

Statement of Environmental Effects
for

Retention of existing dwelling to create a
detached dual occupancy

at

Lots 19 & 20 Section 2 DP940
9-11 Wyatt Street
Moss Vale

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Introduction

This Statement of Environmental Effects has been prepared to accompany a Development Application for a proposed detached dual occupancy at 9-11 Wyatt Street, Moss Vale.

The subject site comprises two existing land parcels, being Lots 19 and 20 Section 2 DP940.

The application has been made pursuant to Section 4.12 of the *Environmental Planning and Assessment Act 1979*. The development is classified as local development. It is not integrated or designated development.

Wingecarribee Shire Council is the consent authority.

The proposed development is permissible under the provisions of the *Wingecarribee Local Environmental Plan 2010* (WLEP 2010) and the proposal has considered the relevant matters contained within the Moss Vale Town Development Control Plan.

The development involves no work because both dwellings within the dual occupancy are existing, being the original dwelling that has occupied the date for approximately 60 years and a recently constructed dwelling house approved by Council under Development Application 18/0243 that was granted approval in June 2018.

Decommissioning of an existing dwelling is counter productive and is antithetical with Council's stated strategic planning aim of increasing housing supply and improving housing affordability.

There are no issues of non compliance with any aspect of the proposed development when measured against the relevant planning controls.

The site, which is situated within an established residential locality of Moss Vale, is suitable for the proposed development, there are no adverse impacts arising from the proposal and support for the development is requested.

Subject Site

The subject site comprises two exiting land parcels, legally described as Lots 19 and 20 Section 2 DP940.

It has a street address of 9-11 Wyatt Street, Moss Vale.

It is situated on the southern side of Wyatt Street, which is a small local access road that terminates approximately 35 metres from the subject site. This small section of Wyatt Street services a small number of residential properties.

The site is rectangular in shape with the two lots combining to provide a street frontage of approximately 24 metres and a depth of approximately 52 metres. It has a total site area of approximately 1250 square metres.

There is a gentle slope to the land, rising from the street frontage towards the rear of the site.

Situated upon the land are two dwelling houses.

Towards the rear of the site is the original dwelling house with associated garages/sheds. It has vehicular access from a driveway along the sites north eastern boundary.

The floor plan of tis dwelling is set out on plans prepared by Chris Cusak submitted in support of the Development Application. This original house is modest in scale and has been on the site for approximately 60 years.

Recently constructed in the front portion of the site is a new single storey brick and tile dwelling house that was approved by Council under DA18/0243 in June 2018.

Driveway access to the attached bible garage is provided to the west of and separate to the original driveway. The construction of this dwelling has recently been completed although a final Occupation Certificate has yet to be issued. This dwelling has bee provided with its own private recreation garden area to the rear of the dwelling. This area is fully fenced and separate to the parking area of the original dwelling house.

Surrounding development is low density residential development on a variety of land parcels.



Figure 1: Site Locality Plan



Figure 2: Aerial view of locality (prior to construction of new dwelling)



Figure 3: Street view of site showing existing driveway to the left and new dwelling house and driveway to the right



Figure 4: Internal view of the site showing original dwelling house and garage to be retained

Description of Proposed Development

The proposal is for the use of the land to accommodate a detached dual occupancy.

Both dwellings in the dual occupancy development are existing dwelling houses.

The dual occupancy will consist of a new single level dwelling house, recently constructed at the street frontage portion of the site. This dwelling was approved under DA18/0243 by Council in June 2018.

The second dwelling within the dual occupancy is the retention of the existing older dwelling house that is situated in the rear half of the site, set behind the new dwelling.

The approval for the new dwelling was the subject of a suite of standard conditions of consent, however it also included three conditions that are particularly relevant to this development proposal. These are Conditions 18, 19 and 23.

18. Site Consolidation

That the site be consolidated into one (1) lot prior to issue of any Occupation Certificate.

Reason: To ensure the use of the land as one allotment is legally recognised and to prevent separate dealings in the existing allotments after the use commences

A similar condition could be imposed upon any approval for the detached dual occupancy, however it is considered that the reason for the imposition for the condition should be clarified. The existing land parcels, Lots 19 and 20 are long narrow lots and both the original dwelling and the newly constructed dwelling straddle the common boundary of these lots. Avoiding residential development straddling the boundary of two separate allotments should be the reason for the imposition of this condition. As a single land parcel, the consolidated site would have a site area of approximately 1250sqm which is in excess of the minimum requirement for a dual occupancy development.

19. Conversion of Existing Dwelling to Studio

The Studio shall have the kitchen and laundry plumbing and fixtures totally removed prior to occupation of the dwelling the subject of this development consent. This includes all drains, fixtures and water pipes. Photographic evidence shall be submitted to Council indicating complete removal of these fixtures for Council's records.

