

STATEMENT OF ENVIRONMENTAL EFFECTS

Multi dwelling housing development (3 units)

**177 West Street, Umina Beach
Lot 2 DP12384**

April 2026

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1 Introduction

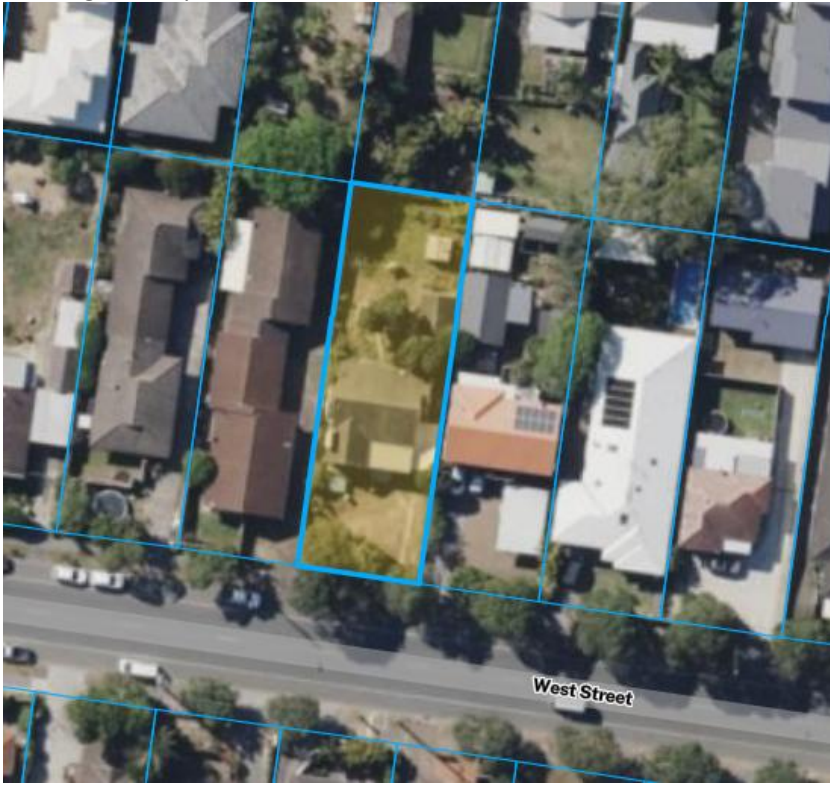
This Statement of Environmental Effects accompanies a development application for the construction of a multi dwelling housing development consisting of 3 units and attached garages at site known as 177 West Street, Umina Beach.

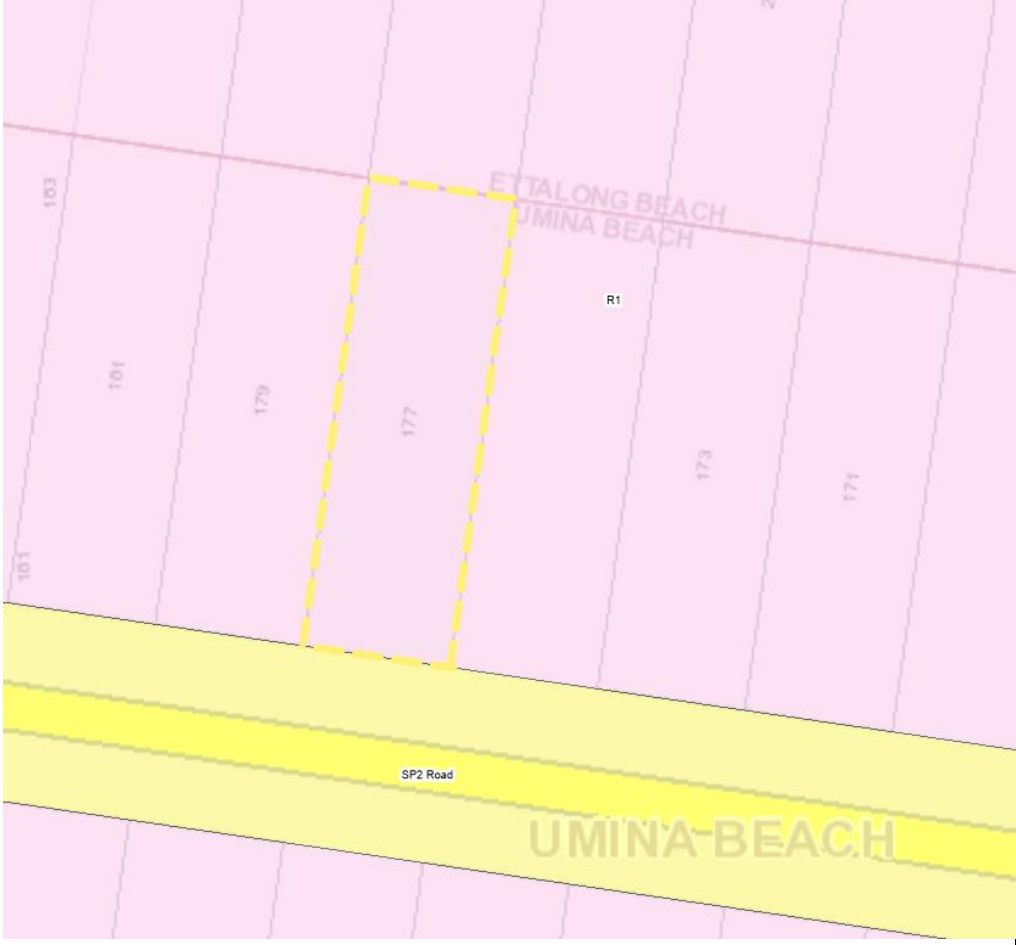
The objectives of this SoEE are as follows:

