



PO Box 28, Singleton NSW 2330

Mob 0427 000 910

Email [sally@orbitplanning.com.au](mailto:sally@orbitplanning.com.au)

ABN 46 484 735 708

## **STATEMENT OF ENVIRONMENTAL EFFECTS**

Change of Use to Dwelling and Building Alterations

**Lot 1 DP 1167323**

**484 Bowmans Creek Road, Bowmans Creek**

PREPARED ON BEHALF OF CATHERINE BALL

November 2017

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# 1 INTRODUCTION

This Statement of Environmental Effects has been prepared by Orbit Planning to support a development application for use of the existing building as a dwelling and minor alterations to roof and addition of deck at Lot 1 DP 1167323, 484 Bowmans Creek Road, Bowmans Creek.

## 1.1 The Proposed Development

<b>Proposal:</b>	Use of building as dwelling, roof alterations and deck addition
<b>Site:</b>	Lot 1 DP 1167323, 484 Bowmans Creek Road, Bowmans Creek
<b>Environmental Assessment:</b>	General Development, Part 4 of the Environmental Planning and Assessment (EP&A) Act 1979.
<b>Consent Authority:</b>	Singleton Council.
<b>Main Planning Instruments:</b>	Singleton Local Environmental Plan 2013.

# 2 SITE ANALYSIS

## 2.1 Site Location and Description

The legal description of the subject site is Lot 1 DP 1167323, 484 Bowmans Creek Road, Bowmans Creek. The site is irregular in shape and has an area of 1.029 hectares. The site has a 149.345 metre frontage to Bowmans Creek Road to the south and borders Foy Brook to the north. The site has a variable depth of up to 100 metres. Neighbouring the site to the north, east, south and west is rural farmland. There is a riparian corridor along Foy Brook but the remainder of the site is largely cleared of vegetation. The site is predominately flat with levels around RL 250.00AHD with a fall into Foy Brook in the north of the site. The site contains an existing building, comprising the disused Church, with direct vehicle access from Bowmans Creek Road.

**Figure 1** illustrates a locality plan of the subject site and surrounding area.

**Figure 2** provides an aerial view of the site and surrounds.

## 2.2 Access and Parking

The property has a frontage and vehicle access from Bowmans Creek Road to the south and there is adequate area on site for parking of vehicles. There is no change proposed to these arrangements.

## 2.3 Utilities and Services

The site currently has access to electricity and telecommunication (land lines and mobile services) facilities. The property is served by tank water and a pump out septic system. A new on site sewer management system is proposed with this application and a separate application is submitted for Council's assessment.





FIGURE 1 Locality Plan

NOT TO SCALE

SOURCE: Google Maps







### 3 BACKGROUND

With the support of Council and NSW Department of Planning & Environment the former Roman Catholic Church has recently been listed as a heritage item under Schedule 5 of Singleton Local Environmental Plan (SLEP) 2013. The SLEP amendment was accompanied by a detailed heritage assessment prepared by Carste Studio Pty Ltd. The Assessment of Heritage Significance included a 'Statement of Significance' that assessed the building against the NSW Heritage Office criteria, and stated:

*"The church was erected in 1902 by Mr. William Schmierer, Great Grandfather of the present owner for the local Roman Catholic residents, on land owned by the Ball family. The site and former church building are historically significant as a privately owned and constructed Roman Catholic Church. (Criteria a).*

*The church and site have strong historical association with the early settlers of the area and in particular the four generations of the Ball family who not only provided the land, but also worshipped in and maintained the building. Other families who were strongly associated with the site and building were the Bowmans Creek Marshall family, and the Catholic families on Campbells Creek – the Sattler, Cooper and Ritter families, and the Kinzigs of Dry Creek. The Church has a strong service association with the St Patrick's Parish of Singleton and St Catherine's College, whose youth Group used the building for retreat camps from 1979 to 1984. The Redemptorist priests from the broader Roman Catholic Church used the church for Retreats and Mission. (Criteria b.)*

*The building is a Simple Carpenter Gothic rural church building, with gable roofed Nave and Vestry annexe. In its setting, located on a flat beside the creek and low down in a valley, with a background of trees along the creek route, the building has landmark qualities. While it is not now used as a church, it still retains the identifiable characteristics of the bush church. (Criteria c.)*

*The place has several layers of importance for its social value as a meeting place for the dispersed rural community, its use as a School for a short period of time and ongoing weekly religious instruction as well as a place for religious retreats by the Redemptorist priests, a venue for St Catherine's College Youth Group camps, and its importance as a worship centre for the Roman Catholic community of the Bowmans Creek area. (Criteria c.)*

*The bush carpentry methods are of interest, the workmanship employed in construction being of high quality. (Criteria d.)*

*In dispersed rural communities, the social focus was on Halls and churches, and in this area, there are very few remnants remaining, many buildings having fallen into disrepair through closure or lack of use through rural decline, and suffering from storm, flood and termite damage. Thus, this place is a rare remnant in the remote area of Singleton LGA. (Criteria e.)*

*The building is intact and retains much of its detailing and elements, including some of the movable elements associated with its church function. Some of these are not retained on site, but are stored locally. The interior timber walls, ceiling and floor and their finishes are in very good condition. The exterior requires some repairs which are in the most part trim and painting. (Criteria f.)"*





