

STATEMENT OF ENVIRONMENTAL EFFECTS

33 Joan Street,
Forresters Beach NSW 2260

Erection of New Secondary Dwelling

August 2020

Buildcert.
PLANNING

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Statement of Environmental Effects				
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Buildcert Planning Pty Ltd hereby certify that this Statement of Environmental Effects has been prepared in accordance with the requirement of the Environmental Planning and Assessment Act 1979 and its associated Regulations. It is certified that to the best of our knowledge the information contained within this Report is neither false nor misleading.

This Statement of Environmental Effects accompanies the Development Application to Central Coast Council (Gosford) for the erection of new secondary dwelling. It is intended to provide further details, where necessary, on aspects covered in the drawings as well as provide additional information where required. The information following is provided to detail the merit of the proposed development in relation to the provisions set out in both the *Gosford Local Environmental Plan 2014*, and the *Gosford Development Control Plan 2013* (as amended).

DEVELOPMENT APPLICATION DETAILS	
Property Address	Lot 13/-/DP235396 33 Joan Street Forresters Beach, 2260
Local Government Area	Central Coast Council (Gosford)
Zone	R2 Low Density Residential
Calculations	Lot Area: 512.46m ² Proposed Secondary Floor Area: 49m ²
Existing Structures	Two- storey dwelling, carport and spa.

The DA and statement have been prepared on behalf of the applicant and addresses the matters referred to in Section 4.15 of the Environmental Planning and Assessment Act 1979 (EP&A Act) and the matters required to be considered by the consent authority. The purpose of this SOEE is to:

- Describe the existing environment to which the DA relates and the character of the surrounding area;
- Describe the proposed development;
- Outline the statutory planning framework within which the DA is assessed and determined; and
- Assess the proposed development in considering the relevant heads of consideration.

1.0 Site Location and Description



Figure 1: Aerial view, showing subject site outlined in red in context to surrounding development (Source: LPI SIX Maps Viewer).

The subject site (the site) is located on the west side of Joan Street. Surrounding development in proximity to the site comprises of low density established coastal residential accommodation. The site is inland from the water body of Forrester's Beach.

Vehicular access to the site is from the north side, via crossover and concrete driveway. The site is rectangular in shape and displays a crossfall from the southeastern corner to the rear northwestern corner of the site, of approximately 3m.

The site contains managed lawn to the front and rear of the property and trees line the rear perimeter of the site.

The long axis of the site orientated generally east to west with a frontage width of 15.24m and depth of 33.6m. The total site area is approximately 512.46m².

Proposed Development

The applicant seeks consent for the erection of a secondary dwelling.

The secondary dwelling is proposed with a simple yet functional layout including one bedroom, a combined kitchen and living area and bathroom. Access will be provided from the northeastern side of the building.

The proposal includes the following setback details:

- Secondary dwelling to northeast side boundary: 6m
- Secondary dwelling to northwest (rear) boundary: 900mm
- Secondary dwelling to southwest side boundary: 1.2m
- Secondary dwelling to existing deck (southeast): 1.85m

In consideration of the sloping nature of the site, earthworks are considered minor with excavation is limited to removal of existing concrete for retaining wall slab. The retaining wall will be replaced to the northside of the secondary dwelling.

Although unlikely to be visible from outside of the site, the secondary dwelling will present an exterior that is sympathetic to the style of the existing dwelling, yet discernible as a new contemporary building form on site – External cladding and a gabled roof will materialise the aesthetic.

- Provide a functional internal site layout between the existing dwelling and secondary dwelling with respect to privacy.
- Provide considered site planning with regards to the placement of the building and orientation of the site, with no removal of trees required and privacy between adjoining properties maintained.
- Not impact significant adverse effect to adjoining properties in terms of solar access, stormwater management, natural ventilation or bulk and scale.
- Provide favourable window shading and orientation and efficient water and light fittings.

An assessment of the proposed development has not identified any unreasonable adverse environmental impacts likely to arise as a result of the proposal. It is therefore recommended that consent for the proposed development is granted subject to Council's standard conditions.

