

Statement of Environmental Effects

18 Marquess Place
Murrumbateman NSW 2582

Development Application for:
Detached Dual Occupancy

25 September 2024

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Contents

1	<i>Introduction.....</i>	<i>1</i>
2	<i>The Subject Site and Locality.....</i>	<i>2</i>
	2.1 Description of site and surroundings	2
	2.2 Summary environmental mapping constraints.....	4
	2.3 Site zoning.....	4
	2.4 Summary environmental mapping constraints.....	4
	2.5 Development history	4
	2.6 Description of proposed development	5
	2.7 Details of proposed development.....	6
3	<i>Environmental Assessment.....</i>	<i>8</i>
	3.1 State Environmental Planning Policies	8
	3.2 Local Environmental Plan	9
	3.3 Development Control Plan	11
	3.4 Section 4.15 Considerations	21
4	<i>Summary and Conclusion.....</i>	<i>22</i>
	4.1 Recommendation.....	22

Appendix

Appendix A.	DA Plans
Appendix B.	Building Envelope Plan
Appendix C.	Basix Certificate
Appendix D.	On-site Effluent Disposal Report
Appendix E.	BAL Assessment Report
Appendix F.	Swales/ Stormwater Detail



1 Introduction

Council Approval Group has been engaged by Emily Dallwitz to prepare and submit a Development Application for a Detached Dual Occupancy at 18 Marquess Place, Murrumbateman.

Specifically, this Statement of Environmental Effects (SoEE) includes:

- an analysis of the subject site and the surrounding locality;
- a description of the proposed development;
- an analysis of the proposal against the provisions of the Yass Valley Local Environmental Plan (LEP 2013), relevant SEPPs and deemed SEPPs, and other relevant statutory controls that apply to the site; and
- conclusion.

This SoEE is submitted in accordance with the requirements of the Environmental Planning and Assessment Act and Part 3 of the *Environmental Planning and Assessment Regulation 2021* for the purposes of

- demonstrating that the environmental impact of the development has been considered; and
- outlining the steps to be undertaken to protect the environment and to mitigate any potential harm, if necessary.

This SoEE concludes that the proposal is consistent with the objectives and provisions of the *LEP 2013*. We are pleased to present this SoEE for a detached dual occupancy which, once approved, will increase available housing within the area.

2 The Subject Site and Locality

2.1 Description of site and surroundings

Details of the site are provided below. The location of the subject property is shown on the location and aerial maps at **Figures 1** and **2**. A Google street image of the property is included at **Figure 3**. The property is located in the Yass Valley Council area.

The subject site comprises a single allotment with a total area of 10,318 sqm. The site has a frontage to Marquess Place measuring 85.5m and has an eastern side boundary measuring 120.4m, a western side boundary measuring approximately 120.6m and a rear boundary to the south, measuring approximately 85.8m. Access to the site is achieved via Marquess Place.

The existing site is relatively flat, has no existing improvements and is relatively cleared of vegetation.

Immediately surrounding the site are other low density residential properties, with primary production further to the north and large lot residential further to the east, south and west.

Address	Title Details	Site Area	Site Frontage
18 Marquess Place, Murrumbateman NSW 2582	Lot 63, DP1188859	10,318.86 sqm (approx.)	85.77 metres (approx.)



Figure 1: Site location (Source: NSW Spatial Mapping)



Figure 2: Site aerial (Source: Landchecker)



Figure 3: Street View (Source: Google)

2.2 Summary environmental mapping constraints

- Floor Space Ratio: not applicable
- Building Height: not applicable
- Minimum Lot Size: 6,500 sqm
- Heritage: not applicable
- Bushfire: Vegetation Category 3

2.3 Site zoning

The site is zoned under Yass Valley Local Environmental Plan 2013 (LEP) as Zone R2 – Low Density Residential.

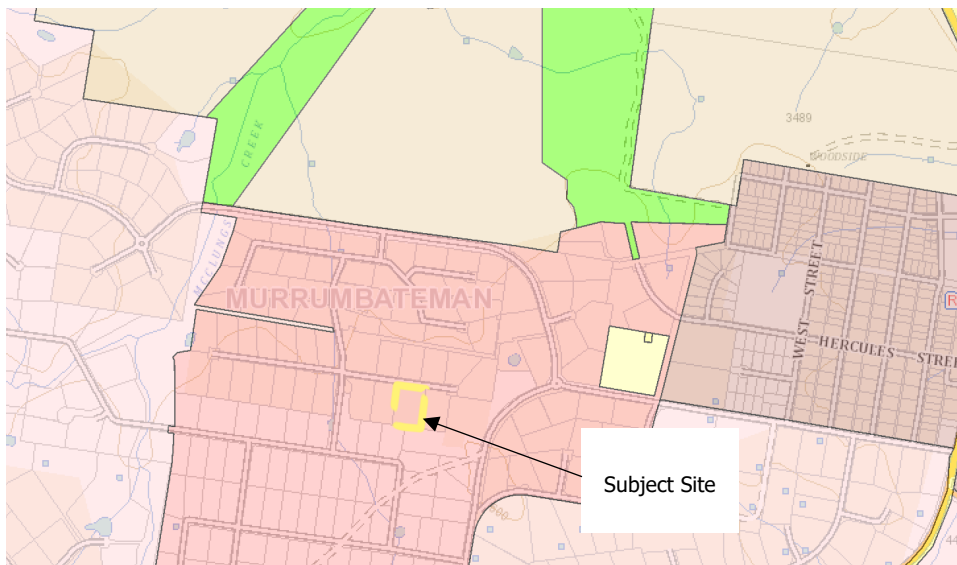


Figure 4: Site Location (Source: NSW Spatial Mapping)

2.4 Summary environmental mapping constraints

2.4.1 Bushfire

The mapping under LEP 2013 indicates that the property is mapped as Bushfire: Vegetation Category 3. This application includes a Bushfire BAL Report in Appendix E which indicates that the development is considered BAL-LOW in accordance with A1.12.5 and meets the requirements of *NSW Planning for Bushfire Protection (2019)*.

2.5 Development history

There are no previous applications relevant to the site publicly available on Council's online database. Any applications that are applicable to the site may be stored on another database or system.

3 The Proposed Development

3.1 Description of proposed development

The proposal seeks development consent for a detached dual occupancy. The proposal includes:

- Single storey, three (3) bedroom dwelling house including detached garage
- Single storey, two (2) bedroom dwelling house including attached garage
- Ancillary landscaping and site works

A site plan is included at **Figure 5** below and the full set of architectural plans are included in Appendix A, as well as BASIX Certificate under Appendix C.