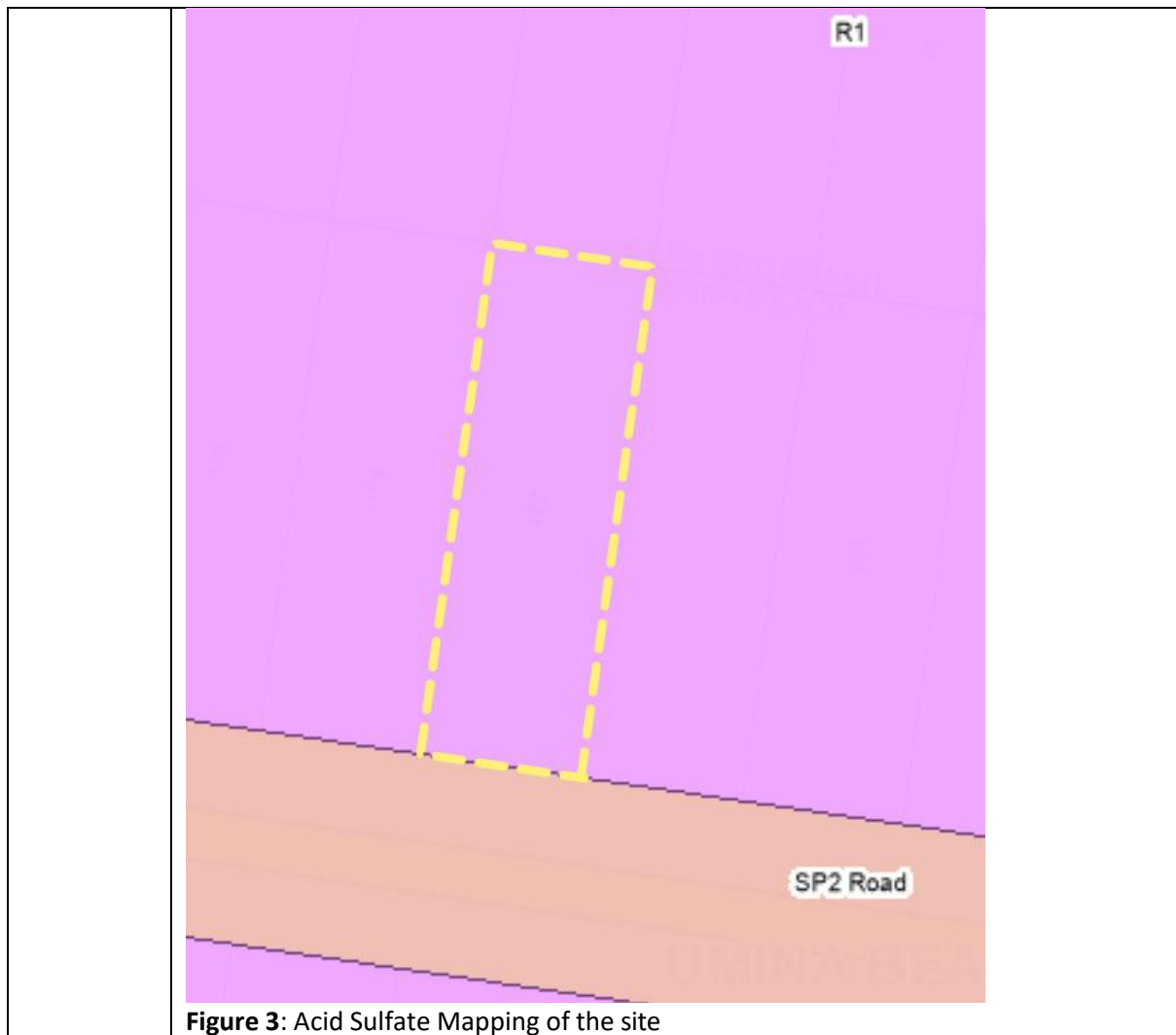
- To provide a description of the site, existing development and the surrounding locality;
- To provide a description of the proposal and the key issues;
- To provide a discussion of the relevant Environmental Planning Instruments (EPI)s; and
- To provide an assessment of the potential environmental impacts, having regard to the matters for consideration pursuant to the EP&A Act (s4.15) and other State, Regional and Local environmental planning policies and guidelines.

This SoEE has been prepared in accordance with best practice principles, in particular, applicable aspects of the Development Assessment Framework and the Department of Planning and Infrastructure's (now the Department of Planning and Environment) guide to the *Environmental Planning and Assessment Act (EP&A Act) 1979 (s4.15)*.

2 The Site

Location	Located on the Southern side of West Street, the subject site is a rectangular shaped land parcel with a frontage to West Street. Located on site is one existing dwelling. The site has a site area of 730.4sqm and is surrounded by low and medium density housing development.  Figure 1: Aerial image of the site (subject lot highlighted in yellow)
Legal Description	Lot 2 DP 12384

Zoning	Pursuant to CCLEP 2022, the site is in Zone R1 General Residential (Figure 2 is an extract from the Land Zone Map).
	 Figure 2: Zoning map of the subject site.
Acid Sulfate	The site is mapped as having class 3 & 4 acid sulfate soils.



3 The Proposal

3.1 Proposed Development

The proposed development involves the demolition of existing structures and construction of a multi dwelling housing development comprising of three dwellings.

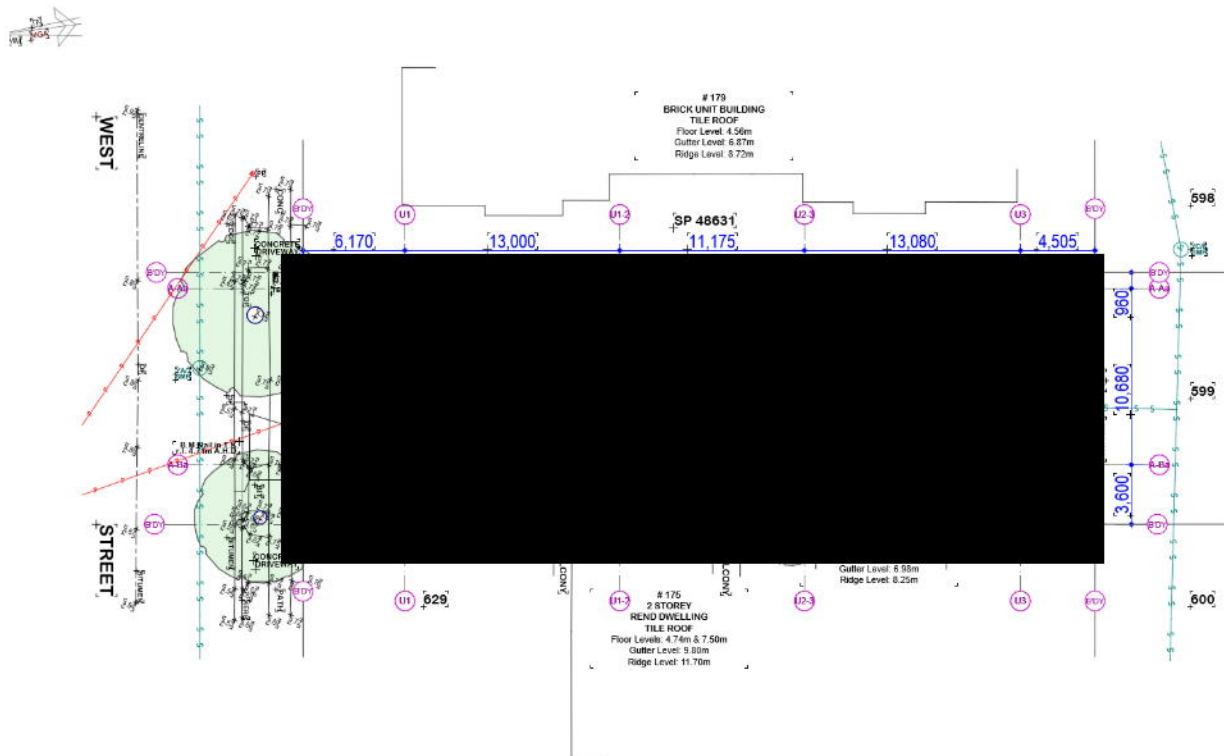


Figure 4: Extract of the site plan of the development.

