

# Statement of Environmental Effects

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Demolition of all existing site improvements and structures,  
construction of a multi-dwelling housing development comprising  
of 4 dwellings with a single car garage at  
81 Martini Parade, Lithgow 2790

*Rev 1\_ 20 February 2025*

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## **1. Introduction**

The development application submitted to Council seeks consent for demolition of all existing site improvements and structures, construction of a multi-dwelling housing development comprising four dwellings of two storey construction with an attached single car garage for each dwelling at H/N 81 Martini Parade, Lithgow 2790.

The development proposal is permissible in the R1 General Residential under the provisions of Lithgow Local Environmental Plan 2014 with development consent.

The main body of this report reviews key planning considerations for Council as a consent authority under the heads of consideration of Section 4.15 of the Environmental Planning and Assessment Act 1979.

We acknowledge there are non-compliances with the design controls contained in the Development control plan and feel these do not result in any significant loss of amenity (including loss of solar access and visual and acoustic privacy) to adjacent properties.

The variations are in our view justified as we feel the proposal will not result in any unreasonable additional adverse impacts upon the amenity of adjoining properties greater than what a complying development would impact, and this is because the carrying capacity of the site is for four dwellings and the environmental footprint is alike a pair of dual occupancies.

Dimensions and orientation of windows designed adequately, and appropriate siting of dwellings ensures minimal impact on adjoining properties.

Overall, it is assessed that the proposal is considered satisfactory, and the development application may be approved by Council subject to conditions.

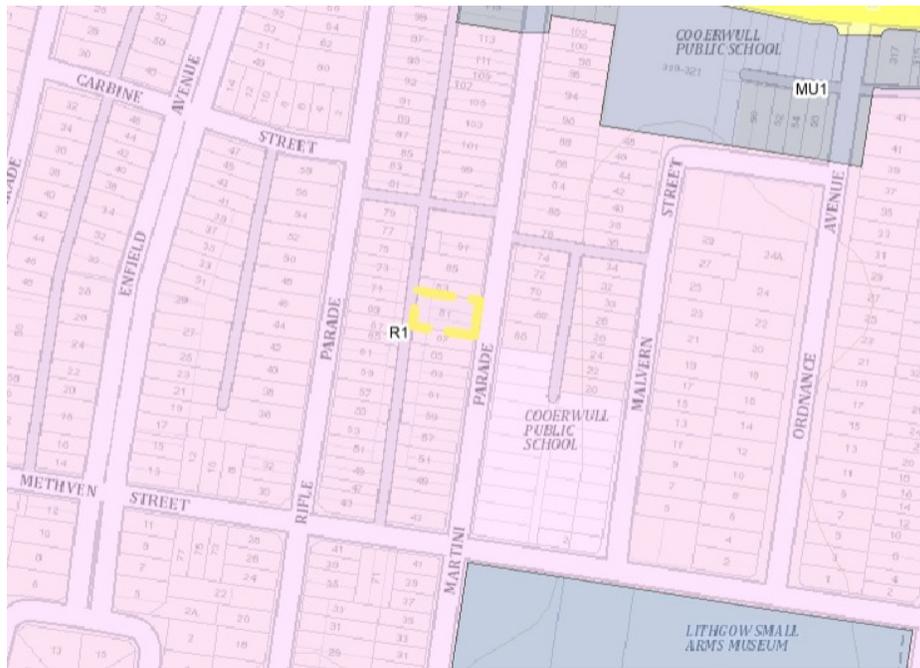
## 2. Site Details

### 2.1. Location & Site Description

The subject site consists of 4 allotments which are legally identified as Lots 585, 586, 587 in DP 9370 and Lot 31 in DP 251410 that form a rectangular shaped piece of land at H/N 81 Martini Parade, Lithgow 2790.

The site is located on the western side of Martini Parade, which is the main street frontage, and backs onto a laneway to the rear boundary that creates a parallel road.

The area is zoned predominantly R1 General Residential, and we note this area is envisaged to allow newer forms of housing and other permitted land uses.



*Strategic /land use mapping*

The site has a primary frontage of 25.298 metres to Martini Road and a total surface area of 1117.8sq.m.

The topography of the land is generally described as sloping away from Martini Road with a fall towards the rear laneway of around 1 metre (RL 913 to RL 912). An existing underground stormwater channel traverses the site which is not identified as a formal easement.

At the site stands a single storey cladding dwelling and other outbuildings.

It is proposed to demolish these existing site improvements.