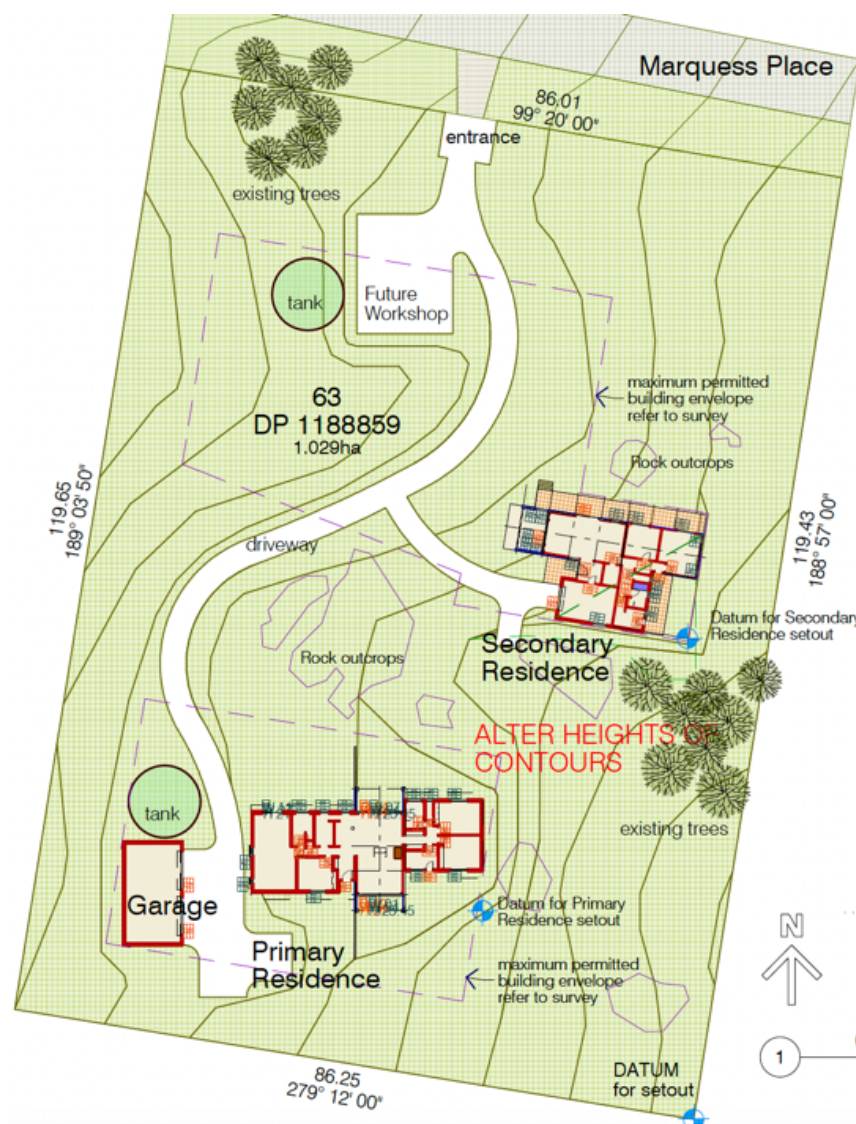


Figure 5: Site Plan

3.2 Details of proposed development

3.2.1 Privacy, Views, Overshadowing, and Noise

The proposed dwellings are single storey, with a maximum building height of 5.7m. It is considered that the proposed building height is appropriate for the lot and minimises impact to adjoining properties. The proposal ensures privacy through strategic placement of windows and screening. Views are preserved with the single-storey design, minimising obstruction. The orientation and layout reduce overshadowing on neighbouring properties. In addition, the proposed dwellings are situated with sufficient setbacks to the front, side and rear setback, ensuring that the impact to adjoining neighbours is minimised.

3.2.2 Trees and Vegetation

The proposed development is situated clear of any existing trees to allow for retention to the greatest extent possible. The location of existing trees are indicated on the Site Plans.

3.2.3 Envelope Plan

Residence 2 is positioned outside the designated envelope, see **Figure 6** below. The position of Residence 2 aims to make optimal use of the existing site and its dual occupancy configuration. This layout enhances privacy for each unit while providing the best lines of sight, ensuring both comfort and liveability for future residents. Importantly, the proposed new location of the secondary residence does not require the removal of any significant vegetation, preserving the natural landscape and enhancing the site's environmental value.

Furthermore, the dwellings are designed to maximise the use of the site, creating functional outdoor spaces that contribute to the overall quality of life. The proposal remains compliant with regulations and incorporates measures to address any potential impacts, ensuring that it aligns with community standards and environmental sustainability.

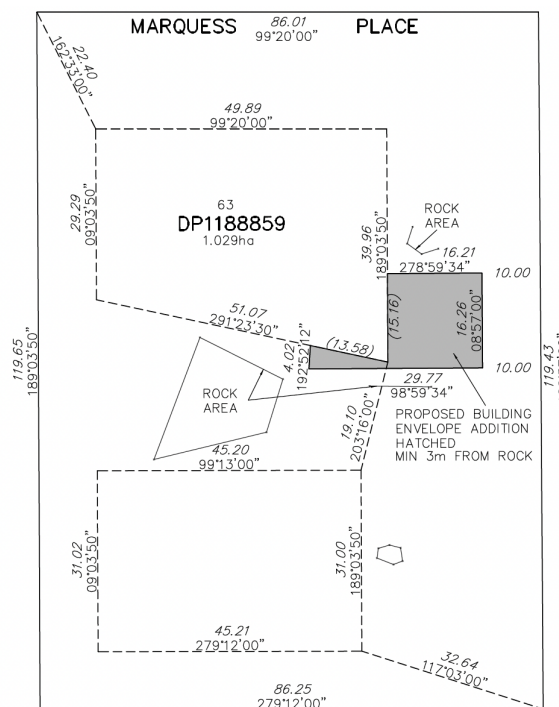


Figure 5: Building Envelope Plan

3.2.4 Access and Traffic

Access is proposed via Marquess Place with a single crossover providing access to both dwellings. The proposed driveway appears as a single driveway from the street and tapers at the rear to align with the contours of the land.

Each dwelling includes a double garage and provides additional space for car parking on site.

3.2.5 Stormwater and Sewerage

An aerated wastewater treatment system will be used for on-site effluent disposal. For further details, please refer to the Site & Soil Assessment for On-site Effluent Disposal in Appendix D. Please refer to Appendix F for a diagram detailing the preliminary design of site swales for on-site stormwater management.

3.2.6 Contamination

To the best of our knowledge, the site is not located within a land investigation area and is not associated with any known contamination issues or remediation requirements under the State Environmental Planning Policy (Resilience and Hazards) 2021.

3.2.7 Cut and Fill

The proposal minimises the need for cut and fill by providing a design that corresponds with the natural topography of the site. Minor earthworks will be required in accordance with the design detail outlined by the architectural plans.