Reason: To ensure compliance with the Wingecarribee Local Environmental Plan 2010

23. Detached Building

The Studio on the site shall be used in conjunction with the approved dwelling and shall not be separately let or occupied.

Reason: To ensure compliance with Council's Local Environmental Plan and Planning legislation

Neither of these conditions would remain relevant should approval be granted to the detached dual occupancy. Their inclusion into the approval for DA18/0243 reflects the fact that that application at the time did not contemplate a dual occupancy development. The proposed development for a detached occupancy that is now

contemplated does not conflict with the reasons for the imposition of the conditions. Dual occupancy development is a permissive form of development and the site area available is in excess of the minimum site area requirement for dual occupancy. The spatial relationship between the two structures was considered in the assessment of DA18/0243 and considered to be acceptable. It was the use of the original dwelling that was the focus of Conditions 19 and 23, not the physical form of the structure. Its capacity to function as a dwelling within a detached dual occupancy development is covered in this Statement.

The proposed development contemplates no physical works because both dwellings are existing and all services are available.

The new dwelling has a new separate driveway directly onto Wyatt Street. The older dwelling will continue to be serviced by the original driveway that runs along the sites north eastern boundary.

Both dwellings will be connected to the services of town water and sewer that are available along Wyatt Street.

Existing stormwater infrastructure will remain in place with final discharge into Wyatt Street.

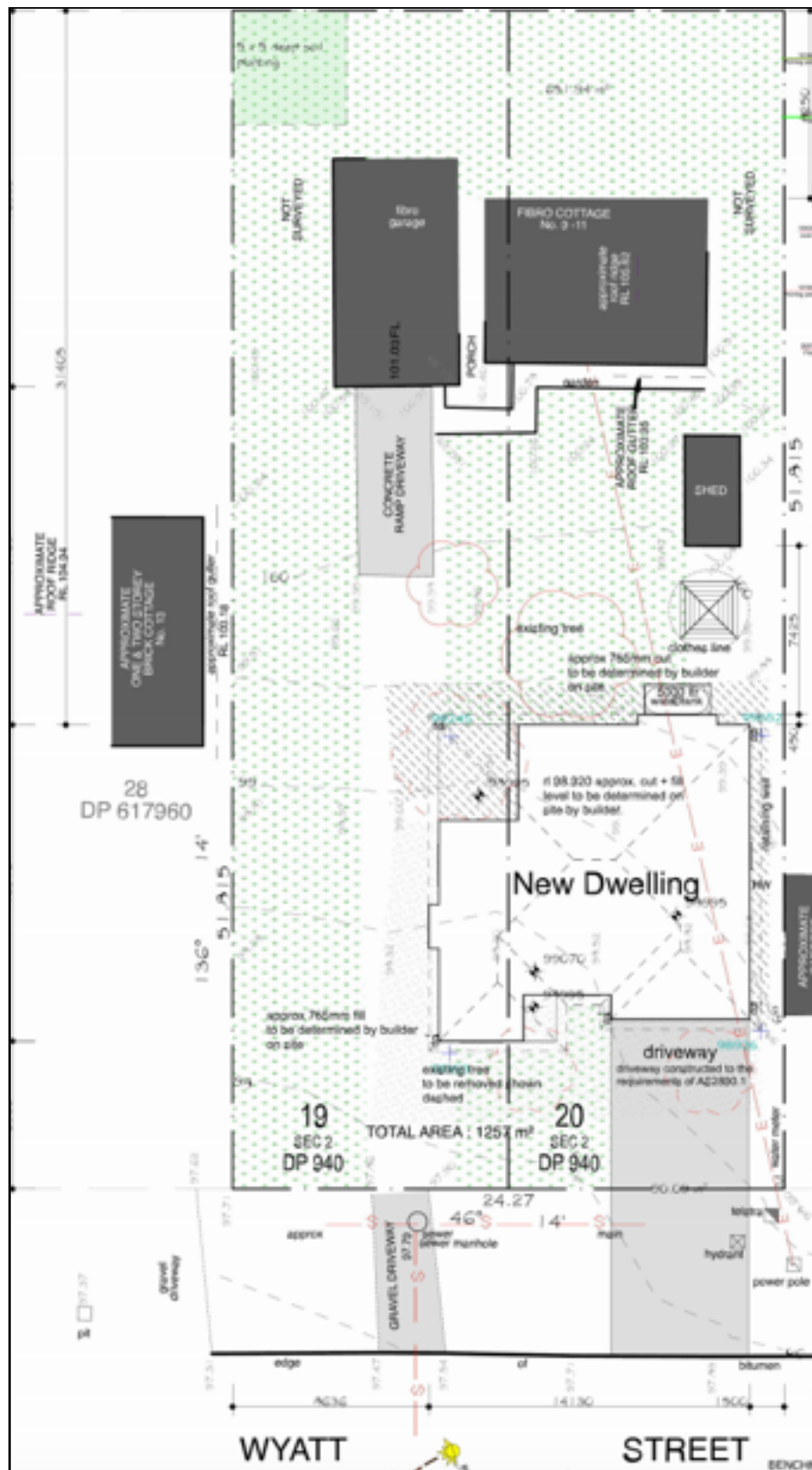


Figure 5: Site plan of DA18/0243 showing the new dwelling and the existing dwelling

