.11 are not applicable to the site nor the proposed development as the matters contained therein are not relevant to the zone, land or development type.

- (ii) *any proposed instrument* that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Planning Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and

There are no draft SEPPs that are applicable to the site or the development.

- (iii) *any development control plan*, and

Hilltops Development Control Plan 2011 is the applicable DCP for the site. Section 2.1 is applicable for rural dwellings.

Below is an assessment of the proposal against the criteria of Section 2.1

The objectives of this section are to ensure that rural dwellings and ancillary development are located and designed in manner appropriate to the character and productive potential of the surrounding area and the existing development pattern.

The proposal is consistent with the objectives of this Section in that both dwellings are appropriately located and designed to take advantage of the rural vistas and aspect of the site and are non out of character with the development pattern and style of the surrounding land development.

PR1 - Dwelling site are identified and are provided with safe connection to the road network. The site contains an existing access, the location and construction of which was approved as part of the subdivision that created this allotment.

PR2(A) – Visual and amenity impacts (including glare) on neighbours and the rural landscape are minimised. The dwellings are located away from the ridgeline downslope of Henry Lawson Way. It is proposed that the dwellings, where metal components are visible, will be colorbond. Setbacks from the road, side and rear boundaries maintain visual characteristics and overall amenity.

PR2(B) – Development does not adversely affect the environment or agricultural pursuits on the subject or neighbouring lands – The principle dwelling and secondary dwelling are situated 22.5m and 68m respectively from Henry Lawson Way and are therefore compliant with provisions of the DCP for the appropriate zone. The principle dwelling and secondary dwelling are situated (at the closest boundary) 12.6m and 13.4m respectively and are therefore compliant with the provisions of the DCP. Neither dwelling is located within 50m of a ridgeline. The adjoining land to the north and south is used for rural residential purposes with no intensive or extensive agriculture taking place, accordingly the dwellings are not located within the distances to land uses listed in Table 2.1. The dwellings do not contain large expanses of glass, zincalume or similar reflective materials and is therefore not likely to give rise to glare nuisance to road users or neighbours. The dwellings are only minimally visible from Henry Lawson Way and present as residential in nature.

PR3 - Adequate area exists for on site waste disposal. The principal dwelling is connected to an existing on-site effluent system; however, this is to be made redundant and the dwelling connected to the reticulated sewer system. Similarly, the secondary dwelling is to be connected directly to the reticulate sewer system.

PR4 – Dwellings are provided with potable water and water for fire fighting reserves. Both dwellings are to be connected to the reticulated water services which are available to the allotment. Furthermore there is a 20 kilolitre rainwater tank fitted with a storz fitting located in the south eastern corner of the allotment to assist in fire fighting in the event of a grass or bush fire.

PR 5 - Land for erection of a dwelling is safe and suitable for the purpose. The land is not identified as a former orchard; however, it is acknowledged that it has a prior history of being used for agricultural purposes which are listed as a potentially contaminating activity. However, there are no known prior dip, disposal or animal

burial sites located in proximity to either the proposal secondary dwelling or the principal dwelling.

PR6 – Residential development shall be designed to reflect vehicle and occupant safety principles. In this regard where there is:

- (a) A garage, carport or covered vehicle housing area attached to a Class 1 living or residence; and
- (b) A connecting door is proposed between a garage, carport or covered vehicle housing area attached to a Class 1 living or residence

these shall have an effective barrier to prevent people (including specifically infants) from coming into conflict with motor vehicles. The door swings outward from the garage with the door handle 1500mm above floor level; the door is fitted with a self-closing, device in accordance with AS 4145.5.

Section 2.1B Ancillary Development to Rural Dwellings

PAD1 - Ancillary development shall be site to minimise visual impact on neighbours and the rural landscape and shall be sited to ensure practical serviceability. There is a 30m² shed enclosed on three sides with an additional enclosed shed of 9m² located on the south east boundary with a setback of 20m from Henry Lawson Way and 4m from the south eastern boundary. The sheds were constructed without prior approval of Council. The shed is constructed with aged corrugated metal to represent established buildings in the landscape so as not to create negative visual impact and is consistent with the rural, open nature of the allotment and the surrounding land. The sheds would normally be considered to be exempt under the provisions of Subdivision 9 of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 as a garden shed with a total floor area of less than 50m² in an RU4 zone. It meets all the criteria of the development standards in Clause 2.18 except subclause (d)(i) in that it is less than 5m from the lot boundary. This however was not discovered until a complete survey was undertaken for the purposes of a building information certificate to the existing dwelling. The shed is used to support the family's activities of fruit and vegetable cultivation, sheep and cattle grazing as well as storing the tack and associated equipment for horses.

Despite being constructed without development consent, the existing shed meets the criteria contained within Hilltops Development Control Plan 2011 in that it does not create a visual impact upon neighbours or the rural landscape.

- (iii) *any planning agreement* that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, and

No planning agreement has been entered into, nor is any planning agreement proposed as part of this development.