It is considered that this work does not have any detrimental impacts on drainage patterns or soil stability, nor does it impact the amenity of neighbours or the surrounding environment.

3.2.8 Construction Management Plan

A comprehensive Construction Management Plan will address site safety, traffic management, noise control, and waste disposal during construction.

3.2.9 Ongoing Waste Management

The proposal includes provisions for effective ongoing waste management, ensuring proper storage, collection, and disposal of household waste.

As per the Yass Valley Council DCP 2024, a waste management plan is not required for residential development.

3.2.10 Schedule of Materials

The proposed dwellings will feature the following materials and finishes:

Exterior Walls:

- Brick veneer
- Weathertex cladding

- Plasterboard with paint finish

Roofing:

- Colorbond metal roofing in the colour monument

Refer to architectural plans in Appendix A for more details, including window details.

3.2.11 Raw Materials, Finished Products, and Waste Materials

The selection of raw materials and finished products prioritises sustainability. Waste materials from construction will be minimised and properly managed by contractors to reduce environmental impact. Any waste from construction which cannot be recycled will be properly disposed of at the nearest waste depot.

4 Environmental Assessment

4.1 State Environmental Planning Policies

4.1.1 SEPP (Sustainable Buildings) 2022

Development applications for new homes, or for any alterations and additions of \$50,000 or more to an existing home require a BASIX certificate. A BASIX Certificate accompanies the plans for this proposed development.

Dwelling 1 (rear):

Water: 43 (target 40)

Thermal comfort: Pass (target pass)

Energy: 65 (target 63)

Materials: -96 (target n/a)

Dwelling 2 (front):

Water: 40 (target 40)

Thermal comfort: Pass (target pass)

Energy: 65 (target 63)

Materials: -96 (target n/a)

4.1.2 SEPP (Resilience and Hazards) 2021.

Chapter 4 – Remediation of Land provides a state-wide practice for the remediation of contaminated land. Under clause 4.6 of the SEPP consideration must be given as to whether the land is contaminated.

With regard to this consideration, the subject site:

(a) is not land within an investigation area;

(b) is not land upon which development which is identified in Table 1 of the Contaminated Land Planning Guidelines has been known to have been carried out; and

(c) is not likely to contain a sensitive land use as the site has been used, and will continue to be used, for residential purposes.

The entire site appears to have been in residential use since its original subdivision and there is no evidence of any potentially contaminating uses occurring. It can be concluded beyond reasonable doubt that there is no likelihood of contamination on this site. No further consideration is therefore required under clause 4.6 (1) (b) and (c) of the SEPP.

4.2 Local Environmental Plan

4.2.1 Yass Valley Local Environmental Plan 2013

Yass Valley Local Environmental Plan 2013 (LEP) applies to the subject site. The following provides an assessment of the proposed development against the relevant provisions of the Plan.

Zoning and Permissibility

Part 2 of LEP identifies that the subject site is zoned R2. The Land Use Table for the zone is as follows:

2. Permitted without consent

Environmental protection works; Home-based child care; Home businesses; Home occupations

3. Permitted with consent

*Attached dwellings; Bed and breakfast accommodation; Centre-based child care facilities; **Dual occupancies**; Dwelling houses; Emergency services facilities; Environmental facilities; Exhibition homes; Group homes; Home industries; Oyster aquaculture; Pond-based aquaculture; Recreation areas; Respite day care centres; Roads; Signage; Tank-based aquaculture; Water supply systems*

4. Prohibited

Any development not specified in item 2 or 3

The subject Development Application to Council seeks approval for a dual occupancy (detached). The proposal is permitted with the consent of Council.

The objectives of the R2 - Low Density Residential 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 provided with an adequate water supply and the disposal of sewage.*

It is considered that the proposal is consistent with these objectives, in that:

- The proposal provides diverse much needed housing for the community whilst maintaining the existing low density residential environment.
- The proposal provides residential development in a suitable location that is accessible to local services and facilities.

- The proposal has carefully considered the character of the residential area and the proposed design reflects this, minimising any potential impacts on existing amenity and environmental quality.

Other Relevant Clauses

LEP Clause / Provision	Comment
Clause #4.1D: Minimum site areas for dual occupancies and multi dwelling housing in Zones R1, R2, R3 and RU5	
<p>(2) Development consent must not be granted to development for the purposes of a dual occupancy unless the site area per dwelling is at least—</p> <ul style="list-style-type: none"> (a) in the case of Zone R1 General Residential—400 square metres, or (b) in the case of Zone R2 Low Density Residential—2,000 square metres, or (c) in the case of Zone R3 Medium Density Residential—150 square metres, or (d) in the case of Zone RU5 Village if the site is connected to a reticulated sewerage system—750 square metres, or (e) in the case of Zone RU5 Village if the site is not connected to a reticulated sewerage system—2,000 square metres. <p>(3) Development consent must not be granted to development for the purposes of multi dwelling housing unless the site area per dwelling is at least—</p> <ul style="list-style-type: none"> (a) in the case of Zone R1 General Residential—400 square metres, or (b) in the case of Zone R3 Medium Density Residential—150 square metres. 	<p>Complies</p> <p>The minimum lot size for dual occupancies in the R2 Low Density Residential zone is 2000 sqm. The subject site has an area of 10,318 sqm (approximately), as such it meets the requirements of this Clause.</p>
Clause #5.11: Bush fire hazard reduction	
<p>Bush fire hazard reduction work authorised by the Rural Fires Act 1997 may be carried out on any land without development consent.</p>	<p>Complies</p> <p>The subject site is mapped as Bushfire – Vegetation Category 3. The proposal is accompanied by a Bushfire Assessment Report.</p>
Clause #6.1: Earthworks	
<p>(2) Development consent is required for earthworks unless—</p> <ul style="list-style-type: none"> (a) the earthworks are exempt development under this Plan or another applicable environmental planning instrument, or (b) the earthworks are ancillary to development that is permitted without consent under this Plan or to development for which development consent has been given. <p>(3) Before granting development consent for earthworks (or for development involving ancillary earthworks), the consent authority must consider the following matters—</p> <ul style="list-style-type: none"> (a) the likely disruption of, or any detrimental effect on, drainage patterns and soil stability in the locality of the development, (b) the effect of the development on the likely future use or redevelopment of the land, (c) the quality of the fill or the soil to be excavated, or both, (d) the effect of the development on the existing and likely amenity of adjoining properties, (e) the source of any fill material and the destination of any excavated material, (f) the likelihood of disturbing relics, (g) the proximity to, and potential for adverse impacts on, any waterway, drinking water catchment or environmentally sensitive area, 	<p>Complies</p> <p>The proposal minimises the need for cut and fill by providing a design that corresponds with the natural topography of the site. Minor earthworks will be required in accordance with the design detail outlined by the architectural plans.</p> <p>It is considered that this work does not have any detrimental impacts on drainage patterns or soil stability, nor does it impact the amenity of neighbours or the surrounding environment.</p>