*Subject site*



*Townscape looking southwards*



*Townscape looking northwards*

One existing street tree is found to the main road frontage which is to be retained. We also notice 1 existing tree found towards the rear of the land holding is also to be trained.

The area is described as detached houses of single storey-built form with shallow front setbacks that were built following the post-World War II period with some introduced newer forms of housing.

The genus of housing is generally older forms of cottages. The properties are defined with low level fencing, and this varies from low brick walls or metal wire fencing.

The dwellings are of simple roof design as either gable ends or hipped roof lines. The external cladding material consists of brick work and light weight cladding.

We observe the nearby public school contains a 2-storey built form.

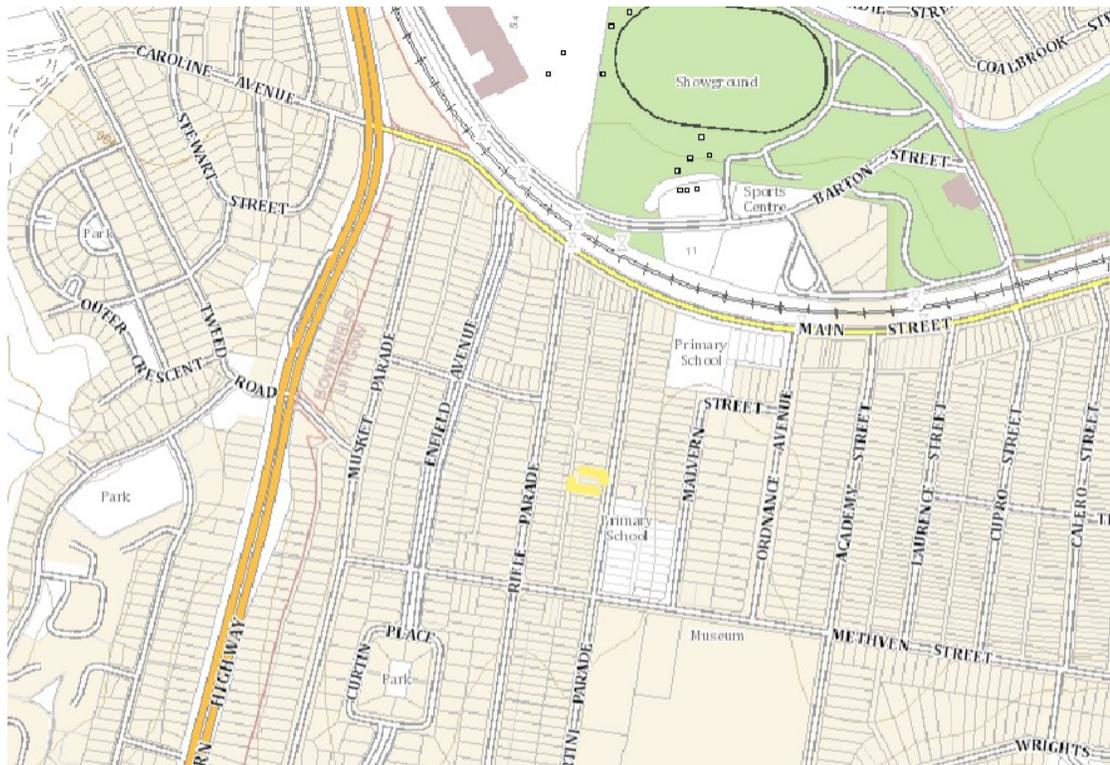
We note that to the southeast, Coerwull Public School is found, and along with a large economic zone. Whilst to the north, we also find a mixed-use zone and railway corridor.

The landscape to the backdrop shows tree lined ridges lines and provides a pleasant outlook. The front yards of the dwelling contain landscaping or grassed front yards.

The public road contains kerb and gutter and foot paths to both sides. The footways also contain overhead power lines and poles along detect the power poles along the western side of Martini Parade.

We understand there is a strong demand of increased newer housing products in the locality, and this is the envisaged future desired character in the way of newer forms of infill housing stock and in the manner proposed.

A location plan and aerial photo identifying the subject site is presented in below.



*Site Location*



*Aerial Image*

### **3. Development Proposal**

The development proposal seeks to consent for:

- Demolition of all site improvements found on the land.
- Construction of a multi-dwelling housing development comprising four dwellings with an attached single car garage, and ancillary works.
- Ancillary and related works including, new driveways and vehicular crossings, pathways, fencing to courtyards, retaining walls, stormwater drainage system and landscaping embellishment.

All relevant architectural plans and other supporting documents accompany the Development Application.