The building met the criteria for heritage listing on a number of the criteria including criteria a, b, c, d e & f and was added to Schedule 5 of SLEP 2013 listed on 12 May 2017. This application seeks approval for the use of the former Church as a dwelling. A Section 149D Building Certificate application has been lodged concurrently with this development application to regularise some additions to the former Church building that were undertaken without the necessary approval. The additions are attached to the former Church and are depicted in the submitted plans (Ref: 17-41 Drawing 01) and comprise a kitchen, bathroom and bedroom. This application also seeks approval for some minor cosmetic changes to the roof of the addition to the Church and a new deck as recommended by the heritage consultant and determined in consultation with Council's heritage advisor (Ref 17-41 Drawing 02). The completed building works are relatively minor and this application confirms they are acceptable from a heritage impact perspective, with some minor roof amendments. Support for this application will ensure the retention and ongoing maintenance of the historic building.

## **4 DESCRIPTION OF PROPOSED DEVELOPMENT**

The development application seeks approval for the use of the disused Church as a dwelling and alterations to the roof line and addition of a deck as detailed on the plan 17-41 Drawing 02 prepared by Carste Studio Pty Ltd.

## **5 ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979**

As consent is required for the proposed development, the proposal is to be assessed under the provisions of Part 4 of the Environmental Planning and Assessment (EP&A) Act, 1979. The proposed development is deemed "general" pursuant to the provisions of the EP&A Act, 1979

Section 79(C) of the EP&A Act, 1979 sets out the matters a consent authority must take into account when determining a development application. These include: -

- a) *"the provisions of: -*
  - i. *any environmental planning instrument, and*
  - ii. *any draft environmental planning instrument that is or has been placed on public exhibition and details of which have been notified to the consent authority; and*
  - iii. *any development control plan; and*
  - iiia. *any planning agreement that has been entered into under section 93F, or any draft planning agreement that a developer has offered to enter into under section 93F, and*
  - iv. *the regulations (to the extent that they prescribe matters for the purposes of this paragraph), that apply to the land to which the development application relates.*
- 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.*
- c) *the suitability of the site for the development.*
- d) *any submission made in accordance with this Act or the regulations.*
- e) *the public interest".*

## 5.1 State Environmental Planning Policy (Rural Lands) 2008

SEPP (Rural Lands) 2008 was gazetted in May 2008 and applies to land within the Singleton Local Government Area. The aims of this SEPP are:

- (a) *to facilitate the orderly and economic use and development of rural lands for rural and related purposes,*
- (b) *to identify the Rural Planning Principles and the Rural Subdivision Principles so as to assist in the proper management, development and protection of rural lands for the purpose of promoting the social, economic and environmental welfare of the State,*
- (c) *to implement measures designed to reduce land use conflicts,*
- (d) *to identify State significant agricultural land for the purpose of ensuring the ongoing viability of agriculture on that land, having regard to social, economic and environmental considerations,*
- (e) *to amend provisions of other environmental planning instruments relating to concessional lots in rural subdivisions.*

**Clause 10** of the SEPP (Rural Lands) 2008 identifies the matters to be considered in determining development applications for rural subdivisions or rural dwellings and states:

- (1) *This clause applies to land in a rural zone, a rural residential zone or an environment protection zone.*
- (2) *A consent authority must take into account the matters specified in subclause (3) when considering whether to grant consent to development on land to which this clause applies for any of the following purposes:*
  - (a) *subdivision of land proposed to be used for the purposes of a dwelling,*
  - (b) *erection of a dwelling.*
- (3) *The following matters are to be taken into account:*
  - (a) *the existing uses and approved uses of land in the vicinity of the development,*
  - (b) *whether or not the development is likely to have a significant impact on land uses that, in the opinion of the consent authority, are likely to be preferred and the predominant land uses in the vicinity of the development,*
  - (c) *whether or not the development is likely to be incompatible with a use referred to in paragraph (a) or (b),*
  - (d) *if the land is not situated within a rural residential zone, whether or not the development is likely to be incompatible with a use on land within an adjoining rural residential zone,*
  - (e) *any measures proposed by the applicant to avoid or minimise any incompatibility referred to in paragraph (c) or (d).*

The proposed development seeks consent for the use of the historic building as a dwelling and is considered to be acceptable having regard to the matters identified in Clause 10(3) above. The proposed dwelling use and minor roof alterations are considered to be consistent with the SEPP (Rural Lands) 2008.



## 5.2 Singleton Local Environmental Plan 2013

**Clause 1.9A** applies to suspension of covenants, agreements and instruments and states (in part):

- (1) *For the purpose of enabling development on land in any zone to be carried out in accordance with this Plan or with a consent granted under the Act, any agreement, covenant or other similar instrument that restricts the carrying out of that development does not apply to the extent necessary to serve that purpose.*
- (2) *This clause does not apply:*
  - (a) *to a covenant imposed by the Council or that the Council requires to be imposed,*

The existing allotment contains a covenant that prohibits the ‘erection of a dwelling’ on the site. It is submitted that this application is not inconsistent with this covenant as the application does not seek approval for the ‘erection’ of a dwelling and merely seeks a change of use of the former Church to a dwelling with a minor roof addition. The covenant does not restrict the use of the existing building as a dwelling and this proposed use is justified on heritage grounds as outlined in the Statement of Heritage Impact and Clause 5.10 of SLEP below.