- (iv) *the regulations* (to the extent that they prescribe matters for the purposes of this paragraph), that apply to the land to which the development application relates,

The provisions Part 4, Division 1 of the *Environmental Planning and Assessment Regulation 2021* are not applicable to this development as there is no change of use, rebuilding or extensions to an existing building, no demolition, temporary structures or specific areas to which these clauses apply.

- (b) *the likely impacts of that development*, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,

Context and Setting

The proposal is situated within a rural residential setting surrounded to the north east and west by allotments used for similar purposes. It is located on the interface of the residential area which exists and extends along the opposite side of Henry Lawson Way. The dwellings proposed are low scale in natural with neutral finishes and colours so as to blend into the landscape and not be intrusive. The dwellings make use of the allotment aspect, slope and vista to maximise solar access and views whilst minimising visual impact when viewed from the public domain. Trees have been planted to provide additional screening further minimising any impact of the dwellings in the vicinity.

Access Traffic and Transport

It is anticipated that the proposal will generate vehicle movement commensurate with that of two dwelling in type, number and nature of movement. It is considered that the local road network is adequate to cater for this additional volume of traffic.

Access to, and egress from the site is provided by way of a single gravel driveway from Henry Lawson Way with the gates setback into the property. There is no pedestrian amenities or kerb and gutter in front of the property, however across Henry Lawson Way is the commencement of the residential area with footpaths which connect the area to the remainder of Young, open space and other facilities.

The proposal will not have a negative impact on the provision of transport services in the area, nor will it create additional demand for public transport services given the site's location with walkability to many of the town's facilities.

Public Domain

The proposal, whilst visible from the public domain, does not rely on the public domain for its functioning, construction or operation. The provision and utilisation of the public domain in this vicinity is not likely to be impacted by this proposal.

Other Land Resources

The proposal does not rely upon other land resources for its operation or construction. Similarly, the proposal is not likely to impact upon other land resources.

Soil

The proposal will not impact upon soil on site or in the vicinity in terms of structure, function, contamination, erosion or biota. There will be some soil disturbance during construction, however erosion and sediment control measures are to be put in place to ensure that movement off site does not occur.

Air and Microclimate

The proposal will not impact upon microclimate or air quality. There may be some dust generation during construction however this is expected to be short term and will abate until the completion of the buildings.

Flora and Fauna

The development site is devoid of any significant vegetation and is therefore unlikely to contain habitat for floral or faunal species. The site does not form part of a connective vegetation corridor nor is it known to be part of foraging habitat. The mapped as terrestrial biodiversity significance is far removed from the development site and will not be impacted by the proposal.

Noise and Vibration

The proposal will not create any significant additional objectionable noise or vibration within the vicinity due to its low-density nature and use. There may be some noise and vibration during demolition and construction but this will be short lived and within normal construction activity hours.

Natural and Technical Hazards

The site is not known to contain any natural hazards. The site is located within an established residential area with no known history of potentially contaminating activity. The site is not subject to flooding, slip, salinity or vulnerable soils. The site is not mapped as being prone to bushfire attack.

Safety, security and crime prevention

The proposal is for residential development in a rural residential area close to the general residential area of Young. The proposal is unlikely to give rise to any safety, security or crime opportunities.

Cumulative Impact

The cumulative impacts associated with this proposal are related directly to traffic, stormwater, resource consumption and sewer disposal. The traffic generated by this development is able to be adequately accommodated in the vicinity by the local and regional road network with minimal, if any, disruption or required upgraded. Similarly, stormwater and sewer disposal infrastructure is such that capacity would not be reached by the construction and occupation of this proposal. The consumption of water and electricity will be able to be absorbed within the existing provision network adequately without unnecessary strain and without augmentation.

(c) the suitability of the site for the development,

This assessment has demonstrated that the site is suitable for the proposed development.

(d) any submissions made in accordance with this Act or the regulations,

It is anticipated that the proposal will be notified in accordance with the adopted Hilltops Council Notification requirements contained within the Development Control Plan and the applicant provided the opportunity to address any community concerns prior to a determination being made on the proposal.

(e) the public interest

The proposal does not contravene the public interest, rather provides for additional housing opportunity and population within the community. The proposal utilises a currently vacant allotment and will provide additional visual interest in the locality.

Conclusion

This Statement of Environmental effects has examined the pertinent matters as outlined in the legislation and has demonstrated that the proposed development is suitable for the site. It is considered that the proposal is consistent with the objectives of Hilltops Local Environmental Plan 2022 and the RU4 Primary Production Small Holdings zone contained therein. The proposal is able to meet the objectives and requirements of Hilltops Development Control Plan 2011. Furthermore, the proposal is not inconsistent with the aims and objectives of the Environmental Planning and Assessment Act nor the subordinate Regulation and state environmental planning instruments. The attributes of the site are considered suitable for the proposed development and it is able to be adequately serviced by the necessary infrastructure without creating undue pressure.