LEP Clause / Provision	Comment
(h) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.	
Clause #6.8: Essential Services	
<p>Development consent must not be granted to development unless the consent authority is satisfied that any of the following services that are essential for the development are available or that adequate arrangements have been made to make them available when required—</p> <p>(a) the supply of water, (b) the supply of electricity, (c) the disposal and management of sewage, (d) stormwater drainage or on-site conservation, (e) suitable vehicular access, (f) connection to a communications network with voice or data capability (or both).</p>	<p>Complies</p> <p>The site will be equipped with all essential services, including water, power, and electricity. It will feature appropriate wastewater management, stormwater drainage provision, vehicle access, and a communications network connection.</p> <p>It is considered that the site is sufficiently sized to accommodate permeable areas for effective infiltration.</p> <p>Each dwelling in the dual occupancy will be provided with a rainwater tank. Additionally, an aerated wastewater treatment system will be used for on-site effluent disposal. For further details, please refer to the Site & Soil Assessment for On-site Effluent Disposal in Appendix D.</p>

4.3 Development Control Plan

4.3.1 Yass Valley Development Control Plan 2024

Yass Valley Development Control Plan 2024 applies to the subject site. The following provides an assessment of the proposed development against the relevant provisions of the Plan, being Part D Residential Development Controls and Part H Development in Hazard Affected Areas.

DCP Clause / Provision	Comment
Part B Principles for all Development	
B2 Site Suitability	
<p>In determining whether a site is suitable for the proposed development the following need to be considered:</p> <p>a. Physical constraints such as topography, flooding, heritage, bushfire and biodiversity; b. Adjoining land uses, this is particularly important for intensive agricultural and industrial uses which may require physical separation from residential areas and existing dwellings; c. The availability and location of all-weather access, electricity, reticulated water and sewer or other means of obtaining water and disposing of sewage; d. Zoning restrictions, easements and covenants; e. Site aspect, lot configuration to enable setbacks and restrict overshadowing.</p>	<p>Complies</p> <p>The proposal considers site constraints, adjoining land uses and is connected to all essential services.</p>
B3 Site Analysis Plan	
<p>All applications must be accompanied by a site analysis plan. A site analysis plan shall display, where relevant:</p> <p>a. Site topography; b. Bushfire hazard of the site, including across roads, waterways, etc; c. Existing vegetation and mature trees, including hollow bearing trees; d. Heritage items in the vicinity;</p>	<p>Complies</p> <p>The proposal includes a site plan which includes the site topography, existing vegetation on the site and details the location of proposed crossover and driveway. See Appendix A.</p>

DCP Clause / Provision	Comment
<p>e. Views to and from the site;</p> <p>f. Impact of vegetation and buildings on adjoining land including privacy, shading, lighting and visual amenity;</p> <p>g. Location of access points relative to pedestrian facilities and roadway structures;</p> <p>h. Solar access and predominant breeze;</p> <p>i. Flooding, including overland, riverine and on-site drainage;</p> <p>j. Proximity to community and social facilities.</p>	<p>In addition, the proposal includes a BAL Assessment Report which indicates that the development is considered BAL-LOW in accordance with A1.12.5 and meets the requirements of NSW Planning for Bushfire Protection (2019), see Appendix E.</p>
<p>B5 Neighbourhood character</p>	
<p>a. Development should respect the scale, patterns and predominant building characteristics within a streetscape.</p> <p>b. The design should consider how the building/s will respond to the predominant characteristics of the neighbourhood such as dominant land uses, construction types and materials, roof pitch, setbacks, location and proportion of windows and doors, verandahs, vehicle parking/garaging, landscaping of public and private areas.</p> <p>c. New development should not dominate the streetscape.</p> <p>d. Building materials and finishes should reinforce or complement the dominant pattern within the streetscape.</p> <p>e. Buildings, driveways, fencing and landscaping should be designed to respond to the topography of the site by following contours or stepping down steeper sites</p> <p>f. Trees should be retained, both in the road reserve and private allotments.</p> <p>g. Facades should incorporate building elements that assist with thermal comfort controls and the use of sustainable building materials.</p>	<p>Complies</p> <p>The proposal considers the existing neighbourhood character and is appropriately designed to ensure that it respects the scale, patterns and predominant building characteristic in the streetscape as well as considering the construction type and materials.</p> <p>It is considered that the proposal will contribute positively to the existing streetscape.</p>
<p>Part D Residential Development Controls</p>	
<p>D.1 Solar Access</p>	
<p>a. Solar access must be available to any living area between 9 am and 5 pm for a minimum duration of 3 hours on winter solstice (21 June);</p> <p>b. internal living areas of dwellings such as kitchens and family rooms should be located to maximise solar access.</p> <p>c. Windows should be located and shaded so as to reduce summer heat load and to permit entry of winter sunlight;</p> <p>d. Outdoor clothes drying areas with access to sunlight and breezes should be provided;</p>	<p>Complies</p> <p>The proposal maximises the potential for solar access to all areas.</p>
<p>D.2 Privacy</p>	
<p>a. Any habitable room windows within the development (other than bedrooms) setback 3 metres or less (ground floor) or 10 metres or less (first floor) from a side or rear boundary, with a floor level of more than 1 metre above ground level (existing) should either:</p> <p>i. Have a sill height of 1.5 metres above floor level, or</p> <p>ii. Have fixed obscure glazing to a height of 1.5 metres above floor level, or</p> <p>iii. Have a permanent, fixed, durable, privacy screen which faces the boundary, or</p> <p>iv. Other measure to ensure the privacy of adjoining residents</p> <p>b. Any new balcony, deck, patio, pergola, terrace or verandah setback 3 metres or less (ground floor) or 10 metres or less (first floor) from a side or rear boundary, with a floor area more than 3 m² with a floor level or more than 1 metre above ground level (existing) should have a permanent, fixed, durable, privacy screen which faces the boundary;</p> <p>c. A privacy screen should:</p> <p>i. Extend to 1.5 metres high above floor level, and</p>	<p>Complies</p> <p>The proposed dwellings are setback a minimum of 10m from the side boundaries.</p>