2.0 Statutory Requirements

This section deals with the proposal's consistency with the various statutory and non-statutory provisions. It also addresses the relevant matters for consideration under Section 4.15 of the *Environmental Planning and Assessment Act 1979* (as amended).

Commonwealth Legislation - Environment Protection and Biodiversity Conservation Act 1999

The Commonwealth Environmental Protection and Biodiversity Conservation Act (EPBC) 1999, in conjunction with the Commonwealth Environmental Protection and Biodiversity Conservation Regulations 2000, provide the basis for national environmental protection and conservation.

The subject site is not situated on an area of environmental significance and does not contain any national environmental significance items.

Other Acts

Consideration was afforded to other legislation, including legislation concerning whether the proposal is integrated development. Integrated development is development that, in order for it to be carried out, requires development consent and one or more of the following approvals:

- Fisheries Management Act 1994
- Heritage Act 1977
- National Parks and Wildlife 1974
- Petroleum Act 1991
- Protection of the Environment Operations Act 1997
- Roads Act 1993
- Rural Fires Act 1997
- Water Management Act 2000
- Biodiversity Conservation Act 2016 No 63
- Coal Mine Subsidence Compensation Act 2017

State Environmental Planning Policies (SEPP)

The following State Environmental Planning Policies are considered applicable to the land and relevant to the proposal such as to warrant consideration:

State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

The State Environmental Planning Policy was enacted to ensure buildings are designed to use less potable water and minimise greenhouse gas emissions by setting energy and water reduction targets for residential houses and units.

A BASIX assessment has been undertaken as part of the proposed development, by a qualified Building Sustainability Assessments consultant, and is attached with this application.

State Environmental Planning Policy (Affordable Rental Housing) 2009

The secondary dwelling will be established with the principal dwelling on the subject property.

The site is zoned R2 in *Gosford Local Environmental Plan 2014*, whereby development of a *Secondary Dwelling* is permissible. As permissibility of the proposal is considered under LEP 2014, no further consideration under the SEPP is required.

State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017

This Policy seeks to protect the biodiversity values of trees and other vegetation in non-rural areas of the State, and to preserve the amenity of non-rural areas of the State through the preservation of trees and other vegetation.

The proposal will be located to the rear of the existing dwelling at the eastern portion of the site, and plans do not indicate removal of vegetation is required.

State Environmental Planning Policy No. 55 – Remediation of Land

The site is not identified as potentially contaminated in Council's inventory and its previous and present use would significantly reduce any likelihood of contamination.

3.0 Local Environmental Plans (LEP)

Gosford Local Environmental Plan 2014

Part 2 Permissible and prohibited development

The site of the proposed development is located within the R2 Low Density Residential zone as identified by the Gosford LEP 2014. The applicant seeks consent for the erection of a *Secondary dwelling* permissible with consent in the R2 zone.

The objectives of the R2 zone are as follows:

- *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.*
- *To ensure that development is compatible with the desired future character of the zone.*
- *To encourage best practice in the design of low-density residential development.*
- *To promote ecologically, socially and economically sustainable development and the need for, and value of, biodiversity in Gosford.*
- *To ensure that non-residential land uses do not adversely affect residential amenity or place demands on services beyond the level reasonably required for low-density housing.*

The proposal is considered consistent with the objectives of the zone in that; development will provide diversity in residential housing to the locality; significantly improve the site's capabilities without hindering the function of surrounding facilities and services; and is compatible with the desired further character of the area in that the amenity of surrounding built and natural environment will not be adversely impacted.

Part 4 Principal Development Standards

Clause 4.1 Minimum lot size

Not applicable.

Clause 4.3 Height of Buildings

At the top of the ridgeline, the proposed development will display an appropriate height of approximately 3.7m from existing ground level – as scaled from submitted architectural plan set. The proposal is compliant with the maximum height prescribed to the land of 8.5m.

Clause 4.4 Floor Space Ratio

The allotment exists within an area identified on the Floor Space Ratio Map as permitting a floor space ratio of 0.5:1. The proposed development will not exceed the maximum floor space ratio for the site. Inclusive of the proposal and existing dwelling the site will retain an FSR of 0.28:1.