Demolition

Demolition of two existing dwellings and all ancillary structures.



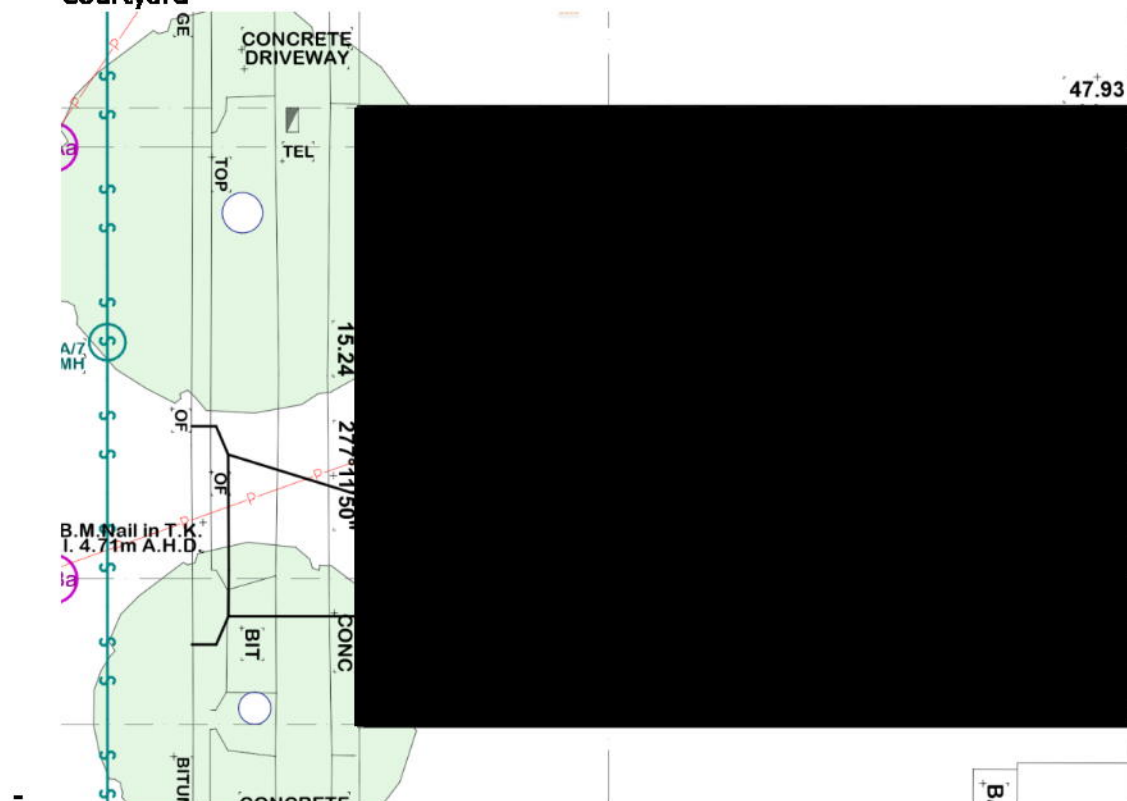
Figure 5: Extract of the demolition plan of the development.

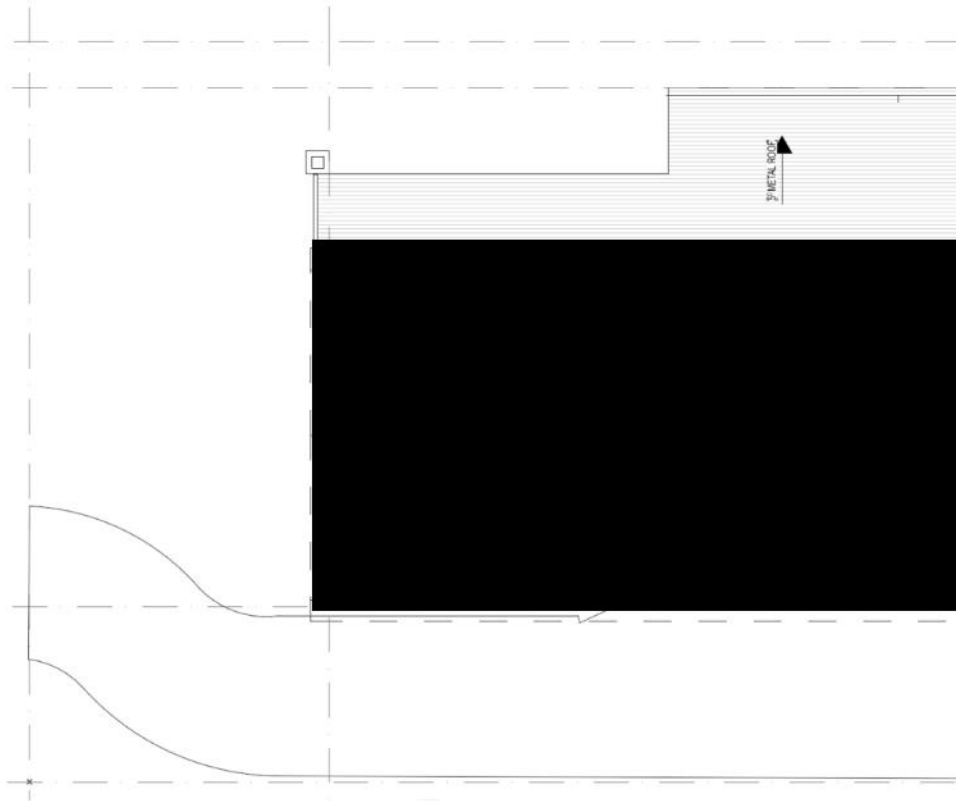
Multi Dwelling Housing Development

Unit 1

The proposed dwelling has a frontage to West Street incorporating the following:

- Master bedroom with ensuite
- 3 x bedrooms
- Combined lounge/dining/kitchen with butlers pantry
- Bathroom
- Powder room
- Double car garage with off street parking space allowance- garage hidden from West Street.
- Courtyard





- **Figure 6:** Extract floor plans of Unit1

Units 2 & 3

The proposed dwellings share a common wall and both provide laneway garage access with each dwelling providing the following:

- Master bedroom with ensuite
- 3-4 x bedrooms
- Combined lounge/dining/kitchen
- Bathroom
- Powder room
- Alfresco
- Single & double space garage with internal laundry area at the rear

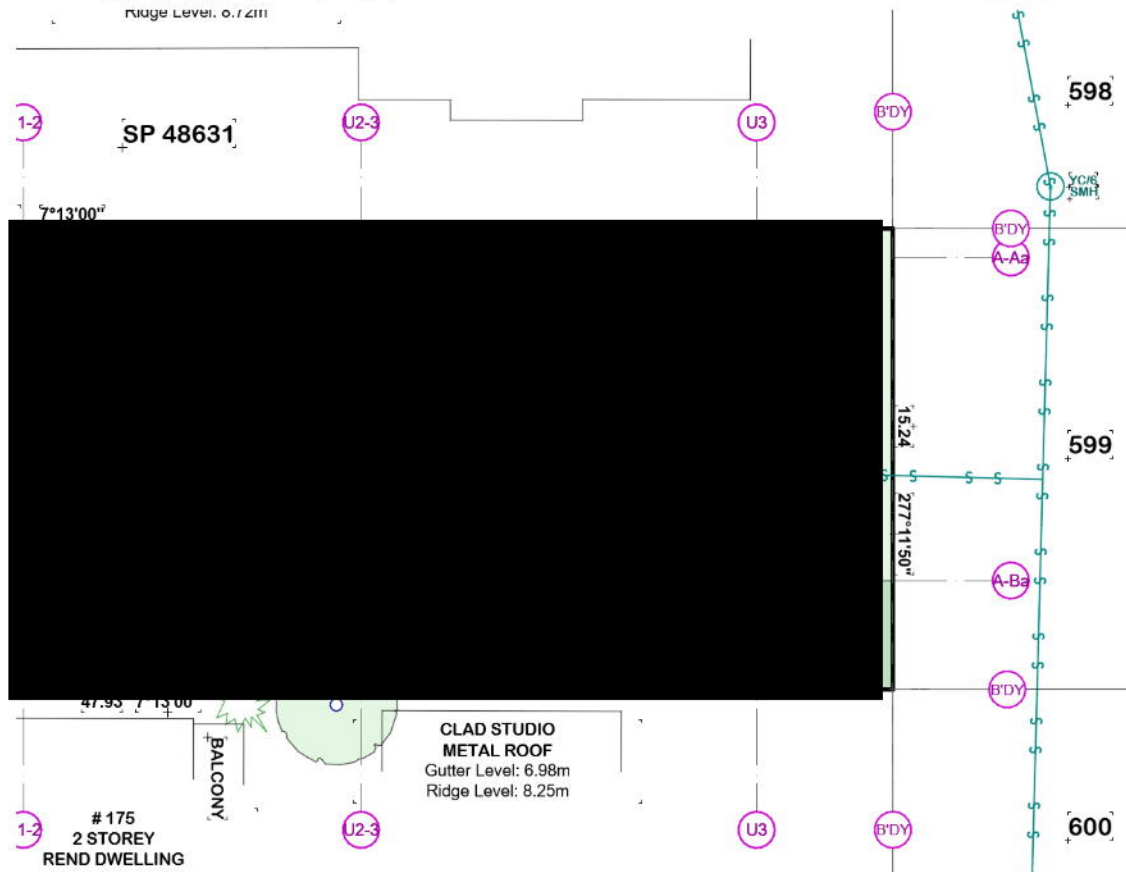


Figure 7: Extract of the ground floor of unit 2 & 3

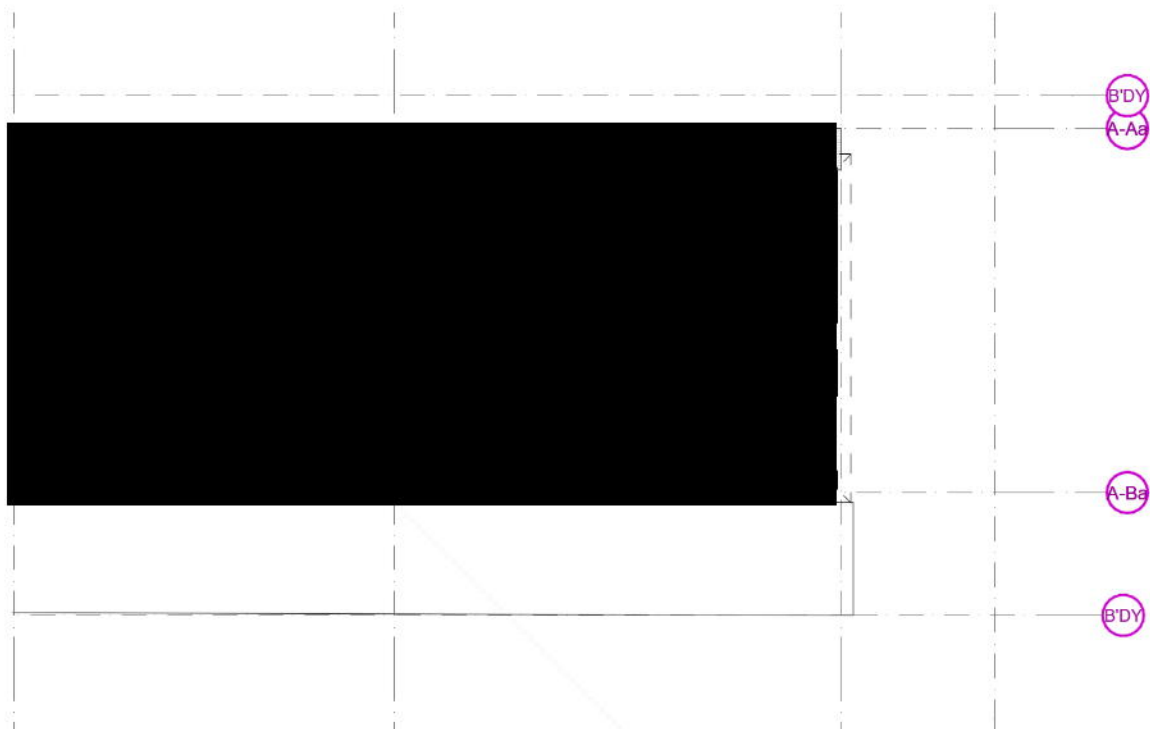


Figure 8: Extract of the first floor plans of unit 2 & 3

4 Planning Assessment

4.1 Environmental Planning & Assessment Act 1979 (The Act)

In New South Wales (NSW), the relevant planning legislation is the Environmental Planning and Assessment Act 1979 (EP&A Act). The EP&A Act instituted a system of environmental planning and assessment in NSW and is administered by the Department of Planning & Environment (DP&E). In 2017, the Act was amended to provide a range of updated objectives.