DCP Clause / Provision	Comment
ii. Have no individual opening more than 30mm wide, and iii. Have a total area of all openings that is less than 30% of the surface area of the screen.	
<u>D.3 Stormwater</u>	
For new dwelling proposals, stormwater from the building(s), driveway(s) and other hardstand areas must be managed in accordance with the following requirements: a. All stormwater must be discharged to a legal point of discharge: i. where a new kerb adaptor connection is to be installed it shall be at no cost to Council and the gutter restored to predevelopment standard. ii. where there is no kerb and gutter and stormwater is discharged to the roadside the discharge pipe is to be protected via a concrete surround install flush to the table drain profile; iii. where stormwater is to be discharged to an interallotment drainage reserve it is to be conveyed to a single discharge pit; iv. where stormwater cannot be legally discharged via gravity, a stormwater management plan is required to be designed by a suitably qualified person. Legal point of discharge means a point nominated by Council for the discharge of stormwater from the property. In urban areas this is usually the street drainage system, but can also include interallotment drainage. In rural areas this may include table drains or dams.; b. Residential development is not to change the overall overflow of stormwater so that it has any adverse impact downstream; c. If onsite detention is proposal it must drain to the legal point of discharge; d. All stormwater systems shall be designed and constructed in accordance with Australian Rainfall and Runoff and AS3500.3 Plumbing and Drainage Part 3.	<p><u>Complies</u></p> <p>The proposal is managed in accordance with the prescribed requirements, ensuring proper discharge to the legal point, protection measures, and compliance with Australian Rainfall and Runoff and AS3500.3 standards.</p>
<u>D.4 Services</u>	
a. Each dwelling is to be provided with a letterbox and shall be located wholly within the property boundary; b. Each dwelling is to be provided with a house number that is clearly visible from the street; c. Provision is to be made for the storage of waste bins in a manner to ensure they are within the property boundary and not visible from the street; d. Where rainwater tanks are to be installed, they must be behind the building line, must not exceed 3 metres in height and must be fully enclosed with screened inlets; e. Where rainwater tanks are to be connected to Council’s reticulated water system, a non-return valve is to be installed; f. Where reticulated sewer is available all dwellings must be connected, where there is no reticulated sewer a geotechnical report prepared by a suitably qualified wastewater consultant or geotechnical engineer is to accompany the application demonstrating the site’s suitability for an on site sewage management system. Additional water supply may be required to be held in reserve for firefighting purposes. Any water supply requirements advised by the NSW RFS under Planning for Bushfire Protection 2019 need to be provided in addition to the requirements above.	<p><u>Complies</u></p> <p>All services are situated within the property boundary and where possible, not visible from the street.</p>
<u>D.5 Fences and retaining walls</u>	
a. A front fence and any associated retaining wall located within the setback area from a street should: i. not be more than 1.5 metres including the height of any retaining wall (see controls for heritage areas) or 1.2 metres in a Heritage Conservation Area) above ground level (existing), and ii. be open for at least 50% of the upper 2/3 of the area of the fence, and	<p><u>Complies</u></p> <p>The proposed fence complies with the prescribed requirements.</p>

DCP Clause / Provision	Comment
<p>iii. in relation to any brick or other solid portion of the fence above 600mm, be not more than 250mm wide, and iv. be constructed of masonry, stone, timber pickets/railings, woven wire or steel posts rather than solid Colorbond® steel or timber panels;</p> <p>b. Boundary fences up to 1.8 metres high are only permitted behind the front building line to ensure vehicle sight distances are retained;</p> <p>c. A fence and any associated retaining wall located behind the setback area from a street or any side or rear boundary fence should not be more than 1.8 metres above ground level (existing);</p> <p>d. Any retaining wall should be separated from any driveway by a landscaped area at least 500m wide, to prevent impact damage from vehicles;</p> <p>e. The side or rear fence or the fence and associated retaining wall on a sloping lot may be stepped, provided the height of each step is not more than 2.2 metres above ground level (existing);</p> <p>f. Metal used in the construction of a side boundary fence should have low reflectivity (Zincalume® and Surfsmist® finishes are not permitted);</p> <p>g. A fence should not be constructed so as to redirect the overland flow of surface water onto adjoining properties;</p> <p>h. Boundary fences in residential areas must not incorporate barbed wire or be electrified. A retaining wall or embankment should not be higher than:</p> <p>i. 600mm above ground level (existing) within 1 metre of a side or rear boundary, or ii. 1 metre above ground level (existing) at any distance more than 1 metre from a side or rear boundary.</p> <p>Note: If the slope of the land exceeds 5% an increased retaining wall height may be considered</p>	

D2 Medium Density Housing					
D2.1 Site frontage and area					
<p>a. The site shall have street frontage of at least 15 metres when measured at the building line. At the head of a cul-de-sac the minimum frontage shall allow sufficient area for the placement of bins required by the development in a single, not stacked, line and the parking of at least one vehicle.</p> <p>b. For development involving attached dwellings, dual occupancies, multi dwelling housing; secondary dwellings and semi detached dwellings, each unit shall be provided with a minimum site area in accordance with Clause 4.1D of Yass Valley Local Environmental Plan 2013;</p> <p>c. Where it can be demonstrated that the objectives of this part are met, a smaller minimum site area may be considered.</p>	<p>Complies</p> <p>The site has a frontage of approximately 85.5m and has a site area of 10,318 sqm which meets the prescribed minimum site area of 2000 sqm for a Dual occupancy development in the R2 – Low Density Residential zone.</p>				
D2.2 Setback					
<p><u>D2.2.1 Front Setbacks</u></p> <p>Multi Dwelling Development should have the following setbacks from street frontages:</p> <p>Table 8 - Front Setbacks – Medium Density</p> <table border="1" style="width: 100%;"> <tr> <td colspan="2">Existing dwellings on adjacent lots fronting the same street</td> </tr> <tr> <td style="width: 30%;">R2 – Low Density Residential</td> <td>For lots with an area greater than 1,500m² Whichever is the lesser of: at least the average of the setbacks of existing dwellings on adjacent lots; or</td> </tr> </table>	Existing dwellings on adjacent lots fronting the same street		R2 – Low Density Residential	For lots with an area greater than 1,500m ² Whichever is the lesser of: at least the average of the setbacks of existing dwellings on adjacent lots; or	<p>Complies</p> <p>The proposed primary residence is setback a minimum of approximately 10.1m from both the western and southern side boundary.</p> <p>The proposed secondary residence is setback a minimum of 10m from the eastern side boundary and approximately 44.5m from the front setback.</p>
Existing dwellings on adjacent lots fronting the same street					
R2 – Low Density Residential	For lots with an area greater than 1,500m ² Whichever is the lesser of: at least the average of the setbacks of existing dwellings on adjacent lots; or				

