

# Statement of Environmental Effects

NEW DWELLING  
33A PACIFIC HIGHWAY  
MOONEY MOONEY

LOT: 2 DP: 1246763

October 2021



# **1. Introduction**

This Statement of Environmental Effects accompanies the Development Application to Central Coast Council (Gosford) for the erection of a dwelling house. 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 Gosford Development Control Plan 2013 (as amended).

This statement has been prepared having regard to the following documentation:

- Survey plan
- Geotechnical report
- Bushfire report
- Architectural plans

## **2. SITE ANALYSIS**

### **2.1 Location and Property Description**

The site is located at 33A Pacific Highway Mooney Mooney. It is a battle axe site of approximately 500 square metres accessed via a right-of-carriageway off Pacific Highway from western side of 33 Pacific Highway Mooney Mooney.

The site is currently vacant and is completely clear in the proposed building envelop.



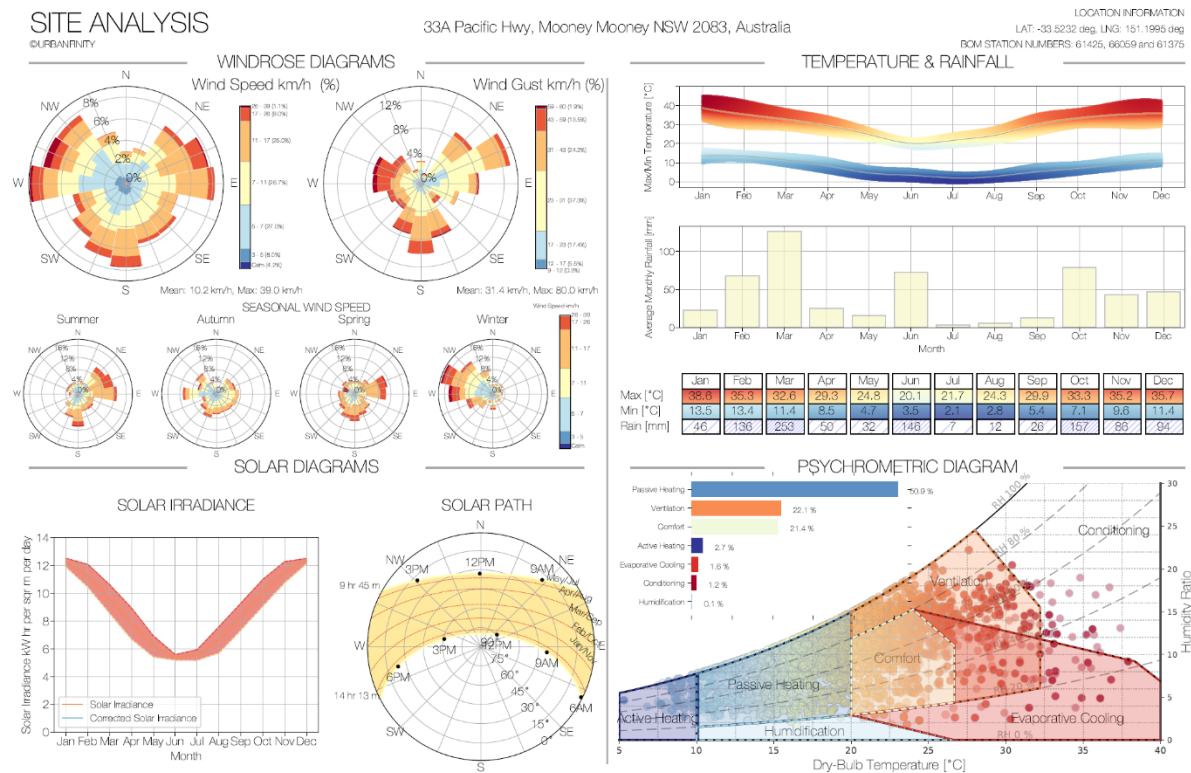


## 2.2 Site Characteristics

The site is approximately 10 metres wide and 50 metres long and falls gently for approximately 23 metres from 15.4m AHD to 12m AHD with complete clearance, and then falls more steepened all the way to the mangroves bank of Mooney Mooney Creek. The site has no risk of landslide hazard according to geotechnical report.

Services, including water, electricity, telecommunications are available to the site.





The site has a N2 wind classification. The strongest wind gust usually comes from east or north/east during winter season.

## 2.3 Surrounding Development

The adjoining property to the south contains a double-storey brick and weatherboard residence (No. 33). The adjoining property to the west contains a single storey weatherboard residence (No. 31B). A vacant block (No. 34) is to the east. A brick double-storey house (No. 36) is to the further east.