Part 5 Miscellaneous provisions**Clause 5.4 Controls relating to miscellaneous permissible uses***(9) Secondary dwellings*

If development for the purposes of a secondary dwelling is permitted under this Plan, the total floor area of the dwelling (excluding any area used for parking) must not exceed whichever of the following is the greater:

- (a) 60 square metres,*
- (b) 20% of the total floor area of the principal dwelling.*

The proposed secondary dwelling is 49m².

Part 7 Additional local provisions**Clause 7.1 Acid Sulfate soils**

The subject allotment is identified under the LEP as being affected by Acid Sulfate Soils (Class 5). There is no substantial excavation (less than 1m) required for the establishment of the building on the site. Accordingly, no Acid Sulfate Soils Management Plan is required.

4.0 Development Control Plan (DCP)

Gosford Development Control Plan 2013 (as amended)

Consideration has been given to the provisions of the relevant Development Control Plan. The proposed development is not inconsistent with the objectives or controls within the DCP. The following DCP Chapters are considered applicable to the proposal.

Part 2 – Scenic Quality and Character

The proposal is appropriate in scale when viewed in consideration of the development context and surrounding developments that adjoin the site to the east and west.

Part 3 – Specific Controls and Development Types

Residential

3.1 Dwelling Houses, Secondary Dwellings and Ancillary Developments

3.1.2.1 Building Height

The proposed development displays a single storey scale and a maximum height of 3.7m from existing ground levels, as scaled from plan detail.

3.1.2.2 Site Coverage

The DCP states for lots **with an area of at least 450m² but less than 900m²—50% of the site area**. The proposed development does not seek a site coverage greater than the 28% maximum allowable for the allotment.

3.1.2.3 Floor Space Ratio

The proposed development will result in a floor space ratio of less than 0.5:1 with a finished total of 0.28:1.

3.1.3.1 Setbacks – Residential Lots

3.1.3.1a Front Setback

The development is not located within the front setback area.

3.1.3.1b Rear Setback

The DCP states that for primary and secondary dwellings and ancillary development, the minimum rear setback shall be – **0.9 m** for 50% of the length of the rear boundary for any part of the building with a height of up to 4.5m, **otherwise 3m**.

The development is setback 900mm from the rear boundary- Compliant with the DCP.

3.1.3.1c Side Setback

The DCP states that for **any part of the building with a height of more than 4.5 the minimum setback is to be 0.9m, plus one-quarter of the height of the building above 4.5m.**

The proposal displays the following setbacks:

- Secondary dwelling to northeast side boundary: 6m
- Secondary dwelling to southwest side boundary: 1.2m

The setbacks accommodate for the maximum building height of 3.7m and are considered compliant with the DCP.

3.1.4 Residential Amenity

3.1.4.1 Views

No significant detrimental impact to the adjoining allotments to the north and south of the site will occur as result of the proposed building height.

3.1.4.2 Visual Privacy

The proposed development has been designed, located and oriented in an attempt to minimise direct overlooking between main living areas and areas of Principal Private Open Space within the site and adjoining sites. Design solutions incorporated with the above in mind include:

- Windows are not located to directly overlook the main living or private open space areas of adjoining properties.
- Existing boundary fencing will inhibit overlooking from the POS areas into adjoining properties PPOS.

- Existing vegetation along the perimeter should minimise the visual impact of the secondary dwelling.

3.1.4.3 Private Open Space Areas

The proposed development includes designated private open space which is directly accessed from the main living area of the secondary dwelling. There is no change to the location of the principle dwelling private open space are.

3.1.4.4 Sunlight Access

The proposed development is designed and oriented on the site in order to facilitate solar access to the living areas and private open space of the dwelling and neighbouring dwellings.

Due to the orientation of the subject lot in consideration to the neighbouring allotments, the POS areas and north facing living room windows of the adjoining properties will receive the required levels of solar access.

3.1.5 Car Parking and Access

There is no change to existing carparking or vehicle access arrangements for the primary dwelling.

3.1.6 Earthworks, Structural Support and Drainage

Cut and fill proposed is limited to within the development footprint to establish a reasonable levelled area for foundation works.