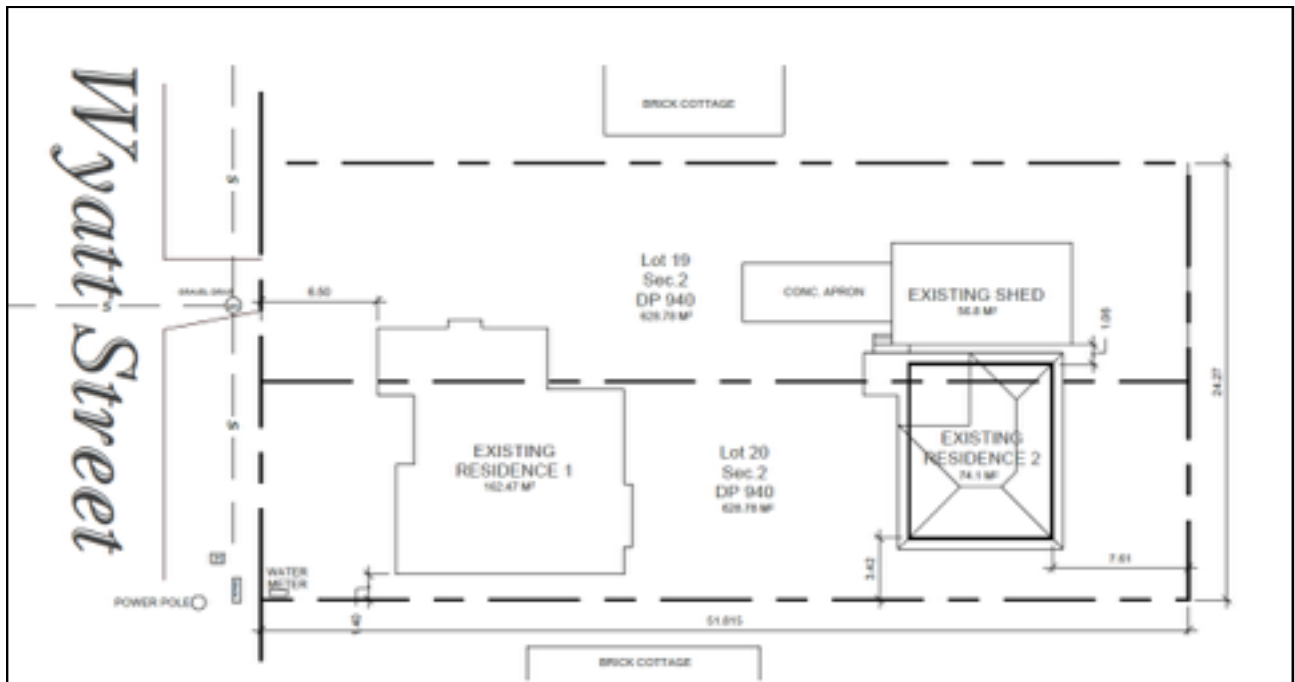


Figure 6: Site plan submitted with this proposal showing relationship between both dwellings