**Clause 2.3** of SLEP 2013 requires that the consent authority must have regard to the objectives for development in a zone when determining a development application. The site is zoned Primary RU1 Production pursuant to the provisions of Singleton Local Environmental Plan 2013 (SLEP 2013) and the objectives of this zone are as follows:

- *To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.*
- *To encourage diversity in primary industry enterprises and systems appropriate for the area.*
- *To minimise the fragmentation and alienation of resource lands.*
- *To minimise conflict between land uses within this zone and land uses within adjoining zones.*

The proposed dwelling use is permissible in the RU1 zone with consent and the works are not inconsistent with the zone objectives.

**Clause 4.2A** applies to dwellings in rural zones and states:

- (1) *The objectives of this clause are as follows:*
  - (a) *to minimise unplanned rural residential development,*
  - (b) *to enable the replacement of lawfully erected dual occupancies and dwelling houses in rural and environment protection zones.*
- (2) *This clause applies to land in the following zones:*
  - (a) *Zone RU1 Primary Production,*
  - (b) *Zone RU2 Rural Landscape,*
  - (c) *Zone RU4 Primary Production Small Lots,*
  - (d) *Zone E3 Environmental Management.*
- (3) *Development consent must not be granted for the erection of a dual occupancy or dwelling house on land to which this clause applies unless the land:*
  - (a) *is a lot that is at least the minimum lot size shown on the Lot Size Map in relation to that land, or*



- (b) *is a lot created under this Plan (other than under clause 4.2 (3)), or*
- (c) *is a lot created on or after 7 January 1966, but before this Plan commenced, and on which the erection of a dual occupancy or dwelling house was permissible immediately before that commencement, or*
- (d) *is a lot resulting from a subdivision for which development consent (or equivalent) was granted on or after 7 January 1966, but before this Plan commenced, and on which the erection of a dual occupancy or dwelling house would have been permissible if the plan of subdivision had been registered before that commencement, or*
- (e) *is an existing holding, or*
- (f) *is a 1980 holding.*

*Note. A dwelling cannot be erected on a lot created under clause 9 of State Environmental Planning Policy (Rural Lands) 2008 or clause 4.2.*

- (4) *Development consent must not be granted under subclause (3) unless:*
  - (a) *no dual occupancy or dwelling house has been erected on the land, and*
  - (b) *if a development application has been made for development for the purpose of a dual occupancy or dwelling house on the land—the application has been refused or it was withdrawn before it was determined, and*
  - (c) *if development consent has been granted in relation to such an application—the consent has been surrendered or it has lapsed.*

The application does not seek approval for the ‘erection of a dwelling house’ (as regulated under sub clause 3), it merely seeks approval for the ‘use’ of the existing building as a dwelling house. The land does not meet the minimum lot size for the erection of a dwelling (under sub clause 3(a)) and the site falls outside the remaining criteria (b) – (f). Notwithstanding, it is submitted that support the use of the heritage building as a dwelling is justified under the provision of Clause 5.10(10) Conservation Incentives as detailed below and can therefore be supported by Council. This is consistent with the pre-lodgment discussions and instructions issued by Council in their correspondence to the owner dated 4 December 2015.

**Clause 5.10** applies to heritage conservation and the objectives of the clause are:

- (a) *to conserve the environmental heritage of Singleton,*
- (b) *to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,*
- (c) *to conserve archaeological sites,*
- (d) *to conserve Aboriginal objects and Aboriginal places of heritage significance.*

The subject site is identified as a local heritage item (Item 156) on Schedule 5 of SLEP 2013 and is described as *Former Roman Catholic Church (formerly school, community hall, accommodation, etc)*. A Statement of Heritage Impact has been prepared by Stephen Booker from Carste Studio (submitted under separate cover) to support the proposed use and works and preliminary discussion has been held with Council’s heritage advisor. The proposed use of the former Church as a dwelling and associated roof alteration and deck addition is supported on heritage grounds as detailed in the report.

Sub clause 10 identifies conservation incentives and states:



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*The consent authority may grant consent to development for any purpose of a building that is a heritage item or of the land on which such a building is erected, or for any purpose on an Aboriginal place of heritage significance, even though development for that purpose would otherwise not be allowed by this Plan, if the consent authority is satisfied that:*

- (a) the conservation of the heritage item or Aboriginal place of heritage significance is facilitated by the granting of consent, and*
- (b) the proposed development is in accordance with a heritage management document that has been approved by the consent authority, and*
- (c) the consent to the proposed development would require that all necessary conservation work identified in the heritage management document is carried out, and*
- (d) the proposed development would not adversely affect the heritage significance of the heritage item, including its setting, or the heritage significance of the Aboriginal place of heritage significance, and*
- (e) the proposed development would not have any significant adverse effect on the amenity of the surrounding area.*

**Comment:** The application relies on the conservation incentives clause to facilitate the change of use and ongoing maintenance of the historic building. Detailed discussion on this and justification against the criteria is provided in the Statement of Heritage Impact (SOHI) prepared by Stephen Booker (dated 20th October 2017). The SOHI relates to the proposed remedial design and construction works to amend the existing additions to integrate them better with the existing building and as a fitting and sensitive appurtenant element to the heritage item. A number of design options were considered and these are explored in the SOHI. The final adopted design involves maintaining the existing floor plan while providing for more usable outdoor space through the addition of a north and eastern decking and removing that part of the existing skillion roof over the kitchen/dining area and replacing it with a pitched roof. This design allows the existing ceiling of the addition to be retained whilst improving the compatibility of the roof addition with the historical Church.