The concrete footing construction is ideal to accommodate the site constraints of sloping topography and significant fall on the site. Accordingly, all excavations and backfilling will be executed safely in accordance with appropriate professional standards and excavations are to be properly guarded and protected to prevent them from being dangerous to life and property. All fill will comply with the NSW Office of Water – “Site Investigation for Urban Salinity” and the OEH Contaminated Sites Guidelines – “Guidelines for the NSW Site Auditor Scheme (2nd edition) – Soil Investigation Levels for Urban Development Sites in NSW”.

3.1.6.1 Earthworks

The proposal includes adequate erosion and sediment control measures as demonstrated on the submitted plans. No significant earthworks proposed – Limited to retaining wall.

3.1.6.2 Retaining Walls and Structural Support

The proposal contains provisions for the relocation of a retaining wall within the rear yard to support the secondary dwelling development. The wall is to be built 1m away from the structure and will not exceed 570mm in height.

3.1.6.3 Drainage

The proposed development includes provisions for stormwater management in accordance with *AS/NZ3500.0-2015*. Any overflow experienced to be connected to the legal point of discharge.

3.1.8 Secondary Dwellings

Included beneath is a compliance table indicating assessment against the prescriptive measures outlined in *Chapter 3.1.8 Secondary dwelling within the Gosford DCP 2013*, in addition to the assessment criteria as per the requirements of 3.1.

Requirement	Assessment
Setbacks	<ul style="list-style-type: none"> • Setbacks are consistent with provisions for dwelling house development. • The secondary dwelling is located behind the main building line of the dwelling.
Access	<ul style="list-style-type: none"> • Given the arrangement of the building and lot layout, existing access arrangements will be maintained.
Private Open Space (POS)	<ul style="list-style-type: none"> • POS is proposed at the eastside of the dwelling. The deck is 16m². • POS is directly accessible from living area. • No amenity impacts to the principle dwelling on site anticipated due to the distance in separation of POS.

3.1.7.5 Fencing

Existing boundary fence is to Council requirement.

Part 6 – Environmental Controls

6.1 Acid Sulfate Soils

The subject allotment is identified as affected by Acid Sulfate Soils (Class 5). There is no substantial excavation required for the construction of the building. Should acid sulphate soils be encountered during construction works, Council would be notified immediately, and an Acid Sulphate Soils Management Plan would be to be submitted to Council.

6.2 Coastal Frontage

The site is not identified on the Coastal Frontage Map.

6.3 Erosion Sedimentation Control

The proposed development includes erosion and sediment control in accordance with Council regulations, as demonstrated on the submitted plans.

6.4 Geotechnical Requirements for Development Applications

The subject allotment is identified as affected by Acid Sulfate Soils (Class 5). There is no substantial excavation required for the construction of the building. Should acid sulphate soils be encountered during construction works, Council would be notified immediately, and an Acid Sulphate Soils Management Plan would be to be submitted to Council.

6.5 On-site Effluent and Greywater Disposal

The proposed development is to be connected to the reticulated sewer.

6.6 Preservation of Trees and Vegetation

No trees are indicated to be removed.

6.7 Water Cycle Management

As previously mentioned, the proposed development includes stormwater to be directed into a rain water tank, with re-use through the building and site as required per the submitted BASIX Certificate and any overflow experienced to be directed to the legal point of discharge at the street kerb.

5.0 Environmental Effects

The proposed development has been evaluated with regard to the matters for consideration of section 4.15 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) that have not been addressed elsewhere within this statement.

The Provisions of any Environmental Planning Instrument – 4.15 (1)(a)(i)

Consideration has been given to relevant Environmental Planning Instruments (EPI) above. The proposed development is not inconsistent with any EPI.

The Provisions of any Draft Environmental Planning Instrument – 4.15(1)(a)(ii)

The Draft Central Coast LEP (CCLEP) has been exhibited, hence consideration by the Consent Authority of the draft instrument is warranted when assessing development applications. Under the Draft CCLEP, the subject site will remain R2 Low Density Residential. The dwelling will remain permissible under the Draft Environmental Central Coast LEP.