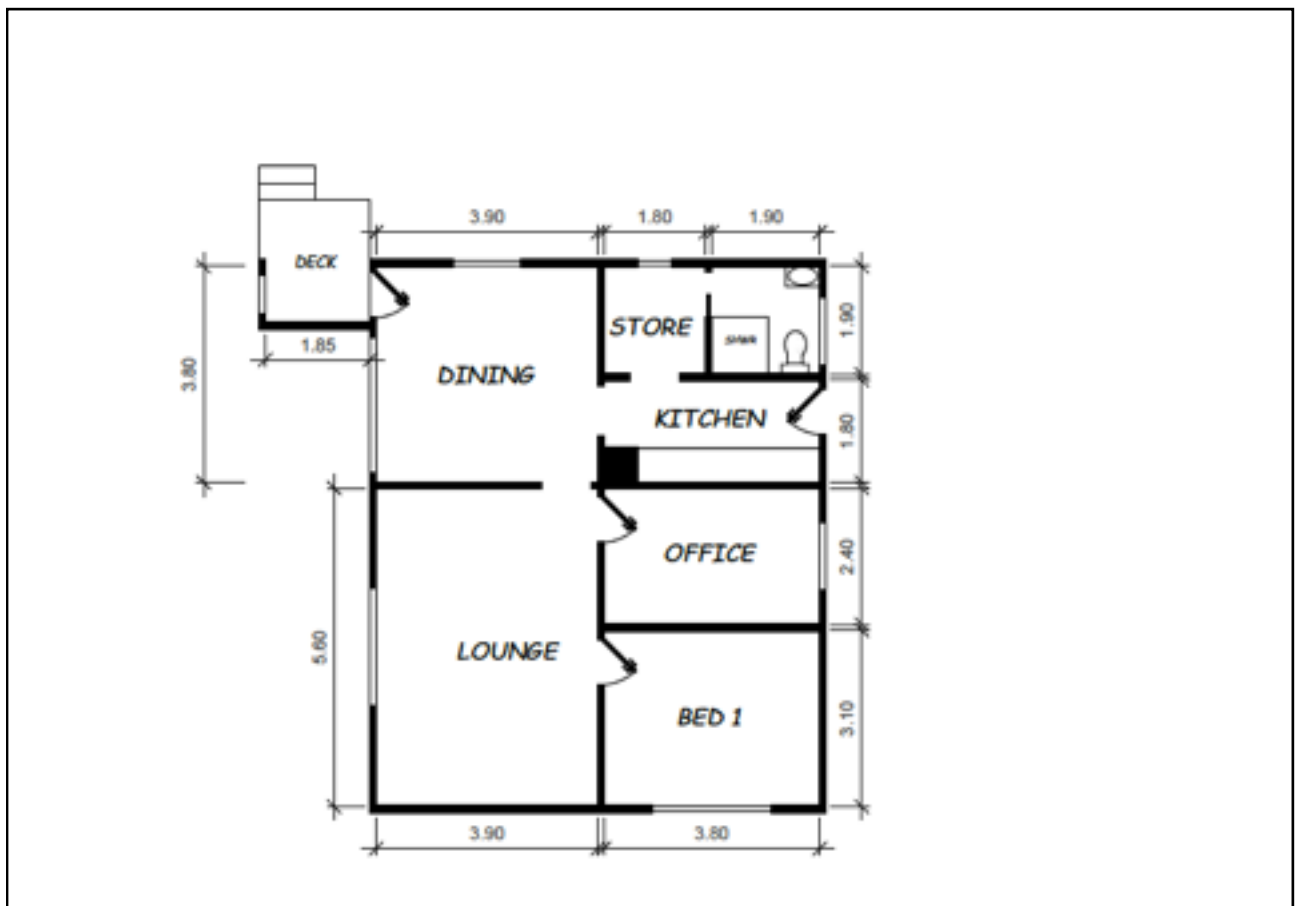


Figure 7: Layout of original dwelling to be retained

Assessment of Environmental Impacts

The following provides an assessment of the proposal against the provisions of Section 4.15 of the *Environmental Planning and Assessment Act 1979*.

the provisions of any environmental planning instrument

Rural Fires Act 1997

The land is not bushfire prone land.

Biodiversity Conservation Act 2016

The purpose of this Act is to conserve biodiversity and to do so by establishing a method of assessing potential impacts of development upon biodiversity values when development is proposed.

The land is not identified on the Biodiversity Values Map that is prepared by the NSW Office of Environment and Heritage.

In this case, the site contains no native vegetation and there is no tree removal required.

The development does not trigger the need for any biodiversity offsetting.

State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011

The State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011 was considered. It requires the consent authority to be satisfied that the development would have a neutral or beneficial impact on water quality.

Being the use of two existing dwellings in a sewered urban area, the proposed development falls within Module 1 of the *Neutral or Beneficial Effect on Water Quality Assessment Guideline 2015*.

The Guidelines to the State policy say that:

It is safe to assume that a development will have no identifiable potential impact on water quality if the development is unlikely to result in:

- *a concentration of flow of water*
- *the impedance of flow of water*
- *discharge of effluent, dust pollutants or stormwater, and*
- *other matters considered to result in a water quality impact, such as the potential for contamination.*

On the basis of the fact that both dwellings are already existing and connected to services, Council should be satisfied that the proposed development will have no identifiable impact on water quality.

Wingecarribee Local Environmental Plan 2010 (WLEP 2010)

The relevant local planning instrument for consideration of this development is the *Wingecarribee Local Environmental Plan 2010*.

Clause 2.3 Zone objectives and land use tables:

The site is within the R2 Low Density Residential zone. Refer to Sheet LZN_007D. It has the following objectives:

- *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.*

The proposal is consistent with the aims and objectives of the zone. Retaining the original dwelling as part of a detached dual occupancy is a better outcome when measured against the objectives of the zone than the current situation of having to decommission the dwelling. The retention of the original dwelling will help to provide housing opportunity in an area that is an established residential location that is fully serviced and suitable for that purpose.