4.1.1 Objectives Of The Act

The objects of the EP&A Act are:

- (a) To promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources,*
- (b) To facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,*
- (c) To promote the orderly and economic use and development of land,*
- (d) To promote the delivery and maintenance of affordable housing,*
- (e) To protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats,*
- (f) To promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),*
- (g) To promote good design and amenity of the built environment,*
- (h) To promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,*
- (i) To promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State,*
- (j) To provide increased opportunity for community participation in environmental planning and assessment.*

It is considered that the proposal is consistent with the objectives of the EP&A Act.

4.1.2 Integrated Development

Section 4.46 of the EP&A Act defines 'integrated development' as matters that require consent from the consent authority and one or more authorities under related legislation. In these circumstances, prior to granting consent, the consent authority must obtain from each relevant approval body their General Terms of Approval (GTA) in relation to the development, pursuant to Clause 42 of the EP&A Regulation.

The development is not integrated development.

4.1.3 Section 4.15 Assessment

Section 4.15 of the EP&A Act outlines the matter for consideration in the determination of a Development Application. The relevant matters for consideration are addressed individually below.

Section 4.15 Assessment Summary		
Clause No.	Clause	Assessment
(a)(i)	The provision of: Any environmental planning instrument, and	The EPI's relevant to the proposed development are discussed in Section 4.2 of this report.
(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 Director- General has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and	N/A
(iii)	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	The proposal has been considered against the requirements of the DCP applying to the site or development.
(iv)	The regulations (to the extent that they prescribe matters for the purposes of this paragraph), and	Not subject to this application.
(v)	(Repealed)	-
(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,	In accordance with Section 4.22 of the EP&A Act, the likely impacts of the carrying out of development need not be considered. The likely impacts of the proposal are discussed in Section 4 and 5 of this report.
(c)	The suitability of the site for the development,	The site is suitable for its intended purpose.

(d)	Any submissions made in accordance with this Act or the regulations,	For consideration following notification of the development.
(e)	The public interest.	The development is in the public interest.

4.1.4 Legislation And Controls

In relation to the proposed development, the relevant legislation and planning controls include the following:

- State Environmental Planning Policy (Biodiversity And Conservation) 2021
- State Environmental Planning Policy (Resilience And Hazards) 2021
- State Environmental Planning Policy (Exempt and Complying Development) 2008
- State Environmental Planning Policy (Sustainable Buildings) 2022
- State Environmental Planning Policy (Transport And Infrastructure) 2021
- Central Coast Local Environmental Plan 2022
- Central Coast Development Control Plan 2022

4.2 Environmental Planning Instruments

4.2.1 State Environmental Planning Policy (Biodiversity And Conservation) 2021

This SEPP came into effect on 1 March 2022 and incorporated the provisions of eleven now repealed SEPP's being:

- SEPP (Vegetation in Non-Rural Areas) 2017 (Vegetation SEPP)
- SEPP (Koala Habitat Protection) 2020 (Koala SEPP 2020)
- SEPP (Koala Habitat Protection) 2021 (Koala SEPP 2021)
- Murray Regional Environmental Plan No 2—Riverine Land (Murray REP)
- SEPP No 19—Bushland in Urban Areas (SEPP 19)
- SEPP No 50—Canal Estate Development (SEPP 50)
- SEPP (Sydney Drinking Water Catchment) 2011 (Sydney Drinking Water SEPP)
- Sydney Regional Environmental Plan No 20 – Wollondilly – Nepean River (No 2 – 1997) (Wollondilly–Nepean River SREP)
- Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 (Sydney Harbour Catchment SREP)
- Greater Metropolitan Regional Environmental Plan No 2 – Georges River Catchment (Georges River REP)
- Willandra Lakes Regional Environmental Plan No 1 – World Heritage Property (Willandra Lakes REP).

Chapter 2 of the SEPP contains planning rules and controls from the former Vegetation SEPP relating to the clearing of native vegetation in NSW on land zoned for urban and environmental purposes that is not linked to a development application.

This chapter 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 appropriate preservation of trees and other vegetation.

The vegetation to be removed is considered to be minor in nature and is considered planted vegetation that is in conjunction with the existing dwelling.

Chapter 3 – Koala habitat protection contains provisions from the Koala SEPP 2020 and, as an interim measure, applies in the NSW core rural zones of RU1, RU2 and RU3, except within the Greater Sydney and Central Coast areas. Given the sites location and zoning this chapter is not applicable to the development.

Chapter 4 – contains the land-use planning and assessment framework from the former Koala SEPP 2021 for koala habitat within Metropolitan Sydney and the Central Coast and applies to all zones except RU1, RU2 and RU3 in the short term. The site is located within an area identified as Koala habitat. A flora and fauna report was undertaken for the designated development application which identified that the site had no instances of koala habitat.

Chapter 5 – contains the provisions from the former Murray REP, which establishes a consistent and co-ordinated approach to environmental planning and assessment along the River Murray. Given the sites location, this chapter is not applicable to this development.

Chapter 6 – contains provisions relating to water catchments, also incorporating clauses from the now-repealed Chapters 7-12 of this SEPP. This chapter does not apply as the site is not within a specified catchment.

4.2.2 State Environmental Planning Policy (Resilience and Hazards) 2021

Clause 4.6 states the consent authority must not consent to the carrying out of any development on land unless:

*it has considered whether the land is contaminated, and
if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and
if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.*

In accordance with the SEPP, Council must consider whether the land is potentially contaminated. The site is an existing residential lot that shows no sign of contamination. It is considered that Council should be satisfied that the development complies with the SEPP.

4.2.3 State Environmental Planning Policy (Exempt and Complying Development) 2008

The proposed development is for a multi dwelling housing development which is noted to be covered within the SEPP. The proposed development is considered to comply with the Low Rise Medium Density Design Guidelines as published by NSW Government. The development complies with the objectives of the design guidelines for multi dwelling housing.

