

September 2021



## Statement of Environmental Effects

Lot 16 Saleyards Lane – Dual Occupancy and Subdivision



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## PART A – PROPOSAL OVERVIEW

### 1 INTRODUCTION

O’Ryan Geospatial Pty Ltd (O’Ryan) has been engaged by the landholder to prepare a Statement of Environmental Effects (SEE) to describe and assess the permissibility of the proposed dual occupancy and subdivision against the relevant legislative, environmental, and planning requirements.

The development application (DA) seeks permission to subdivide the subject site, 26 Saleyards Lane Mudgee, under section 4.1B of the *Mid-Western Regional Local Environmental Plan 2012*. The proposed development includes the establishment of a dual occupancy and a one (1) into two (2) lot subdivision such that each dwelling is located on a separate allotment.

This report assesses the compatibility of the proposed development against the relevant environmental and planning framework by reviewing the proposed location and nature of the development. The report is structured into two parts:

- Part A – provides an overview of the subject site and proposed development
- Part B – evaluates the proposed development against the environmental planning framework

The subject site is identified as 26 Saleyards Lane. The address is associated with lot 13 in DP1266486 however the site is in the process of being further subdivided and is identified as lot 16 in the draft deposited plan (attached as Appendix A). The site is located within the northwest outskirts of Mudgee, approximately 2.3km from Mudgee Post Office via Market St, Bell St and Saleyards Ln. The location of the subject site is shown below in Figure 1.

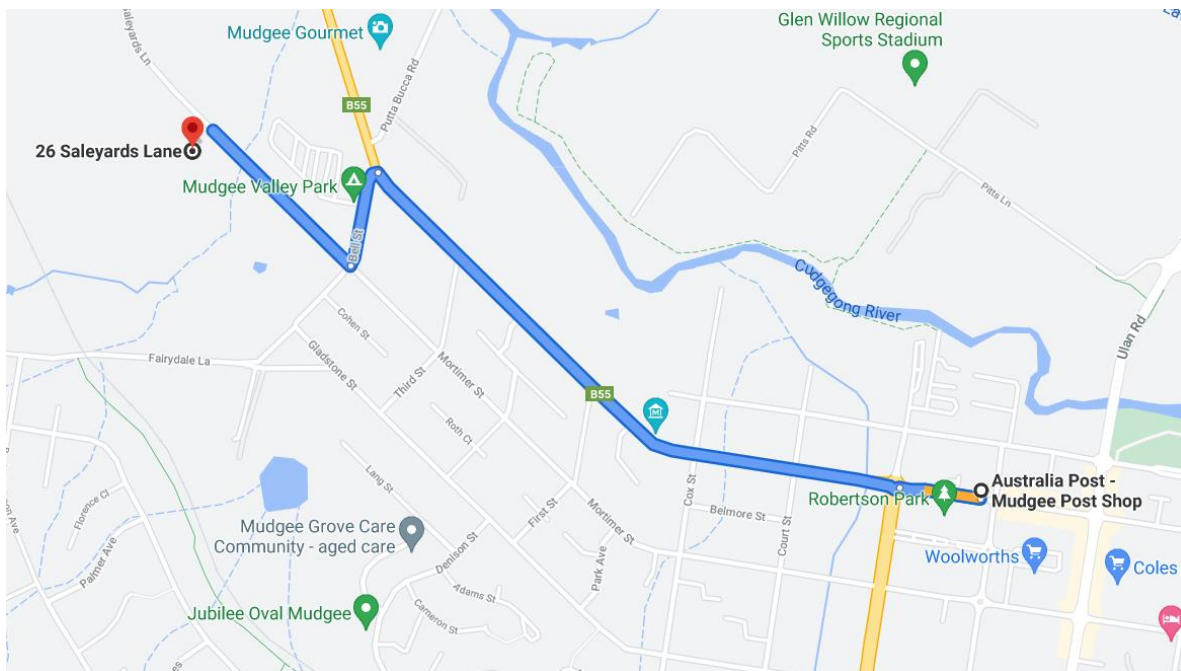


Figure 1 Site Location. Excerpt Sourced from Google Maps

## 2 SITE OVERVIEW

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The subject site of the development is identified as 26 Saleyards Lane, which is associated with the proposed lot 16 in the parent lot 13 in DP1266486. A description of the site is provided below:

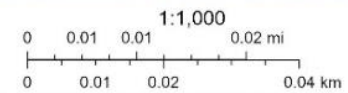
<b>Size</b>	1441m <sup>2</sup>
<b>Shape</b>	Lot Shape: irregular
<b>Frontage</b>	13.3m frontage with Saleyards Lane
<b>Terrain Description</b>	<b>Description:</b> gently sloping <b>Slope:</b> 2.5% <b>Relative Relief:</b> approx. 1.5m <b>Aspect:</b> north
<b>Terrain Features</b>	The subject site has a uniform gentle slope to the north and is not associated with any significant terrain features. The site adjoins a minor watercourse/drainage channel to the west.
<b>Natural Environment</b>	The subject site appears to be historically cleared with minimal vegetation features.
<b>Environmental Hazards</b>	The site is associated with flood prone land, as identified by the Mudgee Local Creeks Study 2008. Flooding considerations are outlined in this report.
<b>Surrounding Development</b>	The site is located within a greenfield development site on the outskirts of Mudgee used for relatively dense residential development. The rear of the site adjoins the Mudgee Valley Park which provides cabin, caravan and camping based accommodation.
<b>Built Environment</b>	<b>Description:</b> The site does not contain buildings or structures. <b>Access:</b> The site does not include a driveway access. The site has 13.3m frontage with Saleyards Lane which is a two-lane fully sealed road with rollover kerb. <b>Servicing:</b> Reticulated water, sewerage, electricity and fixed line NBN are available from Saleyards Lane. An easement for drainage is located along the west side and rear of the site to facilitate discharge to the adjoining watercourse/drainage channel.

Figure 2 provides an overview of the subject site. Site photos are provided in Figure 3 and Figure 4.



06/04/2021, 09:04:40

 Lot 13 DP1266846



Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community, © Department of Customer Service 2020

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Figure 2 Site Overview

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**Figure 3 Site Photo – Subject Site**



**Figure 4 Site Photo – Drainage channel (adjoins west boundary)**



### 3 PROPOSED DEVELOPMENT

The proposed development involves a detached dual occupancy and one into two lot Torrens Title subdivision such that each dwelling is located on a separate allotment. The application is proposed under sections 4.1A and 4.1B of the Mid-Western Regional Local Environmental Plan 2012 (MWR LEP) which allows a single application for a dual occupancy and subdivision to be lodged.

#### 3.1 DUAL OCCUPANCY

This development application seeks permission to erect a detached dual-occupancy for residential housing purposes. The proposed dwellings would be single storey brick exterior structures clad with a sheet metal roof. Select landscaping is proposed for each dwelling to improve visual amenity and reduce the visual bulk of the dwellings.