An assessment against each criteria under Clause 5.10(10) has been completed in the SOHI and is summarised and reinforced as follows:

- (a) the conservation of the heritage item or Aboriginal place of heritage significance is facilitated by the granting of consent*

The site is in an isolated area, and in its guise as a disused Church has limited scope for future use. The nearby church at Goorangoola is in a far better condition of maintenance and is actively used as a place of worship. The proposed work is achievable physically and financially by the owner. Were more extensive works to be required in altering the building to accommodate residential use, there would be no means to finance urgent repairs and maintenance. Put simply, the less that is spent on altering the building the more that is available for repairs and ongoing conservation. The ability to reside in the former church will mean it is occupied and being protected and retained as a viable watertight and maintained building. This is particularly so as the owner has not only sentimental associations with the place, but also strong familial ties to the valley and the building. Should the application not be supported the building will not be occupied and the important maintenance work will not be carried out and the building will fall into disrepair.

- (b) the proposed development is in accordance with a heritage management document that has been approved by the consent authority, and*

The term 'heritage management document' is defined under Singleton Local Environmental Plan 2013 as follows:

*“heritage management document” means:*

- (a) a heritage conservation management plan, or*
- (b) a heritage impact statement, or*
- (c) any other document that provides guidelines for the ongoing management and conservation of a heritage item, Aboriginal object, Aboriginal place of heritage significance or heritage conservation area.*

The proposed development is supported by a SOHI prepared by Carste Studio Pty Ltd and the proposed development complies with the findings and recommendations of this report. The required 'heritage management document' need meet only one of the above definitions but it is submitted that the SOHI meets the requirements under both (b) and (c). This document provides assessment in regard to the heritage impact of the proposed development under (b) and guidance in regard to the ongoing conservation and management of the building as required by (c). The inspection of the building has identified a number of issues which need maintenance and the SOHI makes appropriate conservation recommendations which will be enforced by the conditions of consent. The SOHI therefore meets the requirement under definitions (b) and (c) above.

***(c) the consent to the proposed development would require that all necessary conservation work identified in the heritage management document is carried out, and***

The SOHI has carefully considered the requirement of this clause and identified a scope of work necessary to remediate the condition of the building and to ensure the conservation of the heritage item. These details are included in Section 5 of the SOHI and are summarised as follows:

- Repair of weatherboards and indenting of new weatherboards where the existing have severe damage and deterioration.
- Corner posts to be inspected for soundness and solid bearing (due to cover mouldings having rotted).
- Ensure adequate soil levels around the entry end of the building to provide surface drainage and control runoff to divert water away from the sub floor space.
- Repair and remount salvaged gable end crosses to the building
- Detached downpipes from the gutters need to be reconnected and discharged away from the building or into common tunnel trenching absorption trenches or plumbed into the stormwater tanks already present on the site.
- Undertake the design changes as detailed in the Drawing 02 prepared by Carste Studio Pty Ltd

The scope of conservation work proposed under the SOHI has been submitted to Council's heritage adviser for preliminary review and comment prior to the lodgement of the scope was deemed to be acceptable. It is submitted that the scope of work can be conditioned as part of the development approval and compliance with the conditions of consent will ensure consistency with this clause.

***(d) the proposed development would not adversely affect the heritage significance of the heritage item, including its setting, or the heritage significance of the Aboriginal place of heritage significance, and***

The proposed development would not adversely affect the heritage significance of the heritage item, including its setting. The heritage consultant has developed a concept that provides a simple and effective means of satisfying the aesthetic and practical realities of improving the appearance of the additions such that they are responsive to the form and character of a heritage item. The SOHI outlines the process taken and the alternatives that have been considered and discarded in reaching the proposed solution, as well as analyzing why the proposed alternative has been selected over the others. The iterative process has been taken to reach the best achievable sensitive proposal.

***(e) the proposed development would not have any significant adverse effect on the amenity of the surrounding area.***

The proposed development would not have any significant adverse effect on the amenity of the surrounding area. Not only is the development proposal an improvement in physical appearance/ aesthetics in an overall sense, but the amenity of the building, and environmental considerations in disposal of sewage and grey water, as well as rainwater harvesting have been incorporated as an integrated part of the proposal minimising any environmental impacts and providing a greatly enhanced management of waste and recycling than has ever been in place on the site. The presence of residents in the building will also provide security for the place and avert it becoming a dilapidated obsolete building with no viable function.