4.2.4 State Environmental Planning Policy (Sustainable Buildings) 2022

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.

4.2.5 State Environmental Planning Policy (Transport And Infrastructure) 2021

In accordance with Clause 2.121 of the Transport and Infrastructure SEPP, the consent authority must give written notice of a development application to Transport for NSW (TfNSW) for development specified in the Table in Schedule 3 of the SEPP. The proposed development does not trigger any requirements under the SEPP.

7.6 – Essential Services

Pursuant to Clause 7.6 of the Central Coast Local Environmental Plan 2022, development consent must not be granted unless the consent authority is satisfied that essential services are available, or that adequate arrangements have been made to make those services available when required.

The proposed multi dwelling housing development comprising three (3) dwellings is capable of being adequately serviced by existing and proposed infrastructure available within the locality. The development has been designed to ensure that all essential services can be provided in accordance with the requirements of Council and relevant servicing authorities.

In this regard:

- The site is serviced by reticulated water infrastructure and the proposed development can be connected to the existing potable water network.
- Electricity supply is available to the site and satisfactory arrangements can be made with the relevant authority for connection to each dwelling.
- Telecommunications services are available within the surrounding urban area and can be extended to service the development as required.
- Sewer infrastructure is available within the locality and the proposed development is capable of lawful connection to Council's sewer network.
- Stormwater generated by the development will be collected and disposed of via an engineered drainage system designed in accordance with Council's requirements. Detailed stormwater plans have been provided with the development application and demonstrate that stormwater can be managed without adverse impact on adjoining properties or the public drainage system.
- Vehicular access is available via the existing road network, with the proposed driveway arrangement providing safe and practical access to all dwellings in accordance with Council's engineering and Australian Standard requirements.

Accordingly, the proposal satisfies the requirements of Clause 7.6 of the Central Coast Local Environmental Plan 2022, as adequate arrangements have been made for the provision of all essential services necessary to support the development.

4.2.6 Central Coast Local Environmental Plan 2022

Central Coast Local Environmental Plan 2022 is the applicable local planning instrument for the site. The table below provides a summary of the key development standards that apply to the site under the LEP.

Central Coast Local Environmental Plan 2022			
Clause	Controls	Comment	Compliance
Zoning	R1 General Residential	Multi dwelling housing is a permissible use with Council consent in the R1 General Residential zone.	Yes
Part 2 Permitted or Prohibited Development			
2.3	Zone Objectives and Land Use Table	The proposal is consistent with the zone objectives of the R1 General Residential, As it will provide housing diversity for the area while being sympathetic to the scenic, aesthetic and cultural heritage qualities of the built and natural environment.	Yes
2.7	Demolition Requires Consent	The proposal seeks the demolition of the existing structures on site.	Yes
Part 4 Principal Development Standards			
4.3	Height of Buildings- 8.5m	The applicable Height of Building Map within Central Coast LEP 2022 indicates that the maximum building height within the subject site is 8.5mm. No part of the proposal exceeds 8.5m in height and as such is compliant with this control.	Yes
4.4	Floor Space Ratio – 0.5:1	The site is mapped as having an FSR of 0.5:1 however it is noted to be within the Area 1 area on the Floor Space Ratio Map which means Clause 4.4A applies to the site.	yes
4.4A	The maximum FSR for the site is 0.6:1	The site has a FSR of 0.50:1 (GFA of 493.76sqm) which complies with the development standard.	Yes
Part 5 Miscellaneous Provision			
5.10	Heritage Conservation	The site is not located within a Heritage Conservation Area nor is it identified as containing a heritage item. There are no heritage items within the immediate vicinity of the site. Accordingly, the development will not unduly impact the curtilage of heritage items within the wider vicinity of the site.	Yes
Part 7 Additional Local Provisions			
7.1	Acid Sulfate Soils	The site is mapped as having class 4 acid sulfate classification. Generally Acid Sulphate Soils are found lower than 1 metre Australian Height Datum (AHD) and often	Yes

		0-0.3 metre AHD. The site is approximately 5.8 metres AHD and therefore significant acid sulphate soils would be not likely to be encountered. Additionally, there would be minimal excavation in relation to the construction for the dwellings less than 1 meter. Should acid sulphate soils be encountered during construction works, Council would be notified immediately and an Acid Sulphate Soils Management Plan, written in accordance with the NSW Acid Sulphate Soil Manual 1998 would be to be submitted.	
7.2	Earthworks	This application seeks Council consent for the excavation of the site as per the attached plans. It is considered that the proposed excavation will have minimal adverse environmental or amenity impact. The proposal will not adversely affect or disrupt drainage and flood patterns, flood storage or soil stability in the area. It is considered unlikely due to the location of the site as well as previous development that excavation will lead to the disturbance of relics.	Yes
7.5	Terrestrial biodiversity	The development site is not identified as containing biodiversity sensitivity land.	Yes

4.2.7 Central Coast Development Control Plan 2022

Central Coast Development Control Plan 2022 (DCP) applies to the site and outlines specific development requirements for development. The following DCP Chapters are considered applicable to the proposal.

2.17 Character

The subject allotment is located in the suburb of Umina Beach and is classified as being located within Sandplain Medium Density within the Character Statement map.

The desired character of the area as outlined within the character statement is as follows:

These areas should remain medium-density residential neighbourhoods where improved standards of amenity and urban design quality are achieved by new low-rise multi-unit developments that reflect features of the traditional mid- Twentieth Century bungalows which remain distinctive elements of the Woy Woy Peninsula's identity.

Surround each multi-unit development with leafy gardens that conserve existing visually-prominent trees, particularly along back fences and street frontages or verges, as well as providing space for new shady trees and shrubs planted as backdrops to new buildings. Maintain the informal qualities of existing wide grassy street verges and conserve existing shady street trees. Plant a combination of trees and shrubs around courtyards as well as along all property boundaries, and use hedges or fences that are low or see-through rather than tall and opaque in order to complement the informal character of existing garden frontages.

Ensure that new multi-unit developments complement the siting, form and scale of surviving traditional bungalows on nearby properties. Maintain street setbacks that are similar to surrounding properties, and minimise the extent of hard-paved surfaces. Avoid the appearance of long and continuous buildings facing any front or side boundary. Step the shape and height of all visible facades, provide at least one wide landscaped setback that varies in width, and line driveways with avenues of trees and shrubs.