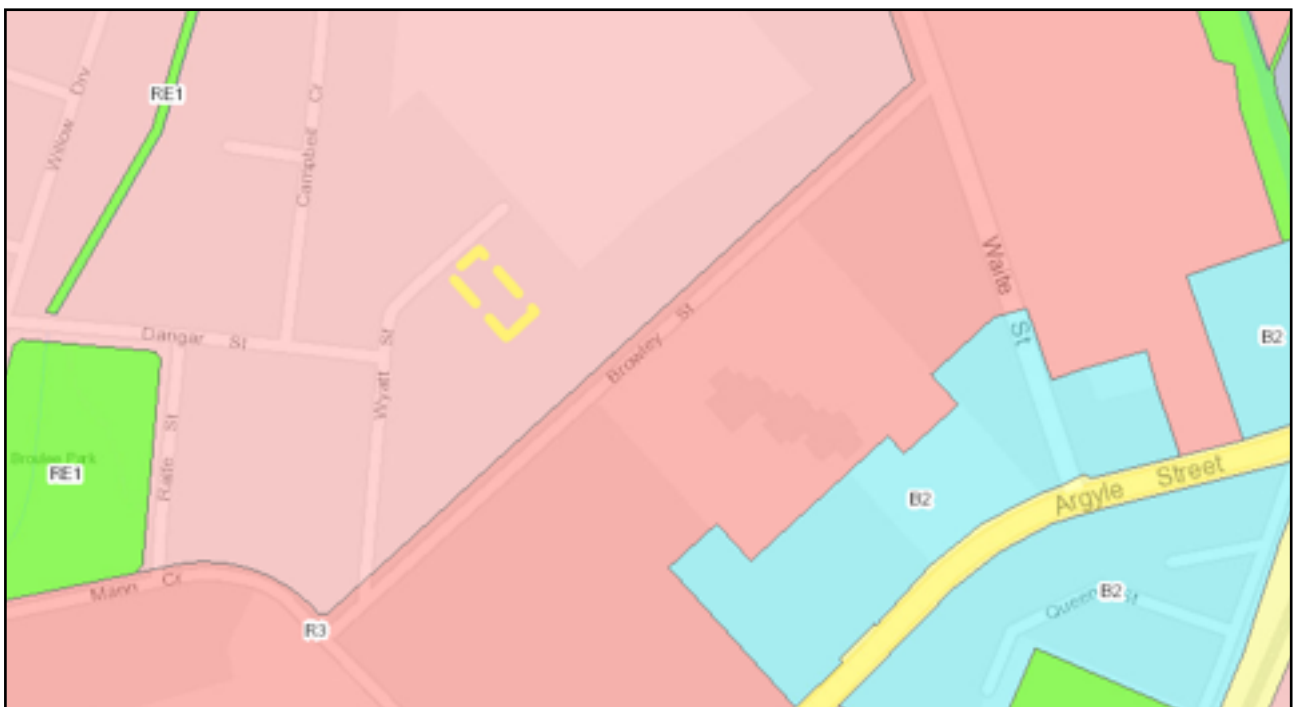


Figure 8: Extract from NSW Planning Portal zoning maps

Clause 4.1 Minimum Subdivision Lot size:

The relevant map for this site, Sheet LSZ_007D indicates a minimum lot size of 700 sqm for the creation of new allotments. Both existing lots are currently approximately 625sqm. If these two lots were to be consolidated, the new single parcel would be approximately 1250sqm and well in excess of the minimum requirement.