The following conclusions in the SOHI are highlighted for Council's consideration:

- *The existing form of the addition is generally acceptable, however the aesthetics of the skillion roof when viewed against the existing gable roof form of the existing building provides an incongruent element to the heritage character of the former church.*
- *The remedial action in reroofing the addition in a gabled form as documented and with an eastern verandah roof provides a fitting intervention to the existing church building and enhances the amenity of the building as a residence.*
- *The final assessment is that, if the recommendations are followed, there are no major impediments, based on heritage criteria, for the proposal to be approved.*
- *The Conservation Incentives clause 5.10.10 of the LEP 2013 should be applied in this instance as the design meets the criteria, the conservation works will be precluded if the work is not approved as submitted and the viability of the building will be jeopardised*

It is submitted that support for the proposed development will facilitate the conservation and ongoing maintenance of the historic building. Should the proposal not be supported the building will be kept in its current basic condition which will likely lead to a continued decline in its condition, contrary to the intent of the heritage listing. It is submitted that based on the information available and the proposed design the conservation of the listed item will be facilitated by the granting of consent for the change of use and proposed additions.

**Clause 7.6** of SLEP 2013 applies to riparian land and watercourses and states:

- (1) *The objective of this clause is to protect and maintain the following:*
  - (a) *water quality within watercourses,*
  - (b) *the stability of the bed and banks of watercourses,*
  - (c) *aquatic and riparian habitats,*
  - (d) *ecological processes within watercourses and riparian areas.*

- 
- (2) *This clause applies to all of the following:*
- (a) *land identified as “Riparian land” on the Riparian Lands and Watercourses Map,*
  - (b) *land identified as “Watercourse” on that map,*
  - (c) *all land that is within 40 metres of the top of the bank of each watercourse on land identified as “Watercourse” on that map.*
- (3) *Before determining a development application for development on land to which this clause applies, the consent authority must consider:*
- (a) *whether or not the development is likely to have any adverse impact on the following:*
    - (i) *the water quality and flows within the watercourse,*
    - (ii) *aquatic and riparian species, habitats and ecosystems of the watercourse,*
    - (iii) *the stability of the bed and banks of the watercourse,*
    - (iv) *the free passage of fish and other aquatic organisms within or along the watercourse,*
    - (v) *any future rehabilitation of the watercourse and riparian areas, and*
  - (b) *whether or not the development is likely to increase water extraction from the watercourse, and*
  - (c) *any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.*
- (4) *Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that:*
- (a) *the development is designed, sited and will be managed to avoid any significant adverse environmental impact, or*
  - (b) *if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or*
  - (c) *if that impact cannot be minimised—the development will be managed to mitigate that impact.*

**Comment:**

The site adjoins Foy Brook which is an intermittent watercourse. The use of the existing building as a dwelling will not have any adverse impact on the watercourse. The existing building is located within 40 metres of the high bank and the proposed deck will result in a setback of around 22 metres from the high bank. However, a controlled activity approval is not required as there are exemptions for dwelling houses as follows:

*A controlled activity approval is not required for erecting or demolishing, or the alteration or addition to, or the provision of ancillary facilities for a dwelling house or dual occupancy building, so long as the activity:*

- *is exempt development for the purposes of Environmental Planning and Assessment Act 1979 or is subject to a development consent or complying development certificate in force under the Environmental Planning and Assessment Act 1979*
- *is not constructed on or in the bed or bank of a river, the bed or shore of a lake, or the bed or land lying between the high water mark of any estuary.*

The proposed changes are to be undertaken well away from the high bank and there are no changes that would impact on water quality and flows within the watercourse, impact on aquatic and riparian species, adversely impact on the stability of the bed and banks of the watercourse or obstruct the free passage of fish and other aquatic organisms within or along the watercourse. There are only minor earthworks required for the footings at the deck as the only other change is to the roof line which can be undertaken without





impacting on the watercourse. The new on site sewer management disposal area is setback in excess of 40 metres from the intermittent watercourse (as detailed on the submitted plan) in accordance with Council requirements. The proposed development is acceptable having regard to the provisions of Clause 7.6.

### ***Clause 7.10 Essential services***

Clause 7.10 states:

*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:*

- (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.*

#### **Comment:**

There is no change to the existing vehicle access arrangements which are identified on the site plan. The existing site is serviced by telecommunications and electricity and the dwelling use will maintain these service connections. The existing building has a number of rainwater tanks that collect rainwater and roof water and this will be retained. The existing building is serviced by a pump out septic system and this is proposed to be replaced in accordance with Council requirements to an aerated wastewater treatment system with surface irrigation disposal area. A separate on site sewer management application is lodged under separate cover for this system.

## **5.3 Singleton Development Control Plan**

The following elements under Singleton DCP are relevant to this application.

### **5.3.1 Clause 2.4 – Stormwater Drainage System**

The objectives of this clause are:

- a) to ensure that lots can dispose of stormwater in a suitable manner*
- b) to ensure that development does not contribute to adverse stormwater impacts down stream*
- c) to ensure that stormwater generated as a result of development does not overload the public stormwater drainage system*

The existing drainage involves a 10,500 Litre water tank collecting roof water from the building and there is no change to these arrangements.

### **5.3.2 Clause 2.9 – Maximum Building Height**

The objectives of this clause are:

- a) to ensure building heights are appropriate in the setting*
- b) to ensure that the height of buildings does not generate adverse impacts in the locality*



A review of the 'maximum building height map' shows that the maximum building height for the site is 11 metres. The proposed building contains a maximum ridge height of 4.876 metres, with the roof addition sitting approximately 1.5 metres below this level and complies with this requirement. The proposed minor change to the roof line is below the main roof of the Church and complies with this requirement. It is submitted that the proposal is acceptable having regard to the requirements of Clause 2.9.