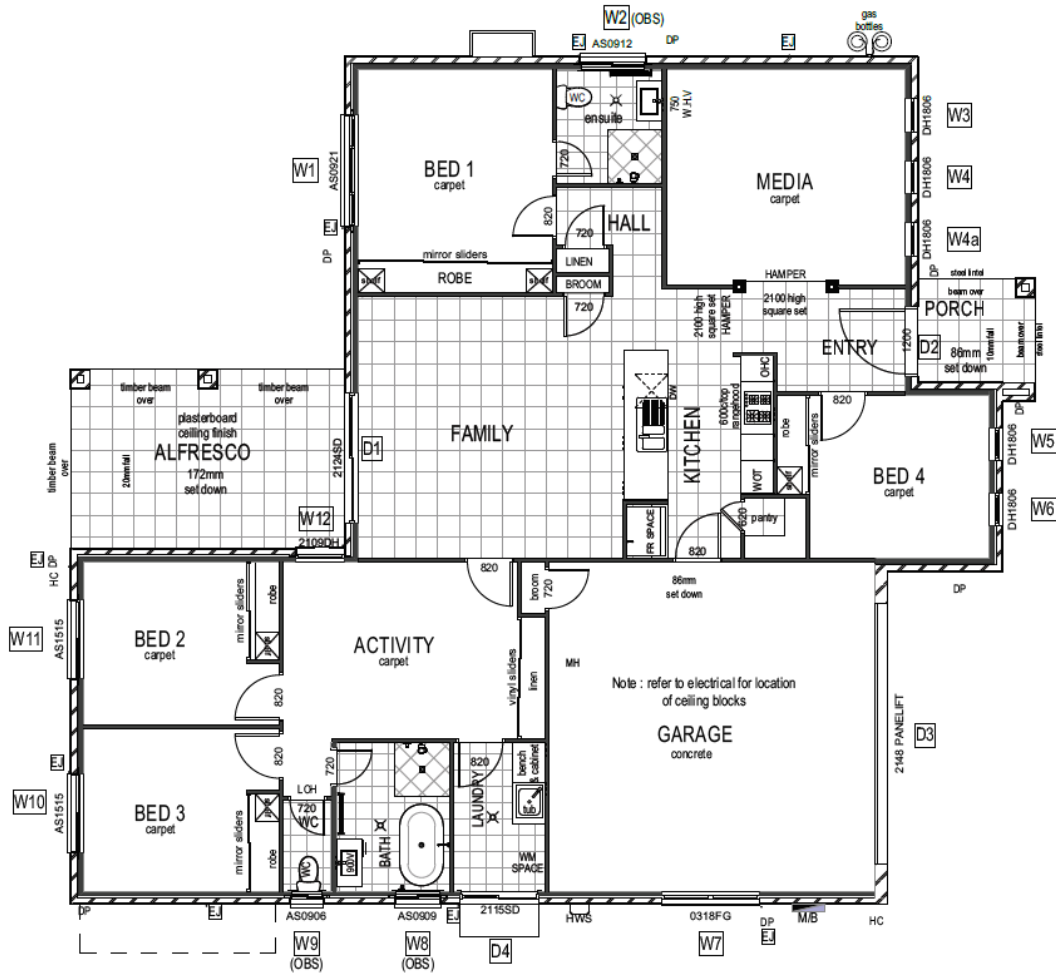
1.8m high Colourbond fencing is proposed for the side and rear boundary. This fencing arrangement provides a private backyard space for both proposed dwellings while retaining the open space at the front of the building for visual amenity and passive surveillance. The rear of the portion has an existing timber fence which will be retained to avoid interference with the overland drainage.

Site and dwelling details are provided in the plans prepared by Hibbard Homes, attached as Appendix B. A summary of the key features of each unit is provided in Table 1.

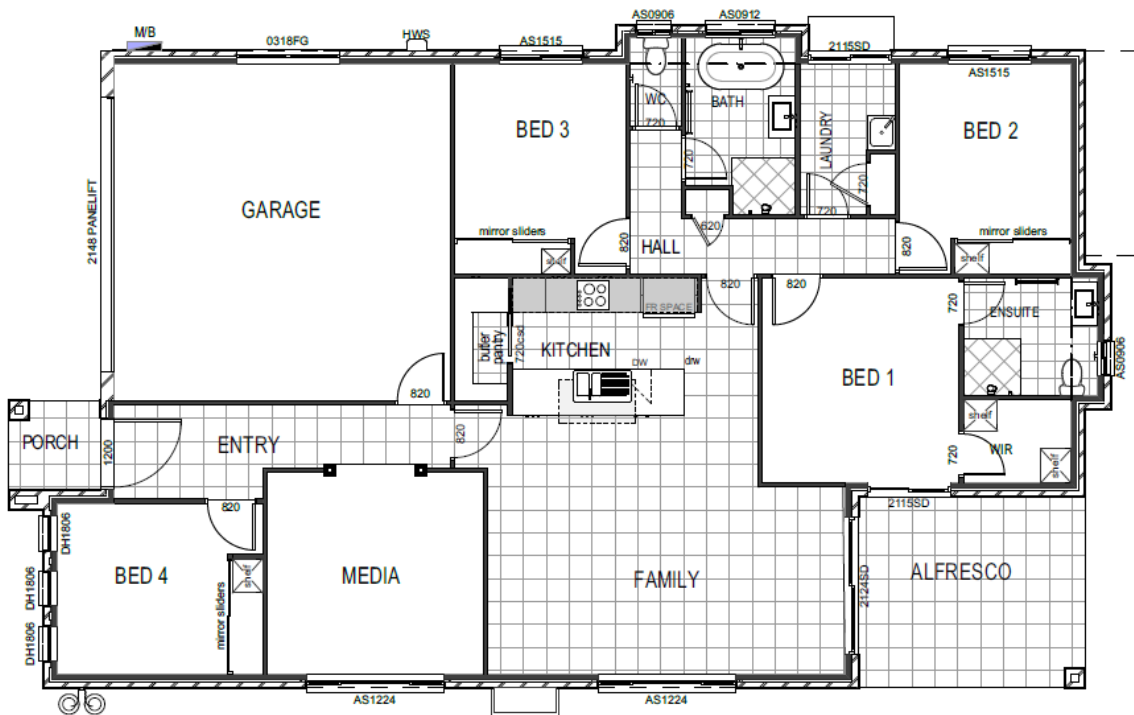
**Table 1 Summary of Key Site Features**