### 3. Details of Proposal

It is proposed to erect a dwelling of generally two-stories that falls down the subject site, mostly with light-weight construction materials including structural insulation panels (SIPs) and fibre cement panels.

The proposed dwelling includes the following.

- Kitchen, dining and living area on the ground floor
- One bedroom on the ground floor
- Two bedrooms with ensuite on the first floor
- Stair circulation
- Bathroom, laundry and storage spaces
- Balcony and deck
- Car port for 2 cars
- Rainwater tank

The building footprint is designed around the existing stormwater easement and with consideration to minimise the impact on the site typography.

Stormwater will be directed to a rainwater tank in accordance with BASIX requirements. Stormwater overflow and surface drainage will be directed to the existing stormwater pits.

### 4. Statutory Planning 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).

#### 4.1 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.

## **4.2 Rural Fires Act 1977**

The site is identified as being within Bushfire Prone land. Therefore, a Bushfire Risk Assessment has been completed and accompanies this development application. The proposed development will be constructed to the minimum standard required in accordance with the guidelines of Planning for Bushfire Protection 2006 and AS 3959-2009 Construction of buildings in bushfire prone areas.

## **4.3 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 (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 development does not propose any tree removal.

### State Environmental Planning Policy No. 55 – Remediation of Land

The land has been approved for residential purposes and to Buildplan's knowledge any past contaminating activities on the site have been previously addressed as part of the residential subdivision approved by local authority.

### State Environmental Planning Policy (Coastal Management) 2018

The aim of this Policy is to promote an integrated and coordinated approach to land use planning in the coastal zone in a manner consistent with the objects of the Coastal Management Act 2016, including the management objectives for each coastal management area.

The subject site is identified within an NSW Coastal Management Area more specifically; Coastal environment area and partially within the Coastal use area, and consequently, the provisions of this SEPP apply to the proposed development.

The SEPP outlines matter that should be considered by the consent authority when determining an application on land to which the Policy applies. These matters have been considered in the below table.

*Matters for Consideration under SEPP (Coastal Management) 2018*

<b>MATTERS FOR CONSIDERATION</b>	<b>RESPONSE</b>
Coastal Environment Area	
(a) the integrity and resilience of the biophysical, hydrological (surface and groundwater) and ecological environment	The proposed development is unlikely to have any impacts on the biophysical, hydrological (surface and groundwater) and ecological environment of the surrounding area.
(b) coastal environmental values and natural coastal processes,	The proposed development is unlikely to have any significant impacts on coastal processes and coastal hazards.
(c) the water quality of the marine estate (within the meaning of the <i>Marine Estate Management Act 2014</i> ), in particular, the cumulative impacts of the proposed development on any of the sensitive coastal lakes	The proposed development is not located within a marine estate. The proposed development will not impact sensitive coastal lakes.
(d) marine vegetation, native vegetation and fauna and their habitats, undeveloped headlands and rock platforms	It is unlikely that the proposed development will have a detrimental impact marine vegetation, native vegetation and fauna or their habitats. The subject site is not situated on or near an undeveloped headland or rock platform.
(e) existing public open space and safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability	The proposed development will not have an impact on existing public access to and along the coastal foreshore.
(f) Aboriginal cultural heritage, practices and places	Given the site has a history of disturbance and is a fully developed urban area, it is unlikely that the proposed development will have a significant impact on the cultural places, values, customs, beliefs and traditional knowledge of Aboriginal people.
(g) the use of the surf zone	The subject site and development is not located within the surf zone.



MATTERS FOR CONSIDERATION	RESPONSE
Coastal Use Area	
(i) existing, safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability	The proposed development will not affect existing public access to and along the coastal foreshore.
(ii) overshadowing, wind funnelling and the loss of views from public places to foreshores	The development contains generous, complying setbacks which minimise impacts on shading and loss of amenity. The proposal will not impact views from public places or create wind funnelling impacts and overall provides a positive outcome.
(iii) the visual amenity and scenic qualities of the coast, including coastal headlands	It is unlikely that the proposed development will have a detrimental visual impact on scenic qualities of the area including the coast.
(iv) Aboriginal cultural heritage, practices and places	Given the site has a history of disturbance and is a fully developed urban area, it is unlikely that the proposed development will have a significant impact on the cultural places, values, customs, beliefs and traditional knowledge of Aboriginal people.
(v) cultural and built environment heritage	Given the site has a history of disturbance and is a fully developed urban area, it is unlikely that the proposed development will have a significant impact on European heritage, archaeological or historic significance.