Reflect the modest scale of traditional mid-Twentieth Century bungalows, for example by dividing new developments into individual dwelling pavilions with a varied form or orientation, separated by verandahs or parking structures and landscaped courtyards. Any facades that are taller or longer than neighbouring buildings should be screened by a combination of extra setbacks and balconies or verandahs. Roofs should be gently-pitched to minimise the height of ridges, and flanked by wide eaves that disguise the scale and bulk of exterior walls. Parking is preferable in open carports or part-basements, rather than in wide garages that would accentuate building bulk or dominate visible facades.

In order to complement the scale and design character of traditional bungalows, a "light-weight appearance" is preferable for all visible facades, incorporating walls of windows that are shaded by framed balconies or verandahs plus exterior sunscreens, painted finishes and

some sheet or board cladding rather than extensive plain masonry. Where facades face a street, a laneway or a driveway, provide a traditional "street address" with visible verandahs, living rooms and front doors.

Screen driveways, terraces, courtyards and balconies to protect the privacy and amenity of neighbouring dwellings.

Comment:

The proposed multi-dwelling development would be commensurate with the height, floor area, site coverage, height and scale of residential development within the immediate vicinity and in relation to the Ettalong Beach locale. The proposal incorporates sufficient open space to maintain the low density setting and incorporates various cladding finishes utilising an appropriate schedule of finishes that would be compatible with the contemporary dwellings that have been erected in the locality and the wider coastal fringe of the Central Coast.

The design incorporates a balance of horizontal and vertical elements to incorporate breaks in form. The building would be modulated in a manner to alleviate monotonous design. The front dwelling (unit 1) is noted as addressing Bream Road and creates a visually appealing development. The design incorporates a balance of horizontal and vertical elements to incorporated breaks in form that is encouraged by the design criteria of the DCP.

The proposed development includes a suitable area to incorporate landscaping round the periphery of the site and within the front setback to soften the built form when presented to street.

Central Coast Development Control Plan 2022 Compliance Table			
Clause	Controls	Comments	Compliance
Chapter 2.2 Dual Occupancy and Multi Dwelling Housing			
2.2.2	Site and Context Analysis	A site Analysis accompanies this development application and assists with demonstrating that the development appropriately responds to the site's context.	Yes
2.2.3	Building Scale	The development complies with this control with units 1, 2 & 3 being two storey. The development minimises bulk and scale by locating the two storey element toward the middle of the site. The proposed development is considered to be compatible to the desired future character of the locality.	Yes

2.2.4.1	Lot Size Requirements	The proposed development is for a multi dwelling housing development which does not require a minimum lot size. It is noted that the lot size is compatible with the requirements for dual occupancy under the LEP.	Yes
2.2.4.2	Floor Space Ratio	The proposed development provides an FSR of 0.50:1 which complies.	Yes
2.2.4.3	Site Coverage	The proposed development provides 279.92sqm of landscaped area which complies with the minimum requirement of 25%.	Yes
2.2.5	Building Setbacks	The proposed development provides compliant setbacks to the sides and rear setbacks. The front setback is provided at 6m and not the required average setback of the two adjoining dwellings. Please refer to justification below.	No
2.2.6.1	Facades and Articulation	The proposed development complies with the façade of the dwelling fronting Bream Road having sufficient articulation with the garage not being a prominent feature of the frontage.	Yes
2.2.6.2	Roof Elements	The proposed roof form complies with the locality with overshadowing minimised through the roof form design.	Yes
2.2.6.3	Residential Address	The proposed development provides windows on the front façade fronting Bream Road. Street numbers will be provided in accordance with Council's requirements, noting that the development provides access for the rear dwellings off Priestman Avenue.	Yes
2.2.6.4	Design Integration	The development complies.	Yes

2.2.7.1	Views	The proposed development complies with no views being impacted.	Yes
2.2.7.2	Privacy	The proposed development complies. It is noted that the upper level provides windows on the side elevation which is noted to be windows within the bathroom and stairway area. The bedroom windows have a minimum sill height of 1.5m FFL to the side boundary.	Yes
2.2.7.3	Private Open Space	The proposed development provides sufficient private open space for each dwelling that meets the minimum requirements. It is noted Unit 3 has a total POS of 35 sqm. See below.	No
2.2.7.4	Common open space	The proposed development provides 3 units and common open space is not required.	Yes
2.2.7.5	Sunlight Access	The proposed development complies with the site being a north-south orientated lot.	Yes
2.2.8.1	Car Parking	The proposed development complies with the car parking dimensions and requirements The DCP requires 1.5 spaces per dwelling with an addition parking space required for a visitor (6 required in total). The proposed development provides 6 off street carparking spaces with an allocated visitor space.	Yes
2.2.8.2	Access Design	The proposed development provides vehicle access through a common driveway and access to West Street. The proposed access and parking arrangements comply with the control. The proposed garages are considered to be within the context of the area and not visually dominant when viewed from West Street.	Yes
2.2.9	Earthworks and Structural Support	Excavation is minimised with the proposed development with the cut and fill complying with the control	Yes
2.2.10	Landscaping	The proposed landscaping complies with the control with an area of 279.92sqm (38.3%) being proposed. The landscaping provides a minimum area of 50% of the soft landscaped area for deep soil planting. The landscape plans include small trees within the POS of each dwelling.	Yes
2.2.11	Building Services	The proposed development complies with the control. It is noted that the waste	Yes

		services (bins) are allocated on the floor plans as being behind the main building line screened from view.	

Clause 2.2.5 – Building Setbacks (Front Setback Variation)

The proposed development provides a front setback of 6m, consistent with the adjoining development at No. 179 West Street. While the dwelling at No. 175 West Street is setback in excess of 16m from the front boundary, it is considered that the proposed setback achieves the objectives of the control and results in an appropriate streetscape outcome.

The adopted 6m setback is considered appropriate for the following reasons:

1. Averaging the Adjoining Setbacks Would Unreasonably Diminish Residential Amenity

Requiring the development to adopt an averaged setback between Nos. 175 and 179 West Street would result in 11m., it is considered an unnecessarily deep front setback that would materially compromise the functionality and amenity of the proposed dwellings.

The additional setback would:

- Reduce usable internal and private open space areas;
- Constrain building design efficiency;
- Unnecessarily compress the rear portions of the site;
- Provide no corresponding improvement to streetscape character or amenity outcomes.

The proposed 6m setback already provides a generous landscaped buffer to the street and achieves an appropriate spatial separation from the public domain.

2. The Proposed Setback Already Provides a Substantial Landscaped Forecourt

The front setback area is predominantly dedicated to landscaping and soft planting, contributing positively to the streetscape presentation of the development.