SITE AREA	UNIT 1 (m <sup>2</sup> )	UNIT 2 (m <sup>2</sup> )
Lot size (post subdivision)	609.78	831.22
Total living space	159.95	146.39
Garage area	39.76	37.49
Alfresco	16.63	14.33
Porch	4.36	2.71
Total Site Coverage	421.62 or 29.25%	
Total Landscaping	784.40m <sup>2</sup> or 54.43%	
Private Open Space	436.03	

Floorplan prepared by Hibbard Homes are attached as Appendix B. Simplified excerpts for proposed unit 1 are shown in Figure 5 and for unit 2 in Figure 6.



**Figure 5 Proposed Unit 1 Floorplan**



**Figure 6 Proposed Unit 2 Floorplan**

### 3.2 SUBDIVISION LAYOUT

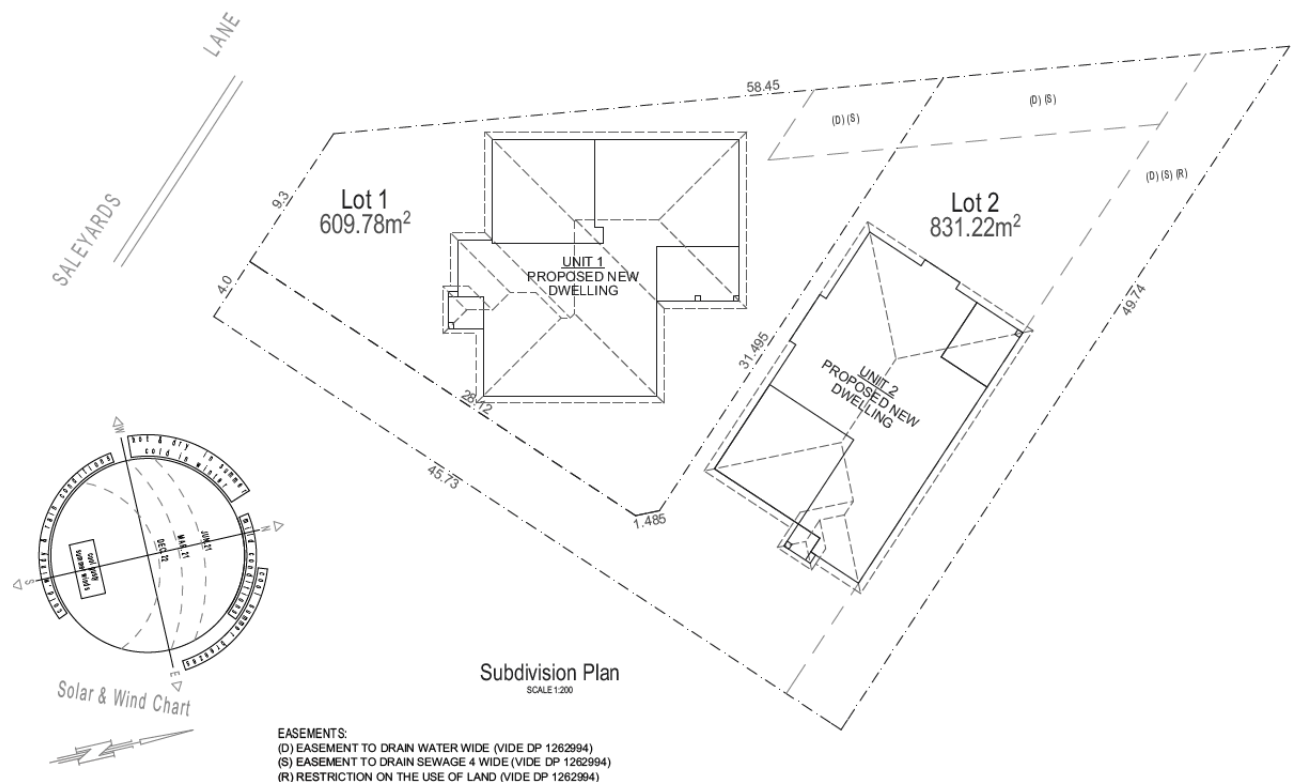
The proposed subdivision of the site fits into a broader subdivision being undertaken on lot 13 in DP DP1266486. The proposed subdivision layout has adopted exterior boundaries consistent with proposed lot 16 in the attached deposited plan (appendix A) to avoid conflicting with the existing approval.