	10 metres	
D2.2.2 Side and rear setbacks		
a. Multi Dwelling developments should have the minimum side and boundary setback as per the table below (taking account of solar access and privacy):		
Table 9 - Side and Rear Setbacks – Medium Density		
Boundary	Height	Setback
Side boundary	Single Storey	1.5m or to National Construction Code
	>Single Storey	1.5 metres for single storey elements 2 metres for second storey elements 6 metres if a habitable room window or balcony faces the boundary where screening or other privacy measures are not included
Rear boundary	Buildings up to 4.5 metres	3 metres for lots with an area of 600m ² – 900m ² 5 metres for lots with an area of 900m ² – 1,500m ² 10 metres for lots with an area greater than 1,500m ²
	Above 4.5 metres	8 metres for lots with an area of 600m ² – 900m ² 12 metres for lots with an area of 900m ² – 1,500m ² 15 metres for lots with an area greater than 1,500m ²
b. Single storey buildings may be located closer than 1.5 metres to the boundary only where:		
i. the wall has a maximum height of 3.3 metres (or if built to a boundary wall on an adjoining property, no higher than the existing wall); and		
ii. the wall is masonry and has no openings facing the boundary;		
c. The total length of wall within 900mm of a side boundary shall not exceed 10 metres (or if adjoining an existing boundary wall, no longer than that wall);		
d. Where an allotment adjoins an existing or proposed public reserve, buildings shall be setback at least 3 metres for the common boundary;		
e. Where a laneway adjoins a property, a building may be erected within 900mm of that boundary for a maximum of 50% of the length of that boundary;		
f. Buildings that adjoin a heritage item, shall be setback so as not to detract from, or obstruct public views of, the architectural or heritage value or the item. A varied side setback may be required (see Part J - Heritage of this Plan).		
D2.3 Site coverage and floor space ratio		
a. The maximum floor space ratio for medium density development, including all ancillary buildings, is not to exceed those indicated below or as otherwise shown on the Yass Valley Local Environmental Plan 2013 Floor Space Ratio Map:	Complies	
Table 10 - Floor Space Ratio Medium Density	The applicable FSR of 0.3:1 equates to a maximum GFA of 3,095.4 sqm.	
Zone	Applicable FSR	
R2 – Low Density Residential	0.3:1	
b. Site coverage shall allow for rainwater infiltration to reduce potable water		
The total of both the primary and secondary residence is 439.64 sqm. As such, the proposal meets the prescribed maximum FSR.		

<p>consumption Site coverage shall incorporate any landscaped areas required by BASIX, private open space areas and front setbacks.</p> <p>c. Site coverage shall allow for rainwater infiltration to reduce potable water consumption and assist in stormwater management</p> <p>d. Site coverage shall allow for the planting of deep rooted vegetation to assist with soil structure, water infiltration, shade and visual relief</p> <p>e. Concrete and other heat generation, non impervious surfaces should not be used in preference for natural impervious surfaces to limit heat island effects and thermal comfort</p> <p>Note: For the purposes of calculating floor space ratio (FSR) Floor Space Ratio means the ratio of the site area to the gross floor area of all units including all habitable and non-habitable rooms and garages or car parking necessary to meet any requirements of Council.</p> <p>Site Area means the area of the lot on which the development is proposed to be carried out. If more than one lot, the area of the combined lots</p>	
<p>D2.4 Building height</p>	
<p>a. The maximum height of a building is not to exceed 9 metres, or as otherwise shown for the land on the Yass Valley Local Environmental Plan 2013 Height of Buildings Map;</p> <p>b. Shadow diagrams are to be submitted for 9 am, 12 midday and 3 pm on the June 21 Solstice for all medium density housing, detailing overshadowing cast by the proposed development in addition to any existing buildings and fences. Shadows shall include internal and external the proposed development site;</p> <p>c. At least 50% of the neighbouring existing principal open space or windows to internal habitable rooms should receive a minimum of 3 hours sunlight between 9am and 3pm on 21 June. If it is already less than this, it should not be further reduced.</p>	<p>Complies</p> <p>The proposal includes a maximum building height of 5.7m.</p> <p>In addition, the proposed dwellings are setback sufficiently from the side boundaries and do not impact any of the neighbouring open spaces.</p>
<p>D2.5 Character and built form</p>	
<p>a. The front dwelling in each development shall face the street and feature at least 1 main entry door and 1 major window to a living or bedroom;</p> <p>b. Where the development involves 3 or more dwellings facing the street; the building design shall incorporate physical changes in mass, form and material on the street elevation;</p> <p>c. Garages shall not dominate the street frontage and shall be recessed from the building line;</p> <p>d. The use of zincalume as cladding and roof material is not supported, architectural features containing minor areas of zincalume material may be considered;</p> <p>e. For development on corner lots, the above controls apply to both street frontages;</p> <p>f. Removal of existing street trees is to be avoided;</p> <p>g. Existing street trees shall be protected from impact, including root compaction;</p> <p>h. Landscaping is to be provided which clearly differentiates the public and private domain in accordance with the principles outlined in Part B (safety);</p> <p>i. The building alignment along common internal driveways shall be varied to provide visual relief and landscaped;</p> <p>j. Windows, balconies, fencing and the like should be designed and constructed to allow views and passive surveillance of any adjacent public reserve or recreational area as well as internal driveways and carparking areas;</p> <p>k. Stepped building form on sloping sites is encouraged to avoid mass excavation;</p> <p>l. Windows should not be located directly opposite the windows of primary living areas of adjoining dwellings;</p>	<p>Complies</p> <p>Both proposed dwellings feature a main entry door.</p> <p>The proposed garages to each dwelling are not considered to dominate the street frontage due to the setbacks and the large site area.</p> <p>The removal of any existing trees is to be avoided where possible.</p> <p>Landscaping is included on the site plans.</p> <p>Views through balconies and fencing is maintained for passive surveillance.</p> <p>The proposal will not impact on any adjoining dwellings and is separated to ensure that the living areas of adjoining dwellings maintain their privacy.</p> <p>Any potential noise sources are not within close vicinity to bedrooms.</p>