### 5.3.3 Clause 2.10 – Building Line

The objectives of this clause are:

- (a) to maintain a consistent streetscape*
- (b) to encourage landscaping within the lot frontage*
- (c) to minimise the impacts of road noise on buildings by requiring suitable separation from boundaries addressing a public road*

Clause 2.10(3) requires that for land zoned RU1 a building shall not be erected within 40 metres of the front boundary. The existing building is setback approximately 37.7 metres from the front building line and there is no change proposed to this setback. As the application is for use and not the erection of a building it is submitted that this clause does not technically apply and the existing arrangements are satisfactory.

### 5.3.4 Clause 2.11 – Side & Rear Setbacks

The objectives of this clause are:

- (a) to provide a measure of privacy and amenity between neighbours,*
- (b) to minimise land use conflicts between properties by providing a level of separation between buildings and property boundaries,*

The setback of buildings from the side boundaries on land zoned RU1 is 10 metres and the existing building complies with this requirement with side setbacks of 22 metres to the east and 30 metres to the west.

### 5.3.5 Clause 2.13 – Density of Residential Accommodation

The objectives of this clause are:

- (a) to manage the density of certain development*
- (b) to protect and enhance the amenity of localities by ensuring that they do not become over-developed*
- (c) to minimise adverse cumulative impacts such as visual impacts, traffic congestion, poor social cohesion and increased noise pollution*

The site has an area of 1.029 hectares. The maximum floor space ratio (FSR) allowed for the site is 0.5:1. The proposed development has a Gross Floor Area (as defined) of 83.6m<sup>2</sup> and results in a FSR of 0.008:1 thereby complying with the DCP requirements.

### 5.3.6 Clause 2.16 – Environmental Outcomes

The objectives of this clause are:

- (a) to avoid adverse impacts on the environment*
- (b) to achieve biodiversity outcomes which improve upon or at least maintain the pre-development situation*

- (c) to minimise the potential for land degradation*
- (d) to encourage environmentally responsible design*

The proposed use of the former Church as a dwelling can be accommodated on site without adversely impacting on any biodiversity outcomes, will not result in land degradation and will not adversely impact on the environment. It is noted that the existing pump out septic system is being replaced with an aerated wastewater treatment system which has been sited in accordance with Council setback requirements and can be comfortably accommodated on the site.

### **5.3.7 Clause 2.17 – Preservation of trees and vegetation**

The objectives of this clause are as follows:

- (a) to preserve trees and other vegetation which positively contributes to the amenity of an area,*
- (b) to avoid clearing of vegetation wherever possible,*
- (c) to encourage biodiversity conservation.*

The proposed use will not require the removal of any vegetation and will not impact biodiversity issues. The site has adequate landscaping and this will be retained under the application.

### **5.3.8 Clause 2.18 – Landscaping**

The objectives of this clause are:

- a) to deliver high quality landscaping design*
- b) to improve the appearance of development when viewed from the street and neighbouring properties*
- c) to ensure that landscaping is safe and appropriate in the setting*
- d) to achieve good urban design outcomes*

The application is for use with minor roof amendments at the rear and a deck therefore no additional landscaping is required or proposed for the application. The existing landscaping on site is adequate and will be retained.

### **5.3.9 Heritage Conservation**

The objectives of this clause are as follows:

- (a) to conserve the environmental heritage of the Singleton Local Government Area,*
- (b) to prevent the deterioration of the heritage significance of heritage items and heritage conservation areas,*
- (c) to ensure that the impacts of development on the heritage significance of heritage items and heritage conservation areas is adequately considered*

As discussed in Section 5.2 of this report the subject site is identified as a heritage item. Sub clause 3 provides that:

*“Before granting development consent for a building (including external alterations and additions to an existing building), on land to which this clause applies, the consent authority should be satisfied that the development will not unreasonably impact upon the heritage significance of the heritage item or heritage conservation area concerned”*

As detailed earlier in this report the proposed development is supported by a Statement of Heritage Impact prepared by Stephen Booker. The proposed works have been designed to respect and enhance the heritage significance of the historic Church and to be compatible with the rural streetscape. The additions have been kept below the ridge height of the original building and are complimentary in design, whilst not mimicking or competing with the original fabric of the building. Support for the proposed development will meet the objectives of this clause as it will ensure the conservation of a historic Church through the adaptive re-use as a dwelling. The additions to the Church will be modified slightly to address the recommendations of the SOHI and these can be enforced through conditions of consent. If the proposed change of use and associated maintenance works are not supported the historic building would deteriorate which is contrary to the heritage listed of the property. The impacts of the development have been extensively considered in the SOHI and this report and it is submitted that they are overwhelmingly positive and support for the proposal is justified in the circumstances of the case.

### 5.3.10 Clause 2.21 – Earthworks and Retaining

The objectives of this clause are:

- a) to avoid the need for excessive cutting and filling*
- b) to encourage building design to work with the natural topographical conditions of the site*
- c) to encourage construction techniques which provide opportunities to minimise cut and fill*

The existing site is predominantly flat and there are no earthworks or retaining walls required for this use, apart from installation of footings for the deck.