This development application also seeks permission to subdivide the subject site such that each dwelling will be located on separate allotments. The proposed subdivision is a one (1) into two (2) lot Torrens Titles subdivision, with the potential to create a residual allotment depending upon the status of the aforementioned subdivision.

The proposed subdivision layout, prepared by Hibbard Homes, is provided in Appendix B. The proposed allotments are described below:

- **Proposed Lot 1** – approximately 609.78m<sup>2</sup> would be a standard lot configuration with 9.3m frontage onto Saleyards Lane.
- **Proposed Lot 2** – approximately 831.22m<sup>2</sup> would be a battle-axe lot with a 4m wide access handle onto Saleyards Lane.

Excerpts of the proposed subdivision layout from the DA Subdivision Plan produced by Hibbard Homes (Appendix B) are shown below in Figure 7.



**Figure 7 DA Sketch - Proposed Subdivision Detail**

### 3.3 SERVICING

The subject site access to services on Saleyards Lane. Details of the proposed servicing arrangements are outlined in Table 2.

**Table 2 Servicing Arrangements**

<b>Service</b>	<b>Proposed Arrangements</b>
<b>Traffic and access</b>	<p>Both proposed allotments include a sealed driveway access onto Saleyards Lane. The traffic generated by the proposed development will be minimal, with a total of two residential dwellings proposed. Saleyards Lane is a fully sealed two-lane road and is considered appropriate for the proposed traffic generated by the development.</p> <p>The proposed driveway accesses are located greater than 6m from any intersection and have sufficient line of sight upon entering or exiting the site appropriate for the 50km/hr speed zone.</p>
<b>Water supply</b>	<p>The proposed development can access reticulated water from the water main located on Saleyards Lane. Water supply is supplemented by 3000L rainwater tanks proposed for each unit.</p>
<b>Effluent disposal</b>	<p>A sewer main is located within the subject site that is suitable for the effluent disposal needs of the two proposed units.</p>
<b>Waste disposal</b>	<p>Mid-Western Regional Council provides solid waste collection and management services for domestic waste. The proposed allotments are within the Mudgee kerbside collection for general waste, recycling, and food organics/garden organics (FOGO).</p>
<b>Drainage and stormwater</b>	<p>The proposed developments will result in a net increase in impervious surfaces within the development. Both proposed dwellings include 3000L rainwater tanks for onsite retention and reuse. Stormwater (including overland flow, rainwater tank overflow and collected from yard sumps) will be directed to the inter-allotment drainage system located on the west side and rear of the site for disposal into the adjoining watercourse/drainage channel.</p>
<b>Electricity</b>	<p>The site has access to grid electricity infrastructure located on Saleyards Lane.</p>
<b>Telecommunications</b>	<p>The subject site is within the NBN fixed-line broadband access network. The technology used is NBN Fibre to the Premises (FTTP).</p>

## PART B - STATUTORY LEGISLATION COMPLIANCE

The NSW Planning system operates under the statutory requirements outlined by the Environmental Planning and Assessment Act 1979 (EP&A Act). This section of the report evaluates the proposed development against the relevant statutory obligations.

### 4 PART 1.7 – BIODIVERSITY CONSERVATION ACT & FISHERIES MANAGEMENT ACT

Part 1.7 of the EP&A act require the application of Part 7 of the *Biodiversity Conservation Act 2016* (BC Act) and Part 7A of the *Fisheries Management Act 1994* (FM Act). Part 7 of the BC Act requires consideration of whether the development or activity is “likely to significantly affect threatened species” defined by the Act under Part 7.2 as being:

(1) For the purposes of this Part, development or an activity is *likely to significantly affect threatened species* if—

- (a) it is likely to significantly affect threatened species or ecological communities, or their habitats, according to the test in section 7.3, or
- (b) the development exceeds the biodiversity offsets scheme threshold if the biodiversity offsets scheme applies to the impacts of the development on biodiversity values, or
- (c) it is carried out in a declared area of outstanding biodiversity value.