At 6m, the setback:

- Provides adequate deep soil landscaping opportunities;
- Maintains an open and landscaped character along the street frontage;
- Ensures the built form does not dominate the public domain;
- Achieves consistency with the adjoining development at No. 179 West Street.

Increasing the setback further would not materially improve the visual outcome of the development and would instead result in underutilised land solely dedicated to additional landscaping beyond what is reasonably required.

3. No. 175 West Street Represents an Older Development Pattern Which Should Not Dictate Future Streetscape Outcomes

The dwelling at No. 175 West Street is an older dwelling that reflects a historical development

pattern rather than the likely future character of the locality.

Given the age and development potential of the site, it is reasonable to anticipate that No. 175 West Street may undergo redevelopment in the foreseeable future. As such, its unusually large setback should not be relied upon as the defining benchmark for future development within the streetscape.

The proposed development instead adopts a setback more consistent with contemporary residential outcomes and the adjoining development at No. 179 West Street, resulting in a more balanced and cohesive streetscape response.

4. The Proposal Achieves the Objectives of the Setback Control

Notwithstanding the variation, the proposal:

- Maintains an appropriate relationship with the public domain;
- Preserves the landscaped character of the street;
- Provides adequate articulation and visual relief;
- Ensures satisfactory residential amenity outcomes;
- Avoids excessive building dominance.

Accordingly, the proposed front setback is considered appropriate within the context of the site and surrounding locality and achieves the underlying objectives of Clause 2.2.5 notwithstanding the variation.

Clause 2.2.7.3 – Private Open Space Variation (Unit 2)

Unit 2 does not achieve the minimum 45m² private open space requirement. The proposed private open space provision is reduced due to the constraints of the site and the overall design response; however, it is considered that the variation is reasonable and justified on the following grounds:

- **Consistency with State Planning Controls**
The 45m² requirement is significantly higher than comparable provisions under the State Environmental Planning Policy (Housing) 2021, which adopts a minimum of 16m². The proposed area for Unit 2 is consistent with, and in some cases exceeds, the expectations of the SEPP, indicating that the local control is unnecessarily onerous in this context.
- **Functional and Usable Open Space**
The private open space provided to Unit 2 is well-proportioned, directly accessible from the main living areas, and capable of accommodating typical outdoor activities such as seating, dining, and passive recreation. The design prioritises usability over numerical compliance.
- **Site Constraints and Design Response**

The reduced provision is a direct result of site constraints, including site dimensions, access requirements, and the need to achieve compliant building separation, setbacks, and circulation. The design represents a balanced outcome that maintains amenity across all dwellings rather than disproportionately allocating space to one unit.

- **Equitable Distribution of Amenity**

The development has been designed to ensure that all dwellings achieve a high level of amenity in terms of solar access, natural ventilation, and internal layout. Increasing private open space for Unit 2 would compromise these outcomes for other dwellings and the overall design integrity.

- **Access to Alternative Open Space**

Future occupants of Unit 2 will have access to surrounding communal and public open spaces within close proximity, reducing reliance on large private open space areas within the lot.

- **Planning Merit**

The proposed variation does not result in any adverse impacts on adjoining properties or the streetscape and achieves the underlying objectives of the control, being to provide usable outdoor space and maintain residential amenity.

Conclusion

The variation is considered minor in nature, results in a better overall design outcome, and is consistent with contemporary planning controls under the Housing SEPP. Accordingly, the non-compliance is justified on planning merit and should be supported.

5 Environmental Assessment

5.1 Aboriginal Archaeology

The requirement for an Aboriginal Heritage Impact Assessment (AHIA) is based on Part 2 of the NPWS Guidelines for Aboriginal Heritage Impact Assessments. Part 2 states that an AHIA is generally not required where:

- a) The proposed development is on land previously subject to intensive ground disturbance and the development will impact only on the area subject to the previous disturbance;*
- b) The impact of the proposed activity is unlikely to cause any additional damage to Aboriginal objects than that which has already occurred; and*
- c) The proposed development is in an area that has been identified in strategic planning, rezoning or other assessment studies as having low Aboriginal heritage potential.*

Based on the abovementioned points it is noted that the proposed development is not likely to cause any damage to Aboriginal objects as the development is located within an existing residential site.

5.2 Context And Setting

The proposed development has demonstrated consistency of the surrounding locality through the environmental planning regulations and site features informing the overall development design. It has also shown to be consistent with the surroundings through its consistency with the existing development within the surrounding area.

5.3 Public Domain

The proposed development will not have an impact on any public domain. The development contributions derived from this development in providing infrastructure and public domain improvements.

5.4 Social And Economic Impact

The proposed development should have no negative social or economic impact on the area. The proposal will enable the continued use of the site for its intended purpose as residential, whilst preserving the visual character of the site.

5.5 Ecologically Sustainable Development

The principles of ecologically sustainable development (ESD) have been considered in preparing this SoEE. The Environmental Planning and Assessment Regulation 2021 notes 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.

5.6 Suitability Of The Site

The proposed development is considered to be suitable on the site for the following reasons:

- The proposal is consistent with the zone objectives;
- The proposal is consistent with the relevant LEP and DCP controls;
- The proposal is capable of managing competing land uses;
- The proposal will not result in any adverse impacts on the environment; and
- There are no environmental constraints on or around the site of such significance as to preclude the proposal.

5.7 The Public Interest

The proposed development is considered in the public interest, providing housing diversity for the area.

6 Conclusion

This Statement of Environmental Effects comprehensively demonstrates that the proposed development is an appropriate and suitable development when tested against the relevant heads of consideration detailed within the section 4.15(C) of the *Environmental Planning &*

This report has identified all key issues associated with the proposal and demonstrated that the proposal can be developed appropriately with respect to these issues. The proposal is consistent with the zone objectives and other planning provisions and will make a positive contribution to the area.

The proposal is considered acceptable and should be approved because:

- The site is suitable for the proposal;
- The SoEE has identified all constraints associated with the land and demonstrated that the proposal can be undertaken whilst effectively minimising these constraints;
- The proposal will generate positive social and economic impacts;
- The proposal will generate only negligible environmental impacts; and
- The proposal is within the public interest.

The proposal has been assessed in accordance with S.4.15 of the EP&A Act 1979. This assessment has concluded that under the zone the development is a permissible land use. The Development Control Plan has also been considered and proposal generally complies with the DCP in all respects of the controls.

This report has assessed environmental considerations of the proposal, including heritage, flooding, access, ecological considerations, waste management, stormwater runoff, Aboriginal archaeology and servicing, and has concluded that there are no likely adverse environmental impacts associated with the proposal and that infrastructure either is, or can be developed to support the proposal.