### **4. Permissibility**

The site is located within the R1 General Residential under the provisions of Lithgow Local Environmental Plan 2014.

The development proposal is defined as multi-dwelling housing and is permissible with development consent.

The proposal is consistent with the first two zone objectives, particularly the following:

- *To provide for the housing needs of the community.*
- *To provide for a variety of housing types and densities.*

The third zone objective does not apply, and reads:

- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*

The proposal is consistent with the fourth zone objective in our view given a suitable stormwater drainage concept is proposed, and reads:

- *To maintain or improve the water quality of receiving water catchments.*

The site is considered to be acceptable and appropriate for the development proposed.

The proposed development will provide for additional housing choice as envisaged by the planning controls.

Overall, there are no zoning or environmental characteristics that present obstacles to the development proposal and the proposal meets the definitions of the zone.

## **5. Matters of Consideration**

### **5.1. Section 4.15(1)(A)(I) - any environmental planning instruments**

#### ***Lithgow Local Environmental Plan 2014***

The relevant matters to be considered under Lithgow Local Environmental Plan 2014 for the proposed development are outlined below.

<b>Control</b>	<b>Planning Appraisal</b>
4.1A Minimum lot sizes for dual occupancies, multi dwelling housing and residential flat buildings	The site area is 1117.8 sq.m and exceeds the 800 sq.m requirement.
4.3 Height of buildings	The proposal provides for a 2-storey building envelope.

4.4 Floor space ratio	<p>Site area= 1117.8 sq.m</p> <p>50%= 558.9sq.m</p> <p>Total FSR= 521.12sq.m</p> <p>Complies.</p>
4.6 Exceptions to development standards	No variations are sought.
5.10 Heritage Conservation	The site is not affected by any heritage constraints or considerations.
7.1 Earthworks	<p>The proposed ground works are within acceptable levels for domestic construction to allow a foundation level and infrastructure allocation.</p> <p>Sediment control measures will be place during demolition and construction stages.</p>
7.3 Stormwater management	<p>The proposed development is considered satisfactory in relation to stormwater management.</p> <p>Refer to the Flood Impact Assessment Report and findings.</p>
7.4 Terrestrial biodiversity	We note the land is an existing cleared urban parcel of land. And the proposed development is considered satisfactory in relation to these items.
7.5 Groundwater vulnerability	<p>The proposal is not a large-scale major project warranting water access licenses and is neither a contaminated land holding.</p> <p>The proposed development is deemed satisfactory in relation to ground water vulnerability concerns.</p>

**State Environmental Planning Policy (Sustainable Buildings) 2022**

A BASIX certificate has been submitted in accordance with the requirements of the Policy.

**State Environmental Planning Policy (Resilience and Hazards) 2021**

Chapter 4 Remediation of land of the SEPP requires a consent authority to be satisfied that the site is suitable or can be made suitable to accommodate the proposed development.

The site is zoned for residential purposes, and without evidence of other uses or contaminating activities occurring on the land, it is not considered that the land is contaminated, and no further contamination assessment is required.

**5.2. Section 4.15(1)(A)(ii) – any draft environmental planning instrument(s)**

There are no known draft environmental planning instruments which affect the proposed development site.

**5.3. Section 4.15(1)(A)(iii) – any development control plan(s)**

The proposal is considered satisfactory with the relevant objectives contained in Lithgow Development Control Plan.

Attachment 1 contains a detailed assessment.

We note that the proposal achieves a reasonable degree of compliance with the controls and on all, the non-compliances are not a reason.

We have identified these non-compliances:

DCP Variation I

- *Front setbacks do not comply with a greater setback of 7 metres for a 2-storey envelope.*

Reason for non-compliance:

We believe the lesser setback as shown is appropriate given the shallower setbacks that are found in the context.

A greater setback would be nugatory in our view and a variation of up to 1.5 metres is considered acceptable to achieve a good sense of space.

DCP Variation II

- *Any building(s) on the rear 40% of the site should not exceed 5.4m.*

Reason for non-compliance:

It is not practical to apply as there is no rear boundary in this case.

DCP Variation III

- *Private courtyards within the front setback are only located within the articulation zones and / or behind the required front building line.*

Reason for non-compliance:

For Units 3 and 4, we observe the laneway is not the same as a collector road and we need to be practical in providing a suitable treatment to balance vehicle and pedestrian movements.

It would be undesirable to have pedestrian movement along the laneway frontage.