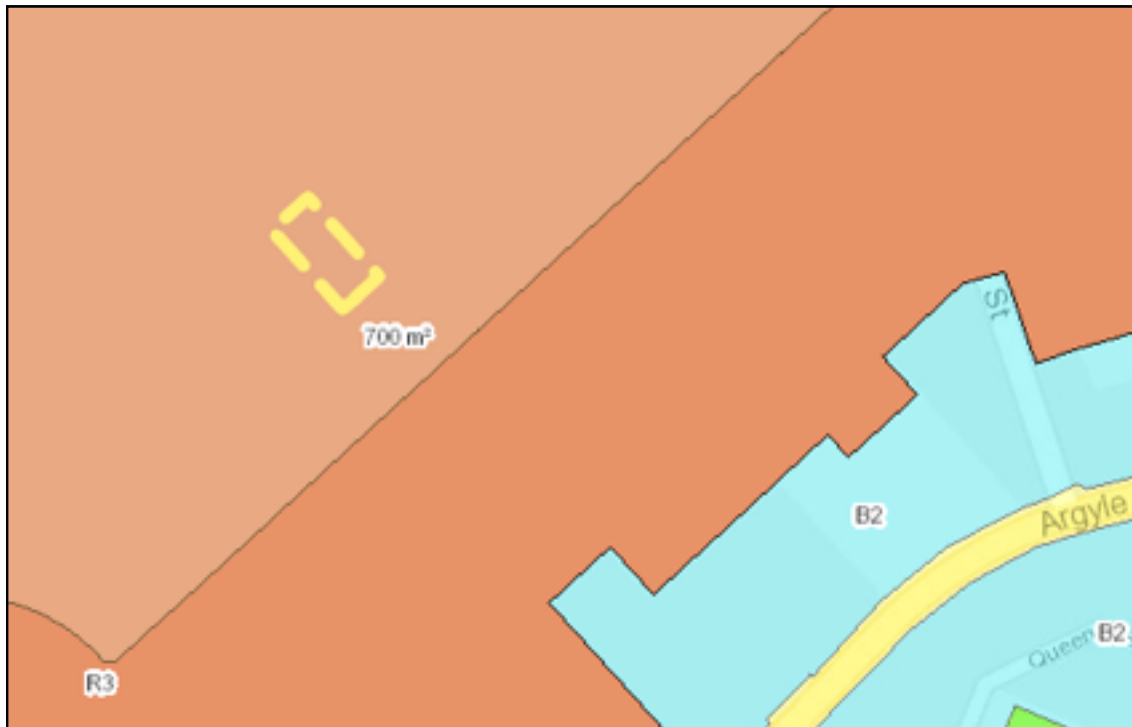


Figure 9: Extract from NSW Planning Portal minimum lot size maps

Clause 4.2E Minimum lot sizes for dual occupancies

This Clause, introduced subsequent to the consideration of DA18/0243, requires a minimum lot size of 1000sqm for dual occupancy development.

If these two lots were to be consolidated, the new single parcel would be approximately 1250sqm and well in excess of the minimum requirement for a dual occupancy development.

Clause 4.2F Minimum subdivision lot sizes for dual occupancies in certain zones

This Clause, introduced subsequent to the consideration of DA18/0243, sets minimum requirements if a dual occupancy is to be subdivided so that each dwelling sits upon its own Torrens Title lot. Subclause operates so as to effectively require a minimum 1200sqm site area for a dual occupancy development to be capable of subdivision. The total site area for this development is 1250sqm. No subdivision of the dual occupancy is being contemplated, however it would be permissible with consent.

The WLEP2010 does not contain a floor space ratio or height of buildings control for the R3 Medium Density Residential zone and therefore Clauses 4.3 (height) and 4.4 (FSR) are not relevant.

Clause 7.3 Earthworks

This Clause requires consent for earthworks in certain circumstances. In this case, there is no work associated with the proposed development.

Clause 7.4 Natural resource sensitivity – Biodiversity:

The subject site is not within an identified regional Wildlife Corridor.

Clause 7.5 Natural resource sensitivity – water:

The subject site has not been identified as being affected by any mapped water courses.

Clause 7.10 Public utility infrastructure:

The proposed development will be provided with connections to existing reticulated water and sewer services. Electricity, gas and telecommunications are also available.

There are no other specific provisions of WLEP2010 that are relevant to the site or the proposed development.

the provisions of any development control plan

The site is within the area covered by the Moss Vale Town Plan Development Control Plan (the MVDCP).

Part A – All Land

Section 2 – General Objectives

A.2.2.4 – Residential Amenity

- a) Conserve the unique characteristics of existing residential areas of the Moss Vale township*
- b) Encourage new residential development that is sympathetic to existing or desired future streetscapes and neighbourhood character.*
- c) Ensure that residential development includes sustainable principles such as energy and water efficiency, using sustainable building products where ever possible.*
- d) Contribute to the enhancement of the urban amenity.*
- e) Ensure that there is no light spill from any new development which would adversely impact on surrounding residents, including diminishment of the night sky experience.*

The proposed development contemplates the continued use of existing residential buildings rather than any work.

The development is consistent with the DCP objectives. The proposed development does not conflict with any of the relevant planning controls and will provide housing opportunities consistent with the local residential character.

Section 3 deals with Biodiversity. There are no biodiversity issues associated with this site.

Section 4 deals with Water Management including specifically water quality issues associated with development within the Sydney Drinking Water Catchment. This has been discussed earlier.

Section 5 deals with Flood Liable Land. The site is not flood prone land.

Section 6 deals with Vegetation Management and Landscaping. The site has no significant existing native trees or vegetation that will be impacted upon by the residential development and subsequent subdivision. Each dwelling will be able to provide adequate private landscaped open space.

Section 7 deals with Subdivision, Demolition, Siting and Design.

Part A7.1 deals with the subdivision of land. Lot consolidation could be required as a condition of consent.

A7.1.1 deals with Minimum Lot Sizes. Both of the existing lots are less than the minimum lot size requirement of 700 sqm, however if consolidated the site area is well in excess. Because the development proposal includes only the use of the existing built form, this is not a significant issue. It is possible that an approved dual occupancy on the site could be subdivided at some stage in the future through compliance with Clause 4.2F of WLEP2010.