The subject site appears to be cleared of site trees and vegetation. Examination of the biodiversity values map (BV Map) published by the NSW Office of Environment and Heritage does not indicate the presence of any high-value biodiversity land within the proposed subdivision. An excerpt of the BV Map is shown below in Figure 8.

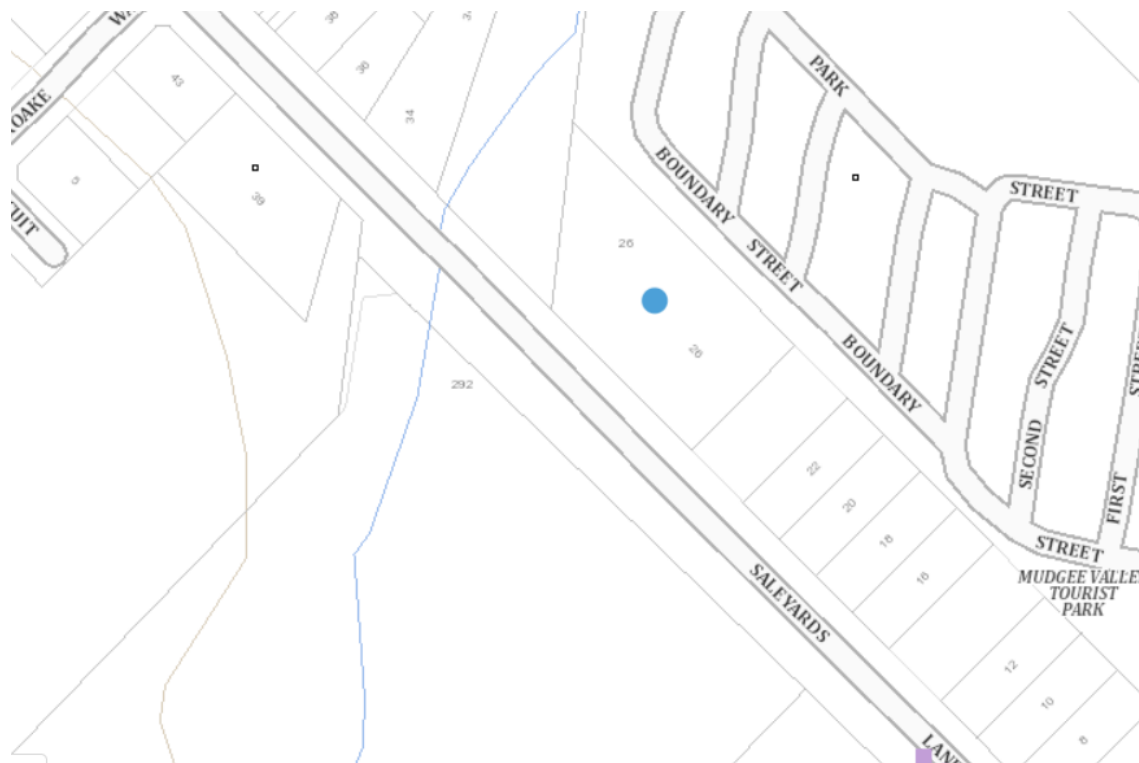


Figure 8 BV Map Excerpt

## 5 PART 4.46 INTEGRATED DEVELOPMENT

Part 4 Division 4.8 Section 4.46 of the EP&A Act describes what is considered to be “integrated development”. Table 3 below outlines the criteria that describe an integrated development.

**Table 3 Integrated Development Checklist**

<b>Act</b>	<b>Provision</b>	<b>Approval Description</b>	<b>Triggered?</b>
<i>Coal Mine Subsidence Compensation Act 2017</i>	s22	Works within a mine subsidence district	No
<i>Fisheries Management Act 1994</i>	s144	Permit for aquaculture	No
	s201	Permit to dredging	No
	S205	Permit to damage or destroy marine vegetation on public land	No
	s219	Permit for structures within waterways	No
<i>Heritage Act 1977</i>	s58	Approval for works involving a state heritage item	No
<i>Mining Act 1992</i>	ss63, 64	Grant of mining lease	No
<i>National Parks and Wildlife Act 1974</i>	s90	Aboriginal Heritage impact permit	No
<i>Petroleum (Onshore) Act 1991</i>	s16	Production lease	No
<i>Protection of the Environment Operations Act 1997</i>	ss43(a), 43(b), 47, 48 and 55	Environmental protection license (EPL) for scheduled developments	No
	ss 3(d), 55 and 122	Environmental Protection License (EPL) for non-scheduled activities	No
<i>Roads Act 1993</i>	s138	Consent for works within a road reserve	No -see below
<i>Rural Fires Act 1997</i>	s100B	Bushfire protection approval	No
<i>Water Management Act 2000</i>	ss89, 90, 91	Water management or activity approval (part 3 of chapter 3)	No – see below.