As outlined above, the proposed development has been assessed against the matters for consideration listed under the SEPP. Overall, it is concluded that the proposed development will not contravene the aims of the SEPP.

## 4.4 Gosford Local Environmental Plan 2014

The site of the proposed development is located within the R2 Low Density Residential zone as identified by the Gosford LEP 2014.

The objectives of the 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 R2 zone in that development will continue a low scale residential use on the site. The proposal seeks to reinforce the amenity of the area through providing an attractive built form with minimal impact on the qualities of the existing environment. The scale and form of the development is compatible with the emerging character of development displayed in the area.

### Principal Development Standards

#### Clause 4.1 Minimum lot size

Not applicable as the proposal does not include the subdivision of land.

#### Clause 4.3 Height of Buildings

The proposed development will display a maximum ridgeline height of 7.69m above existing ground level. The development is compliant with the 8.5m height restriction and 22.0m AHD height restriction applicable to the land.

#### Clause 4.4 Floor Space Ratio

The site 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 display a resultant floor space ratio of 0.2:1; compliant with the provision.

#### Clause 7.1 Acid Sulfate soils

The site of the proposed development is identified as located within the Class 5 Acid Sulfate Soil zone as prescribed by the Gosford Local Environmental Plan 2014. As the proposal is more than 500m from any Class 1, 2, 3 or 4 land or doesn't facilitate ground works more than 2 metres below the natural ground, nor works by which the watertable is likely to be lowered, it is not expected any further investigation is required.

### **4.5 Gosford Development Control Plan 2013**

Consideration has been given to the provisions of the relevant Development Control Plan. The proposed development is consistent with the objectives or controls within the DCP. The following DCP Chapters are considered applicable to the proposal.

#### **Part 2 – Scenic Quality and Character**

Chapter 2 of DCP 2013 contains Character Maps and Character Statements to be considered with development applications. The subject site is in Mooney Mooney and the DCP describes the desired future character for this area as:

*Remnant bushland along these corridors has a high ratio of edge-to-area that compromises ecological integrity and complicates management over the long term, with natural understoreys exposed to the impacts of rubbish dumping, unauthorised clearing for recreation access, and incursion by environmental or noxious weeds.*

The proposal will result in a new detached dwelling house on the site which will be similar in scale to nearby properties. It is appropriate in appearance when viewed in consideration of the coastal context, including an exterior materiality made up of vertical profile of cladding panels and Colourbond gable roof profile. The development is taken to be contextually appropriate with the desired future character of the locality.

Overall, the proposal is considered sympathetic to the character of the locality.

#### Part 3 – Specific Controls and Development Types – Residential

The proposal's compliance with relevant provisions of Chapter 3.1- Dwelling Houses, Secondary Dwellings and Ancillary Development under Gosford DCP 2013 is detailed in the table below.

<b>DCP Requirement</b>	<b>Proposed</b>	<b>Complies</b>
<b>3.1.2.1 Building Height</b> Maximum 8.5m (LEP 2014) Not to exceed 2 storeys	7.69m above natural ground level	Yes
<b>3.1.2.2 Site Coverage</b> 50% for a lot with area between 450m <sup>2</sup> and 900m <sup>2</sup>	24.3%	Yes
<b>3.1.2.3 Floor Space Ratio</b> Maximum 0.5:1 (LEP 2014)	0.20	Yes
<b>3.1.3.1a Front Setback</b>	Not applicable due to battle axe allotment	N/A
<b>3.1.3.1b Rear Setback</b>	Alternative control applies under 3.1.3.1e as the rear boundary is to a natural waterbody.	N/A
<b>3.1.3.1c Side Setback</b> For lots with building line up to 12.5m wide, 0 (Zero) to one side only for a maximum length of 10m, for any part of the building with a height of up to 4.5m—0.9m, for any part of the building with a height of more than 4.5m—0.9m plus 1/4 of the height of the building above 4.5m.	1200mm setback on the eastern side and 1441mm setback on the western side.  The carport has zero setback.	Yes
<b>3.1.3.1e Setback to Natural Waterbody</b> 30m from the Hawkesbury River or any of its tributaries	33m	Yes
<b>3.1.4.1 Views</b> <b>3.1.4.2 Visual Privacy</b>	The proposals will not result in unreasonable impacts on views or privacy for adjoining properties	Yes
<b>3.1.4.3 Private Open Space Areas</b> 24m <sup>2</sup> for lot with a width of greater than 10m at the building line	Private open space area extends from rear of the dwelling all the way to rear boundary	Yes
<b>3.1.5 Car Parking and Access</b> Including 1 space for 3 bedrooms in a dwelling	Double carport	Yes
<b>3.1.6.1 Earthworks</b>	Cut and fill limited to 1000mm	Yes
<b>3.1.6.3 Drainage</b>	Stormwater to directed to a rainwater tank in accordance with BASIX requirements. Stormwater overflow and surface drainage to be directed to the existing stormwater pits	Yes