A7.1.2 deals with Building Envelopes. These envelopes are generally used in circumstances where important public vistas or view corridors may be impacted by inappropriately sited development, or where particular amenity issues may arise if restrictions are not imposed. They are not considered necessary in this case because the development proposal incorporates the existing built form. Council considered the relationship between the two buildings in its deliberation of DA18/0243. That consent did not seek to demolish or reduce the original built form, it only sought to limit its usage.

Part 7.2 deals with Demolition. No demolition is proposed or required.

Part A7.4 deals with Cut and Fill. Not cut and fill is required, because the dwellings exist, as well as the driveways.

Part 7.6 - 7.10 - deal with heritage related matters. The site is not heritage listed nor in a conservation area. The development will have no impacts upon any heritage items or areas.

Part C deals with Residential development.

C1.4 Height of Buildings

Both dwellings are single storey within the 6 metre height generally considered as suitable for single storey development.

C1.5 Building Materials

This section of the DCP seeks compatibility in materials and the avoidance of highly reflective materials. There are no changes proposed to the existing dwelling houses. The chosen materials for the new street frontage dwelling were considered to be suitable.

Part C Section 2 deals specifically with Low Density Housing, that includes dwelling houses and dual occupancy. The general objectives are to maintain the character of local areas, ensure compatibility in scale, height and bulk, maximise solar access, maintain privacy, provide adequate car parking, retain significant trees and provide of new landscaping.

The proposed development does not offend any of these objectives.

The following paragraphs make comment in relation to the range of design related issues generally associated with dwelling houses and dual occupancy development and found in Part C Section 2 of the Moss Vale Township DCP. However, because the development involves two existing dwelling houses, one very old and one only recently approved, many of the DCP controls have limited applicability.

C2.4 Density and Scale

It is intended that the proposed development will result in two dwellings on a total site area of 1250sqm. This is a density commensurate with the density of the locality. The site area is well in excess of the minimum 1000sqm requirement for a dual occupancy.

In this locality the development footprint can occupy up to 65% of the site area. The development footprint includes internal floor area, garages and verandah/patio areas. The development complies.

Although the WLEP2010 has no floor space ratio control for this site, the DCP provides a maximum floor space ratio control for development of 0.5:1. This excludes the area of any garage or carport or outdoor verandah/patio area. The total FSR for the development is compliant.

The development reflects a modest scale. It is also a reflection of the development's compatibility with the prevailing development character of the surrounding area, that generally displays a relatively low floor space ratio and low site coverage.

C2.5 Dwelling Orientation

The objective of this control is to provide appropriate solar access for dwellings. The requirement is that key living areas and 50% of primary private open space receive at least 3 hours of direct sunlight in winter.

In this case, the dimensions and orientation of the site, with a street frontage to the north west, dictates the orientation of the dwellings and the location of private open space areas. Both dwellings have suitable open space areas and receive adequate solar access to internal living areas that are contiguous with private open space areas.

Further, with no significant overshadowing occurring from either dwelling and being well within the allowable heights for a single storey building, there is also no impact upon the solar access currently enjoyed by any adjoining property.

C2.6 Front Setbacks

The objective of this Section is to result in the placement of new development that is consistent with the prevailing pattern of development within a street.

The minimum setback is 4.5 metres. The setback of the recently approved dwelling is a minimum of 5 metres.

The development will not impinge upon the existing setback character of the street.

C2.7 Side Setbacks

On lots between 900sqm and 1500sqm a minimum 1.5 metres side boundary setback is required.

The recently approved dwelling has a minimum side boundary setback of 1.4 metres to the south west boundary.

The original dwelling has a minimum setback to this south west boundary of 3.42 metres.

The side boundary setback requirement has been satisfied.

These setbacks are all compliant and ensure appropriate building separation between the proposed development and the nearest adjoining dwellings. They are also not inconsistent with the prevailing character of the street in terms of the separation between dwellings that will result.

C2.8 Rear Setbacks

On lots between 900sqm and 1500sqm site area, a minimum 5 metres to the rear boundary is required. Additional setback distance can be required if the height of

the dwelling is above 3.8 metres at the rear of the dwelling. In this case, the original dwelling, which is to the rear of the site, has a setback to the rear boundary of 7.6 metres.

The rear setback requirement is compliant.

The proposed setbacks for both dwellings are suitable and achieve the objectives of solar access, private open space, tree planting opportunities and appropriate building separation distances. With the design and scale of both dwellings, it is not anticipated that overshadowing or overlooking of neighbours will be a problem to warrant greater setbacks.

C2.9 Building Height

This has been commented upon previously. Both proposed dwelling houses within the development are well within the height limits for single storey construction. The proposed dwellings are designed with standard external wall heights and appropriately pitched roof forms.

C2.10 Roof Forms

The roof form of the existing dwelling will be retained with the roof form of the new dwelling being complementary.