<p>m. Privacy screens should be installed where there is a chance of overlooking from balconies, open space areas, windows on adjoining buildings (within or external the proposed development) and the like;</p> <p>n. Noise sources such as driveways, service areas, plant rooms, mechanical equipment and communal open space areas should be located at least 3 metres from bedrooms;</p> <p>o. Windows should be located to allow surveillance of internal driveway and carparking areas;</p> <p>p. Sensor or solar lighting should be provided adjacent to entries for multi dwelling development;</p> <p>q. Security fittings, shutters and doors, where fitted should be at least 50% transparent at street level to allow passive surveillance;</p> <p>r. The use of long straight driveways should be avoided, driveways should not be more than 30 metres without traffic calming devices.</p>	
<p>D2.6 Private open space</p>	
<p>a. Each dwelling shall have a total area of at least 40m² private open space which is directly accessible from, and adjacent to, a habitable room, (other than a bedroom) the principal part of the area being at least 24m² with minimum dimensions of at least 4 x 4 metres, and not have a slope steeper than 5%;</p> <p>b. Principal Private open space should be located on the north side of the lot where practical;</p> <p>c. The southern boundary of principal private open space should be setback from any wall on the north of the space at least (2 + 0.9h) metres, (where 'h' is the height of the wall);</p> <p>d. Open space calculations are not to include areas utilised for driveways, on site parking, circulation, communal open space, utility/service areas or rainwater tanks;</p> <p>e. Private open space areas are to clearly defined and separated from communal areas;</p> <p>f. Private open space area are not to be located within the setback unless it can be demonstrated that negative impact on the streetscape and use of open is avoided;</p> <p>g. Open space for residential flat buildings may be provided at balcony level;</p> <p>h. Shop top housing shall be provided with a balcony of at least 8m² with a minimum width of 1.6 metres having direct access from a habitable (other than a bedroom).</p>	<p>Complies</p> <p>The proposed site area is 10,318 sqm, as such it is considered that each dwelling will have a large area of private open space.</p>
<p>D2.7 Landscaping</p>	
<p>a. At least 25% of the area in front of the building line is to be landscaped;</p> <p>b. A minimum landscape area of 40% of the total lot area must be provided;</p> <p>c. For terrace and multi dwelling housing at least 30% of the total lot area must be provided as landscaping with each dwelling having at least 54m² of allocated landscaping;</p> <p>d. The landscaped width of the landscaped area shall be 1.5 metres;</p> <p>e. Mature trees are to be retained wherever possible;</p> <p>f. At least 50% of the trees and shrubs used in the landscaping should be native to the region;</p> <p>g. Landscape design should allow for passive surveillance, not obscure dwelling entrances and not create hiding places;</p> <p>h. A preliminary Landscape Plan must be submitted with a development application for a multi dwelling development which includes:</p> <p>i. the nature strip and a combination of tree planting, for shade, mid height shrubs, lawn and ground covers, species should be selected for low maintenance and suited to the climate with endemic species encouraged;</p> <p>ii. a reticulated sprinkler system should be provided; and</p> <p>iii. an ongoing maintenance plan.</p>	<p>Complies</p> <p>The proposal includes landscaping on site.</p>

<p>Note: Terrace and Multi Dwelling Housing in R3 zone may have a reduced landscaping area of 20% of the total lot area with at 36m² allocated to each dwelling.</p>	
<p>D3 Ancillary Development</p>	
<p>D3.1 Outbuildings</p>	
<p>a. Outbuildings must not be used as a dwelling; a toilet, wash basin and/or shower may be installed in an outbuilding with development consent;</p> <p>b. Development visible from a public place should be designed to integrate with the dwelling, factory precoloured finishes are required to be used;</p> <p>c. Garages must be setback a minimum of 5.5 metres from the front boundary and 3.5 metres from a secondary street frontage;</p> <p>d. Outbuildings are to be located behind the building line set by the dwelling;</p> <p>e. Garage doors must not be more than 6 metres in width;</p> <p>f. Carport materials must be sympathetic to the character of the street and must be constructed behind the building line;</p> <p>g. Generally outbuildings should be setback a minimum of 900mm from the side and rear boundaries;</p> <p>h. The total area of outbuildings should not be greater than 10% of the lot area;</p> <p>i. Outbuildings should not exceed 4.5 metres in ridge height or 3.5 metres to the eaves;</p> <p>j. Materials, colours and finishes of outbuildings are to be compatible with the principle dwelling;</p> <p>k. The use of zincalume as cladding and roof material is not supported;</p> <p>l. Outbuildings shall be located so that key living spaces / private open spaces of the adjoining dwellings receive at least 3 hours of solar access at the winter solstice (21 June) between 9am and 3pm;</p> <p>m. No new accesses are to be constructed for outbuildings.</p>	<p>Complies</p> <p>The proposed outbuildings are used for the purposes of their prescribed use and will not be used as a dwelling.</p> <p>The proposal complies with the minimum setbacks and maintains that outbuildings will not dominate the streetscape.</p>
<p>D3.3 Rainwater Tanks</p>	
<p>a. Overflow from rainwater tanks is to be directed to a legal point of discharge, or where not possible, at least 3 metres clear of any building in a manner that does not result in erosion nor nuisance to adjoining landholders;</p> <p>b. Where reticulated water is available water from rainwater tanks is only to be used for garden watering, toilet flushing and laundry, it shall not be plumbed for kitchen or bathroom use;</p> <p>c. Rainwater tanks shall not be forward of the building line;</p> <p>d. Rainwater tanks should, as far as possible, be screened from public view or behind fencing and located in the rear or side yard.</p> <p>Legal point of discharge means a point nominated by Council for the discharge of stormwater from the property. In urban areas this is usually the street drainage system, but can also include interallotment drainage. In rural areas this may include table drains or dams.;</p>	<p>Complies</p> <p>The overflow from the rainwater tanks will be effectively managed on-site to prevent erosion and minimise any inconvenience to neighbouring properties. Additionally, the tanks are positioned with adequate separation to avoid causing any nuisance.</p> <p>The rainwater tanks are appropriately located behind the main fencing and are not expected to impact the streetscape.</p>
<p>Part H – Development in Hazard Affected Areas</p>	
<p>H2 Bushfire Prone</p>	
<p><i>H2.1 Water storage facilities</i></p> <p>a. In addition to any water requirements of BASIX a minimum 15,000 litre tanked water storage, or an amount required in accordance with the NSW Rural Fire Service document 'Planning for Bushfire Protection, 2019', whichever is the greater, should be dedicated for firefighting purposes;</p> <p>b. The water storage for bushfire fighting purposes shall be</p> <p>i. Easily identifiable from the street frontage appropriately directing emergency services to the storage facility; and</p> <p>ii. Located with a hard stand area which allow easy access for fighting vehicles. To this end consideration must be given to turning areas, building locations and storz fitting access.</p>	<p>Complies</p> <p>The proposal includes a 15,000 litre tanked water storage for bushfire fighting purposes and is easily identifiable from the street frontage.</p>