**Comment** – Works within a public road reserve are proposed to establish two new driveways onto Saleyards Lane, which is a local road maintained by Mid-Western Regional Council. Under Section 4.46 Clause 3, an S138 application made to Mid-Western Regional Council would not trigger integrated development:

*(3) Development is not integrated development in respect of the consent required under section 138 of the Roads Act 1993 if, in order for the development to be carried out, it requires the development consent of a council and the approval of the same council*

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Comment - The proposed development adjoins a minor (2<sup>nd</sup> Strahler order) watercourse / drainage channel. Activities occurring within 40m of a hydroline mapped by the Water Management (General) Regulations 2018 web mapping portal may require a controlled activity approval under the Water Management Act 2000. In this instance, an activity approval is not required as the proposed development is under Schedule 4 part 2 of the Act which states that exempt development includes:

- (1) *Any activity carried out in connection with the erection or demolition of, the making of alterations or additions to or the provision of ancillary facilities for, a dwelling house or dual occupancy building, being activities—*
  - (a) *that comprise exempt development or that are the subject of a development consent or complying development certificate in force under the Environmental Planning and Assessment Act 1979, and*
  - (b) *that are not carried out on or in—*
    - (i) *the bed or bank of any river, or*
    - (ii) *the bed or shore of any lake, or*
    - (iii) *the bed, or land lying between the bed and the mean high-water mark, of any estuary.*

## 6 EP&A ACT PART 4.15 A – PLANNING

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In determining a development application, the consent authority considers the relevant legislative matters under Section 4.15 of the Environmental Planning and Assessment Act 1976. This section considers the key legislative and planning issues per section 4.15(1)(a) of the Act. The clause specifies consideration of the following areas:

- (i) *any environmental planning instrument, and*
- (ii) *any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Planning Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and*
- (iii) *any development control plan, and*
- (iiia) *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, and*
- (iv) *the regulations (to the extent that they prescribe matters for the purposes of this paragraph),*
- (v) *(Repealed)*

### 6.1 STATE ENVIRONMENTAL PLANNING POLICIES (SEPP)

State Environmental Planning Policies (SEPPs) are planning instruments under the EP&A Act that regulate development in a state-wide context. The applicable SEPPs for the subject site and proposed development have been identified and are explored below in Table 4:

**Table 4 SEPP Evaluation**

<b>State Environmental Planning Policy (SEPP)</b>	<b>Applicable?</b>
State Environmental Planning Policy (Affordable Rental Housing) 2009	No
State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004	Yes – BASIX Certificates to be provided
State Environmental Planning Policy (Concurrences and Consents) 2018	No
State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017	No
State Environmental Planning Policy (Exempt and Complying Development Codes) 2008	No – see comment below table
State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004	No
State Environmental Planning Policy (Infrastructure) 2007	No
State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007	No
State Environmental Planning Policy (Primary Production and Rural Development) 2019	No
State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017	No
State Environmental Planning Policy No 21—Caravan Parks	No
State Environmental Planning Policy No 33—Hazardous and Offensive Development	No
State Environmental Planning Policy No 36—Manufactured Home Estates	No
State Environmental Planning Policy No 50—Canal Estate Development	No
State Environmental Planning Policy No 55—Remediation of Land	No – see comment below table
State Environmental Planning Policy No 64—Advertising and Signage	No
State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development	No



### **SEPP (Exempt and Complying Development Codes) 2008**

Provisions of the SEPP (Exempt and Complying Development Codes) 2008 have been considered. Certain subdivisions are exempt development (Subdivision 38 Subdivision 2.75 Specified development) however the proposed subdivision does not meet development specified for this code. An exempt or complying development pathway is not sought at this time.