In this case, the private courtyards are positioned at the interface with the laneway, where contextually it would be appropriate to provide the private open space area in this space to match adjoining properties.

We note these Units are setback 6m to the laneway along with individual driveway access and tandem parking where it would be suitable to have vehicular movements.

To offset the conflict between vehicular and pedestrian movements, internal pedestrian access afforded as well.

We feel this alternative solution is acceptable.

DCP Variation IV

*Front fences:*

- *Are visually permeable (no more than 50% of the allowable fence area will be solid masonry, timber or metal).*
- *Average height no greater than 1.2m.*
- *Have a consistent character with other front fences in the street.*
- *Are not to be constructed of solid metal panels or unfinished timber palings.*

Reason for non-compliance:

Refer to drawings.

The fencing proposed for Unit 3 and 4 is considered appropriate for privacy reasons and along the rear laneway interface.

We feel this alternative solution is acceptable.

**5.4. Section 4.15(1)(A)(iiia) – any planning agreement**

There are no related matters for consideration in terms of a planning agreement or draft planning agreement which affects the development proposal.

**5.5. Section 4.15(1)(A)(iv) – the regulations**

The development proposal is viewed sufficient to enable a proper evaluation to be carried out by the Council under the planning regulations.

**5.6. Section 4.15(1)(B) – the likely impacts of the development**

There will be no significant or unreasonable adverse built environment impacts arising from the proposed physical works on the site.

The proposed development is designed to positively contribute to the Martini Parade public domain.

The architect applies a consistent architectural style and coordinated choice of modern materials, finishes and colours that is viewed to be consistent with surrounding and adjoining built environment.

The proposal is consistent with the objectives for development in R1 General Residential zone and provides diverse housing near existing services.

There are no undesirable socio-economic impacts that will result from the proposal and there will be positive employment opportunities during the construction phase.

**5.7. Section 4.15(1)(C) – the suitability of the site**

The proposal will not increase the demand for public services or facilities as the subject land well serviced.

The proposal is viewed compatible with the current and changing character of the mixed density residential area.

There are no adverse effects on adjoining properties and the site is considered suitable for the medium-density use, and this has been demonstrated in this report.

A flood risk assessment report is filed to support the proposal and its evident based on the conclusions and recommendations of this study, there has been negligible impact of flow velocities, with no concentrated flow paths being developed and all flows remaining within safe limits velocity / depth limits.

In addition, from the modelling it was found that with the control measures in place there was negligible impact on the flood levels experienced.

#### **5.8. Section 4.15(1)(D) – any submission made**

The proposal will have an acceptable impact when in view of key amenity issues such as visual impact, air quality, views, overshadowing, noise and privacy.

Council will review any submissions made during the exhibition process and we request we are given the opportunity to address any concerns.

#### **5.9. Section 4.15(1)(e) – the public interest**

The proposal is not contrary to the public interest, as the use is appropriate for the residential area and the proposal will have no significant detrimental effect relating to environmental and social or economic impacts on the locality.

### **6. Conclusion and Recommendation**

The main body of this report reviewed key planning considerations for a consent authority under the heads of consideration of Section 4.15 of the Environmental Planning and Assessment Act 1979 and has assessed the proposed development in accordance with relevant environmental planning instruments including Lithgow Local Environmental Plan 2014 and Development Control Plan.

The R1 General Residential zone is undergoing urban renewal and change, and the proposal is consistent with the general intent of the vision for the Lithgow LGA.

We believe the building design concept fits into this changing future character of the locality and the design approach is acceptable and within an acceptable environmental carrying footprint for the land holding.

It is acknowledged that excavation is needed on the site to achieve suitable building platform and to facilitate construction of the dwelling's foundation levels and serviceability requirements.

We feel suitable conditions of consent can be imposed to deal with the construction requirements around ground excavation and stabilisation.

The architectural design and built form we feel will be consistent with the desired future character of the locality, and the setbacks, positioning of the dwelling footprints is satisfactory with regard to height, bulk and scale considerations where the height plane ranges from 1 and up to 2 storeys.

The proposal generally complies with the LEP development standards and the controls and objectives of the DCP.

We have provided our reasons for the non-compliances and feel that a dispensation from the controls can be given based on the overall satisfactory presentation of the development proposal.

Council is reminded that the DCP controls may be varied and flexibility may be applied under Section 4.15(3A)(b) of the EP & A Act 1979 and we believe there are sufficient grounds to allow departures.

On this basis, it is recommended the development proposal be approved subject to conditions.

## **7. Attachment 1- Lithgow DCP Assessment Table**