### 5.3.11 Clause 2.23 – Building Appearance

The clause states:

- (1) The objectives of this clause are as follows:*
  - (a) to achieve good urban design outcomes for residential development,*
  - (b) to protect visually attractive streetscapes,*
  - (c) to encourage building design to consider impacts on surrounding built forms and landscape qualities,*
  - (d) to ensure that building design does not detract from the visual amenity of the locality.*
- (2) This clause applies to development involving the erection of a building on any land to which this Plan applies.*
- (3) Development consent should not be granted to erect a building (including external alterations and additions to an existing building), unless the consent authority is satisfied that:*
  - (a) the building appearance does not detract from the visual quality of the streetscape, and*
  - (b) the mass and proportion of the building is appropriate in the context of the natural skyline and other development in the locality, and*
  - (c) the building design provides a sense of address to the street (if the building is viewable from the street), either by fronting the street or having doorway access visible from the street, and*
  - (d) the building suitably integrates with the natural features of the site, including topography, vegetation and landscaping, and*
  - (e) the building design incorporates suitable measures to enhance the appearance of large expanses of wall including use of articulation, windows, stepped building form and suitable facade treatments, and*



- (f) *the external colour treatments of the building are appropriate in the setting, and*
- (g) *the building materials are suitable in relation to appearance and durability, and*
- (h) *the building appearance is compatible with any heritage qualities of the building or area.*

The proposal is for a change of use and the only building works are some minor changes to the roof, a deck addition and maintenance works required for the heritage listed building. The proposed roof changes are to the addition and are located at the rear of the Church and not overly visible from the public domain of Bowmans Creek Road. An extensive assessment of the presentation of the building has been undertaken in the SOHI submitted under separate cover. The proposed development is acceptable having regard to the above objectives.

### 5.3.12 Clause 2.26 – Driveway Access

*The objective of this clause is to ensure that driveways have a suitable surface treatment and are not too steep or poorly located*

The existing driveway and access crossing will be retained under this application and the grade is compliant with Council's requirements.

### 5.3.13 Clause 2.27 – Car Parking

Clause 2.27 states:

- 1) *The objective of this clause is to ensure that car parking for developments is provided onsite, thereby reducing the demand for on-street parking*
- 2) *This clause applies to development that would generate car parking demand on any land to which this Plan applies.*
- 3) *Schedule 1 of this Plan sets out the minimum number of onsite car parking spaces required to be provided for a range of uses.*
- 4) *Development consent should not be granted for development that would generate car parking demand, unless the consent authority is satisfied that the number of car parking spaces available onsite would be sufficient to accommodate that demand*
- 5) *Despite subclauses 3 and 4, development consent may be granted to development that provides a lesser number of onsite car parking spaces where the consent authority is satisfied that it is appropriate in the circumstances of the case because:*
  - a) *there is a historic deficiency in car parking associated with the site; or*
  - b) *the development is of a minor nature and would not create a demand for more than one additional car parking space.*
  - c) *there are no reasonable opportunities to provide parking onsite and there is sufficient public parking available in close proximity to the development site*
- 6) *In considering whether the reduced provision of onsite car parking is appropriate in the circumstances of the case, the consent authority must have regard to the following matters*
  - a) *impacts on local traffic, and*
  - b) *availability and access to public transport, and*
  - c) *impacts on the amenity of neighbours and the public, and*
  - d) *impacts on streetscape amenity, and*
  - e) *whether there are reasonable opportunities to provide the parking on the allotment, and*
  - f) *whether there is sufficient alternative public parking in vicinity of the site.*

The proposed development provides on-site parking in compliance with DCP requirements as follows:

**Table 1: Parking Generation**

LAND USE - DWELLING	REQUIREMENT	No. OF SPACES REQUIRED	No. SPACES PROVIDED
1 Dwelling	2 spaces per 2 bedroom dwelling	2	2+

There is no change to the existing access arrangements which comprise a driveway with direct access from Bowmans Creek Road. There is adequate area on site for parking of vehicles and all vehicles can enter and exit the site in a forward direction.

### 5.3.14 Clause 2.29 – Waste Storage

The objectives of this clause are to

- a) to minimise the adverse environmental impacts associated with waste storage and collection
- b) to ensure that waste storage areas are conveniently located for both the user and waste collector,
- c) to minimise the likelihood of illegal dumping
- d) to ensure optimum hygiene in the management of waste
- e) to minimise adverse amenity impacts associated with waste storage

There is no change to the existing waste arrangements for the building and there is adequate area on site for storage of bins. Rubbish will be disposed of in a safe and legal manner to the local waste facility.