## **Part 6 – Environmental Controls**

### **6.1 Acid Sulfate Soils**

The site of the proposed development is identified as located within the Class 5 Acid Sulfate Soil zone as prescribed by the Gosford Local Environmental Plan 2014. As the proposal is more than 500m from any Class 1, 2, 3 or 4 land or doesn't facilitate ground works more than 2 metres below the natural ground, nor works by which the watertable is likely to be lowered, it is not expected any further investigation is required.

### **6.3 Erosion Sedimentation Control**

Accordingly, erosion and sediment control measures will be implemented prior to the commencement of works and maintained during the period construction in accordance with the requirements of Managing Urban Stormwater: Soils and Construction 4th Edition - Vol. 1 (the 'Blue Book') published by Landcom, 2004.

### **6.4 Geotechnical Requirements for Development Applications**

Given the topography of the site, a geotechnical report has been completed and accompanies this development application.

### **6.6 Preservation of Trees and Vegetation**

No tree is to be removed from the site.

### **6.7 Water Cycle Management**

The proposed development includes stormwater to be directed into a rain water tank, with re-use through the dwelling as required per the submitted BASIX Certificate and any overflow experienced to be directed to the legal point of discharge.

## **5. ENVIRONMENTAL IMPACTS**

The proposal involves erecting of a new dwelling sitting behind several trees ranging in height from 8m to 12m. The building footprint covers a cleared area and will have minimal environmental impact

### **5.1 Environmental Impacts**

The proposal has considered a number of general environmental impacts including:

- Noise. The proposal will only generate noise normally associated with domestic living, and Council will impose conditions of consent relating to construction activities.
- Waste. The proposal will generate a domestic level of waste, the same as currently generated from the site, and all waste will be collected through Council's domestic waste service.
- Tree removal. No tree is to be removed.

### **5.2 Site Suitability**

The subject land is zoned residential, and dwelling houses and ancillary development are permitted with consent on the site. The site has an area of 500m<sup>2</sup> and width of 10m, and the proposal has been designed in response to these characteristics and the site's topography and waterfront location, and with side setbacks that comply with Council's DCP requirements.

### **5.3 Previous Uses**

The current use of the site is for domestic residential purposes, which will remain the same, and there are no known previous uses that would lead to the site being contaminated or unsuitable for the proposed use.

### **5.4 Stormwater Management**

Stormwater management is proposed in accordance with the submitted Water Cycle Management Plan.

### **5.5 Privacy**

The design of the proposal has considered privacy impacts and will not result in unreasonable or adverse privacy impacts on adjoining properties.

### **5.6 View Impacts**

Due to the significant level difference, the proposed dwelling will not have any view impact to the adjoining 33 Pacific Highway Mooney Mooney.

## 5.7 Overshadowing

Shadow diagrams have been prepared showing overshadowing during mid-winter and the equinox, and these are included as part of the architectural plans.

## 6. SECTION 4.15 CONSIDERATIONS

### 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.
<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 Sulphate Soils zone; 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 proposal would have negligible impact on the existing air quality and microclimate.
<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 and consistent with the relevant zone objectives;
- The proposal will provide excellent levels of residential amenity;
- The development is compatible with the emerging character of surrounding built form. The bulk is minimal, appropriate for the site and is consistent with the objectives of principal planning controls;
- The site will provide well considered with useable areas of landscaping;
- Efficient and well-considered design solutions are proposed, consistent with setback objectives within the DCP;
- The amenity of neighbouring properties is not adversely affected by the proposal. In particular the works are designed to minimise impacts to adjoining neighbours, with solar access, privacy and views not unreasonably impacted; and
- 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)**

It is considered that the proposal will have no detrimental effect on the public interest, subject to appropriate conditions being proposed.

## **7. 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 the *Gosford Local Environmental Plan 2014* and displays compliance with the objectives and controls of the *Gosford Development Control Plan 2018*. It is expected that council could consider granting consent to the proposal subject to appropriate conditions being imposed.