C2.11 Dwellings on Corner Allotments

Not relevant in this case.

C2.12 Garaging & Driveways Associated with Dwellings

Both proposed dwellings will be serviced by a driveway crossing onto Wyatt Street. This will be a consistent reflection of the current street pattern. The new driveway for the new dwelling constructed under DA18/0243 has been constructed to Council's specifications.

The location of car parking, the style of parking space and the number of spaces provided is considered to be the appropriate balance in this case, having regard to the density of development and the scale of the development.

C2.13 Private Landscaped Open Space

Both dwellings have private open space areas that link directly with indoor living areas in a traditional 'back yard' arrangement to the rear of the dwellings to ensure privacy. For both dwellings these areas have good orientation to receive solar access.

On lots less than 2000sqm site area, a minimum 35% of site area should be private open space with a maximum building footprint of 65%. It should be noted that the

terms private open space used in this Section of the DCP and landscape area used in Section C2.4 are interchangeable.

The open space requirement is compliant.

For both dwellings, the open space is well orientated for solar access, it is of useable dimensions and for both dwellings a large proportion of it forms part of a contiguous three element space - the internal living areas, outdoor entertaining area and then private outdoor open space.

The numerical figure for open space also needs to be considered in the context of the complementary control of building footprint which both dwellings comply with.

the likely impacts of that development, including environmental impacts on both the natural and built environments and social and economic impacts in the locality

There are no likely impacts arising from the proposed development that would warrant the refusal or amendment of the submitted plan.

Environmental

The proposal does not have any significant environmental impacts. The residential use of the site has long been established and can be accommodated without detrimental environmental impact as there is no significant or protected vegetation, no water courses impacted, no visual prominence or views to natural areas and no earthworks required.

Built

The built form is established.

The site can accommodate the use of the existing buildings as residential development that can be compliant with the built form and amenity controls of the MVDGP. This will be consistent with the existing infill development pattern of the locality.

Social

By providing additional and affordable residential housing to Moss Vale, the proposed development will have a positive social impact.

Economic

The proposal represents an economic use of land that is currently under-utilised having regard to the planning controls now in place. It is a superior use of land and existing buildings than complying with the conditions of development consent under DA18/0243. Decommissioning of an existing dwelling is counter productive and is antithetical with Council's stated strategic planning aim of increasing housing supply and improving housing affordability.

the suitability of the site for development

The site is suitable for the proposed development. It is zoned R2 Low Density Residential and all proposed dual occupancy is permissible development and compliant with the fundamental development standard of a minimum 1000sqm site area for dual occupancy development.

The site is ideal for infill development. It is fully serviced and near the Moss Vale town centre. Its development will support the strategic objectives of Council being appropriate infill residential development.

There are no environmental sensitivities for consideration as there are no significant trees, native vegetation or natural watercourses on the site that should preclude development.

The existing dwelling should be retained rather than decommissioned. The street frontage of the site now accommodates the new dwelling and therefore there will be no impact upon the existing streetscape.

Adjacent properties will not be adversely affected.

The overall density of the proposed development will align to adjacent and nearby properties that have already been developed in accordance with the prevailing planning controls.

any submissions made in accordance with this Act or the regulations

It is understood that the Development Application may be placed on public notification and adjoining property owners notified. Any issues raised in the submissions received can be responded to as part of the assessment process.

Any submissions must be considered having regard to:

- The stated and underlying objectives of the relevant planning controls;
- The specific merits and circumstances that apply to the proposed development and the site;
- The acceptable nature of the likely impacts of the proposal;
- The suitability of the site in accommodating the proposed development; and
- The acceptable nature of the proposal when considering the wider public interest.

the public interest

The proposed development is not of a kind to give rise to issues of public interest. The proposal is a good example of infill residential development in a way that achieves the latent potential of the site within the prevailing planning controls.

Council has indicated in the WLEP2010 that the land has development potential. The Council's long term strategic planning objectives as set out in its Local Strategic Planning Statement and the Local Housing Strategy, is for infill residential development.

When all of this is considered, the development proposal should be viewed as being in the public interest.

Conclusion

The proposed development has been assessed against the provisions of Section 4.15 of the *Environmental Planning and Assessment Act, 1979*.

It is concluded the site is suitable for the proposed detached dual occupancy.

The proposed development is permitted in the R2 Low Density Residential zone, and is consistent with relevant provisions of *Wingecarribee Local Environmental Plan 2010* specifically the minimum 1000sqm lot size for dual occupancy development.

The locality is suitable for residential infill development, being fully serviced and close to the range of services and amenities of the Moss Vale town centre.

The site is fully serviced with reticulated water and sewer. As the site falls to the street, stormwater can easily be managed.

The proposal does not raise any significant issues, is consistent with the envisaged planning outcomes for the locality and should be supported subject to standard conditions of consent.