### 5.3.15 Clause 2.34 – Views and Visual Impact

Clause 2.34 states:

- (1) The objectives of this clause are as follows:
  - (a) to achieve good urban design,
  - (b) to ensure that the visual impacts of development on local amenity are duly considered,
  - (c) to ensure that the design of development is appropriate in the setting.
- (2) This clause applies to development involving the erection of a building (including additions) or structure on any land to which this Plan applies.
- (3) Development consent should not be granted to development on any land to which this Plan applies, unless the consent authority is satisfied that the development will not have significant adverse impacts on the visual quality of the locality, landscape or streetscape.
- (4) Development consent should not be granted to development on any land to which this Plan applies, unless the consent authority is satisfied that the development will not have significant adverse impacts on the privacy of residences.
- (5) In deciding whether to grant consent to development on land, the consent authority must have regard to the following matters:
  - (a) whether buildings or structures would break the natural skyline, and
  - (b) whether boundaries and demarkation between areas is appropriate, and
  - (c) the balance between humanmade and natural features, and
  - (d) whether the hue and intensity of colours is appropriate in the setting, and
  - (e) whether the appearance of the development is consistent with community preferences, in the context that progress can change perceptions, and

- 
- (f) avoidance of detrimental impacts on the enjoyment of views to significant landmarks and vistas from public domain view corridors.*
  - (g) whether any proposed barriers or screens are appropriate and provide high quality visual outcomes, and*
  - (h) how the development will look at different times of the day and in different seasons, and*
  - (i) whether direct views into the windows of habitable rooms of any nearby dwellings is mitigated through screening, distance separation or other suitable design measure.*

The application is for a change of use and only minor changes to the roof at the rear of the existing Church and deck addition. The presentation of the existing building has been carefully considered in the SOHI and found to be compatible with the area. There are no adjoining neighbours that will be affected by the change in use and visual and acoustic privacy to the neighbouring properties is maintained.

### **5.3.16 Clause 4.3 – Site Planning**

The objectives of this clause are:

- a) to encourage development that shows “good manners” to surrounding development by considering the characteristics of adjoining and adjacent sites at the outset of the design process*
- b) to encourage consideration of site attributes, constraints and infrastructure at the initial design stage*
- c) to achieve high quality design outcomes through consideration and appropriate response to natural and build site features*

The application seeks a change of use to a dwelling to ensure the long term future of the historic former Church. The occupation of the building on a permanent basis will facilitate the ongoing maintenance needed to the heritage listed building. Support for the proposed use will ensure the ongoing conservation of a listed heritage item, and is permissible pursuant to Clause 5.10(10) of SLEP 2013. As highlighted in this report the proposal is suitable having regard to lot size, shape and dimensions, access, drainage, utilities and sewage disposal.

### **5.3.17 Clause 5.4 – Notification**

*The objective of this clause is to provide an opportunity for people who may be affected by a development proposal to have their comments about the proposal considered by the Council*

As specified by Clause 5.4 it is understood that Council will notify the application to adjoining landowners, who will be given 14 days to provide a response. Should issues be raised during the notification period that have not been addressed by this report we would appreciate being afforded an opportunity to respond.

## **5.4 The likely Impacts of the Development**

The proposed use can be undertaken without any adverse impact on the visual amenity of the locality or impact on the amenity of the adjoining neighbours. The proposed can be undertaken in full compliance the LEP and DCP requirements and meets the heritage incentives criteria under Clause 5.10(10) of SLEP 2013. The main impact arising from the proposed change of use will be the ongoing conservation of the listed building for the years to come. This will be achieved through the imposition of conditions of development consent as recommended in the SOHI and summarised in Section 5.2 of this report.

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## 5.5 Suitability of the Site

The proposed change of use and minor building works are permissible pursuant to Clause 5.10(10) and this report, together with the SOHI, supports the proposal and demonstrates that the development is compatible with the surrounding rural land uses and it can be conducted without significant adverse impact on the environment or amenity of any adjoining owner. The proposed use is considered to be suitable for the site and is justified on heritage conservation grounds.

## 5.6 Public Submissions

The development application will be notified to landowners in the general vicinity of the site. Should issues arise which have not been considered by this report, it is requested that the applicant be afforded an opportunity to address the matters raised.

## 5.7 The Public Interest

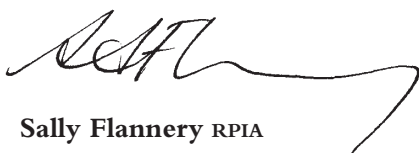
A thorough assessment of this development has been undertaken in accordance with the requirements of the Environmental Planning & Assessment Act 1979. The proposed development complies with all relevant planning criteria and is permissible pursuant to Clause 5.10 of SLEP 2013. It is in the public interest to ensure that a building that has rare heritage significance is retained and enhanced. This application seeks to undertake works that will improve the presentation of the building whilst undertaking building maintenance and improvement works to the historic fabric of the building. It is considered that the merits of the proposal are such that support for proposed change of use would be in the public interest.

# 6 CONCLUSION

The proposed development fully complies with the requirements of Singleton Local Environmental Plan 2013 and Singleton Development Control Plan. The proposed development will facilitate the conservation of the heritage item and will be in accordance with a heritage management document that will require all necessary conservation work to be carried out. Support for the development will improve the heritage significance of the building and will have no adverse effect on the rural character of the surrounding area. It is submitted that the proposal meets the criteria outlined under Clause 5.10(10) and that support for the development is warranted in the circumstances of the case. The proposed development will not result in any adverse impact in the locality and can be comfortably accommodated on the site.

The proposed development will be able to be conducted without significant adverse effects on the environment, while meeting the objectives of the EP&A Act, 1979.

Orbit Planning respectfully request that Singleton Council grant consent to the proposed development as detailed within the development application and supporting documentation.



**Sally Flannery RPIA**  
*Director*