The Provisions of any Development Control Plan – 4.15(1)(a)(iii)

Consideration has been given to the provisions of the relevant Development Control Plan. The proposed development is not inconsistent with the objectives or controls within any DCP.

The Provisions of any Planning Agreement – 4.15(1)(a) (iiia)

None applicable to this application.

The Provisions of the Regulations – 4.15(1)(a)(iv)

None applicable to this application.

Likely Impacts of the Development– 4.15(1)(b)

Likely Impacts	Assessment
<i>Context and Setting</i>	The proposal is appropriately located within the site and with respect to adjoining properties.
<i>Access, Transport and Traffic</i>	Any additional traffic generated by the proposed development would not create any adverse impact on the surrounding road network and ample local parking exists.
<i>Public Domain</i>	The proposal would not result in any adverse impacts to the public domain.
<i>Utilities</i>	The proposal will be connected to the mains power and reticulated sewer and water.

Likely Impacts	Assessment
<i>Heritage</i>	Not relevant to the subject site.
<i>Other Land Resources</i>	The proposed development would not alienate other uses within the site or on neighbouring sites and would limit the demands on other lands.
<i>Water Quality</i>	Stormwater management to Council regulations.
<i>Soils</i>	The site of the proposed development is identified as located within the Class 5 Acid; it is not expected investigation is required.
<i>Air and Microclimate</i>	The proposal is expected to have a negligible impact on the existing air quality and microclimate.
<i>Ecological</i>	There are negligible ecological impacts anticipated.
<i>Waste</i>	Waste generated will be handled through existing waste collection and recycling services that presently available, with additional services used on occasion
<i>Energy</i>	The proposed development incorporates applicable energy efficient design features.
<i>Noise and Vibration</i>	The development is not expected to negatively influence the acoustics or vibrations on the site.
<i>Natural Hazards</i>	The proposal site is identified as being within bushfire prone land, as such, a bushfire assessment accompanies this application.
<i>Technological Hazards</i>	None exist in respect to this type of development.
<i>Safety, Security and Crime Prevention</i>	The development is designed and located to ensure safety and security would be maintained.
<i>Social Impact in Locality</i>	The proposal does not introduce a type of development or scale of development that would result in an adverse impact.
<i>Economic Impact in Locality</i>	No adverse economic impact expected as the proposal would not restrict the existing economic output of the mixed-use locality.
<i>Site Design and Internal Design</i>	Commensurate to existing built form and context of surrounding urban locality.
<i>Construction</i>	To Council and BCA requirements.
<i>Cumulative Impacts</i>	None are likely to result from this scale of development.

Ecologically Sustainable Development

The principles of ecologically sustainable development (ESD) have been considered in preparing this SoEE. Schedule 2 of the Environmental Planning and Assessment Regulation 2000 note that ecologically sustainable development requires the effective integration of economic and environmental considerations in decision-making processes. The principles of ESD have been considered in the preparation of this SoEE and development design. The

proposed development is considered to be able to comply with the ESD objectives for the site.

Suitability of the Site for Development – 4.15(1)(c)

The subject site is considered suitable for the proposed development in this location. The SoEE has demonstrated in detail that the site is suitable for the proposed development. In summary, suitability is achieved given:

- The proposed development is permissible under the provisions of Gosford LEP 2014.
- The development will respect the existing and desired future character of the immediate and surrounding locality.
- There are no prohibitive constraints posed by the site or those adjacent.

Submissions – 4.15(d)

All reasonable concerns raised in any submissions will be considered and addressed if deemed substantial by Council.

Public Interest – 4.15(e)

The proposed works will not have any detrimental impact on the streetscape or on the amenity of nearby residents. Consequently, the proposal is in the public interest.

6.0 Conclusion

The application for development seeks assessment and consent under the provisions of section 4.15 of the *Environmental Planning and Assessment Act 1979*. The development is a permissible use of the land under *Gosford Local Environmental Plan 2014* and displays compliance with the objectives and controls of the *Gosford Development Control Plan 2013 (as amended)*. It is expected that Council could consider granting consent to the proposal subject to appropriate conditions being imposed.