<p>NOTE: Where the storage facility is underground it should have a 200mm access hole. Where the facility is via above ground tanks, they should be metal or concrete and have any stands protected. Bores and creeks should not be used for substitute firefighting water storage facilities.</p>					
<p><i>H2.2 Location of buildings</i></p> <p>a. Buildings on Bushfire Prone Land should be located away from ridge tops and steep slopes- particularly up slopes, avoiding saddles and narrow ridge crests;</p> <p>b. Outbuildings are to be located at least 6 metres away from the existing dwelling. Where outbuildings are within 6 metres of an existing building the must comply with the provisions of the National Construction Code for bushfire prone areas.</p>	<p>Complies</p> <p>The proposed dwellings are located away from ridge tops and steep slopes.</p> <p>In addition, the detached garage associated with the primary residence is setback approximately 8m.</p>				
<p><i>H2.3 Landscaping for Bushfire</i></p> <p>a. Creepers over structures adjacent to a house add fuel and should be avoided;</p> <p>b. Low fuel areas, such as lawn, should be provided between the dwelling and the bushfire hazard.</p> <p>c. Trees with loose, stringy or ribbon bark should not be located near houses.</p>	<p>Complies</p> <p>Appropriate measures are taken to ensure that creepers over structures are avoided and that low fuel areas are included between the dwelling and bushfire areas.</p>				
<p><i>H2.4 Bushfire report</i></p> <p>A Bushfire Risk Assessment Report is to be lodged with the Statement of Environmental Effects in support of the Development Application. The Bushfire Risk Assessment Report is to address the proposed development's consistency with Planning for Bushfire Protection 2019.</p>	<p>Complies</p> <p>A Bushfire Assessment Report which indicates that the development is considered BAL-LOW in accordance with A1.12.5 and meets the requirements of NSW Planning for Bushfire Protection (2019), see Appendix E.</p>				
<p><i>H2.5 Asset protection areas</i></p> <p>a. Measures to control the placement of combustible materials in Inner Protection Areas are to be included as part of the development application;</p> <p>b. Asset Protection Areas are to be contained wholly within the property boundary and must not rely on adjacent land as part of the APZ, apart from roadways and road reserves.</p>	<p>Complies</p> <p>A Bushfire Assessment Report which indicates that the development is considered BAL-LOW in accordance with A1.12.5 and meets the requirements of NSW Planning for Bushfire Protection (2019), see Appendix E.</p>				
Part I – Carparking and Access					
I5 Carparking Ratios					
<p>Table 29 Carparking Ratios by Development Type</p> <table border="1" data-bbox="129 1413 895 1576"> <thead> <tr> <th data-bbox="129 1413 512 1458">Land use type</th> <th data-bbox="520 1413 895 1458">Minimum Car Parking Requirement</th> </tr> </thead> <tbody> <tr> <td data-bbox="129 1469 512 1576">Dwellings (including dual occupancies)</td> <td data-bbox="520 1469 895 1576">1 Bedroom 1 space 2 Bedrooms 1.5 spaces 3 bedrooms 2 spaces</td> </tr> </tbody> </table>	Land use type	Minimum Car Parking Requirement	Dwellings (including dual occupancies)	1 Bedroom 1 space 2 Bedrooms 1.5 spaces 3 bedrooms 2 spaces	<p>Complies</p> <p>The proposal includes a minimum of 2 car parking spaces for each dwelling.</p>
Land use type	Minimum Car Parking Requirement				
Dwellings (including dual occupancies)	1 Bedroom 1 space 2 Bedrooms 1.5 spaces 3 bedrooms 2 spaces				
I7 Property Access Crossings					
<p><i>I7.1.1 Access for dual occupancies and medium density housing</i></p> <p>a. A single point of entry and egress is preferred; this should be at least 6 metres in width;</p> <p>b. The edge of driveways should be at least 1.5 metres away from habitable rooms of all dwellings within the site, or a minimum of 1 metre where the floor level of the habitable room is at least 1 metre above the driveway at the window opening;</p> <p>c. Where a driveway is longer than 30 metres, provision should be made for a passing bay;</p> <p>d. Driveway width should be a minimum of 3.0 metres;</p>	<p>Complies</p> <p>The proposal includes a single point of entry crossover from Marquess Place that meets the prescribed property access crossing requirements.</p>				

<p>e. Driveways should be designed to avoid a stark “gun barrel” effect, by incorporating variations in width or materials (brick edging, stamped concrete, aggregate), with provision of a strip at least 300mm wide for landscaping between the driveway pavement and side boundary.</p>	
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4.4 Section 4.15 Considerations

4.4.1 Suitability of the site

The previous sections of this report have demonstrated the suitability of the site for the proposed usage, particularly in terms of:

- The proposal is consistent with the existing development within the locality.
- The proposal is consistent with the objectives and development standards applying to the land.
- Overall the development is considered an appropriate usage of the site.

4.4.2 Public interest

The proposal is considered to accord with the wider public interest in that:

- It provides an appropriate use of the site;
- It will have a positive effect on the streetscape and immediate locality; and
- It is consistent with all relevant LEP aims and objectives

4.4.3 Section 4.15 of the Environmental Planning and Assessment Act, 1979

Matters for Consideration	Considered?
Section 4.15 (1) (a)(i) – Has consideration been given to all relevant provisions of any relevant environmental planning instrument?	Yes
Section 4.15 (1) (a)(ii) – Has consideration been given to 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 Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved)?	Yes
Section 4.15 (1) (a)(iii) – Has consideration been given to all relevant provisions of any provisions of any development control plan?	Yes
Section 4.15 (1) (a)(iiiia) – Has consideration been given to all relevant provisions of any planning agreement that has been entered into under Section 7.4, or any draft planning agreement that a developer has offered to enter into under Section 7.4?	N/A
Section 4.15 (1) (a)(iv) – Have you considered all relevant provisions of the Regulations (to the extent that they are prescribed for the purposes of this paragraph)?	Yes
Section 4.15 (1) (b) – Are the likely impacts of the development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality acceptable?	Yes
Section 4.15 (1) (c) – It the site suitable for the development?	Yes
Section 4.15 (1) (d) – Has consideration been given to any submissions made in accordance with the EPA Act or EPA Regulations?	TBA by Council
Section 4.15 (1) (e) – Is the proposal in the public interest?	Yes

5 Summary and Conclusion

Council Approval Group is pleased to submit this Statement of Environmental Effects and accompanying information for a new Detached Dual Occupancy at 18 Marquess Place, Murrumbateman.

This Statement of Environmental Effects for the proposed development has considered:

- the circumstances of the case;
- an analysis of the subject site and the surrounding locality;
- an analysis of the proposal against the provisions of the *LEP 2013*, as well as relevant DCPS, SEPPs and deemed SEPPs, and other relevant statutory controls that apply to the site; and
- Section 9.1 Directions.

This report concludes that the proposal will substantially complement the objectives and vision of the Plan, Zone, and DCP in particular:

- It provides diverse housing options within a low-density residential setting.
- It includes facilities like garages and adequate parking, meeting residents' daily needs.

We are pleased to present this SoEE for the proposed development which, once approved, will provide for additional much need housing within the area.

5.1 Recommendation

Under all the circumstances of the case, it is therefore recommended to Council for favourable consideration.

Appendix A. DA Plans

Appendix B. Building Envelope Plan

Appendix C. BASIX Certificate

Appendix D. On-site Effluent Disposal Report

Appendix E. BAL Assessment Report

Appendix F. Stormwater Plans