### **SEPP No 55—Remediation of Land**

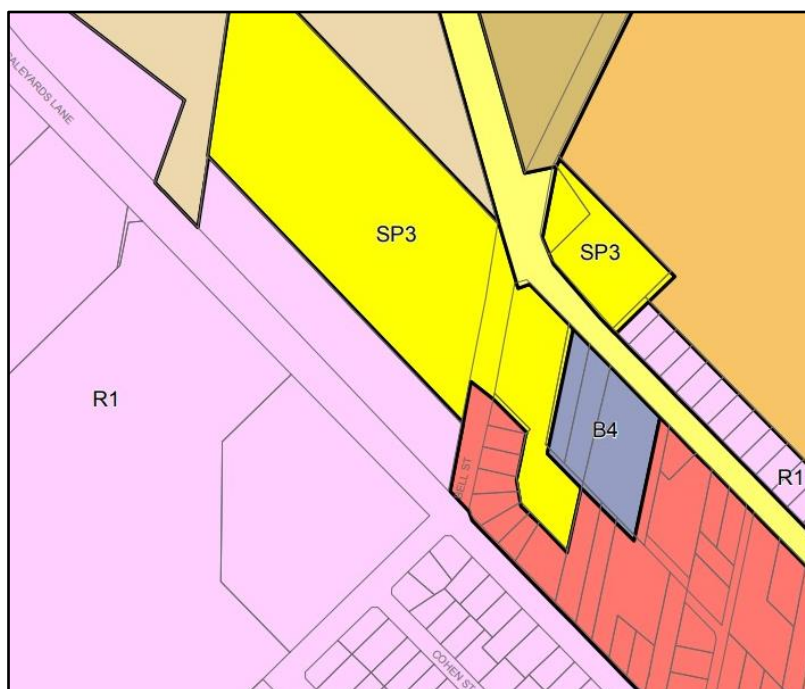
State Environmental Planning Policy 55 (SEPP 55) requires planning authorities to consider the potential for contamination at a site before planning decisions being made. Clause 7 requires Council to consider before determining a development application whether the site is contaminated and suitable for the proposal. The site is a greenfield development site that appears to have been historically used for agricultural purposes. No historic potentially contaminating land uses have been identified by the landholder. Examination of the NSW Environmental Protection Agency (NSW EPA) public does not indicate the presence of historical contamination.

## **6.2 LOCAL ENVIRONMENTAL PLAN**

The subject land is located within the Mid-Western Regional Council LGA. The relevant sections of the *Mid-Western Regional Council Local Development Plan 2012* have been referenced in this report. The applicable LEP map sheets are identified as 006C.

### **6.2.1 Land Use Table**

The proposed development includes a detached dual occupancy and one (1) into two (2) lot subdivision for residential purposes. The proposed development and land use are permitted with consent within the R1 General Residential land use zone. Figure 9 shows an excerpt of the LEP Land Zoning Map – Sheet LZN\_006C.



**Figure 9 Land Zoning Map – Sheet LZN\_006C Excerpt**

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The objectives of the R1 General Residential zone are:

- *To provide for the housing needs of the community.*
- *To provide for a variety of housing types and densities.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*

The establishment of two units is consistent with the objectives of the R1 General Residential Zone. The proposed development provides affordable housing opportunities to the residents of Mudgee and compliments the surrounding development by ensuring that varied housing arrangements and densities are available along Saleyards Lane.

### 6.2.2 Minimum Lot Size

The minimum lot size for the subject land is 600m<sup>2</sup> per the LEP Minimum Lot Size Map Sheet LSZ 006C. In this instance, the proposal includes the erection of a dual occupancy which, in order to achieve a higher housing density, is permitted under Clause 4.1A of the LEP:

- (1) The objective of this clause is to achieve planned residential density in certain zones.*
- (2) This clause applies to the following land—*
  - (a) land within Zone R1 General Residential,*
  - (b) land within Zone R3 Medium Density Residential,*
  - (c) land in Rylstone or Kandos that is within Zone RU5 Village,*
  - (d) for the purposes of a manor house, any land that is within Zone RU5 Village.*
- (3) Despite any other provision of this plan, development consent may be granted to development on land to which this clause applies—*
  - (a) for the purposes of a dual occupancy (attached), if the area of the lot is equal to or greater than 600 square metres, or*
  - (b) for the purpose of a dual occupancy (detached), if the area of the lot is equal to or greater than 800 square metres*

Further, under LEP Clause 4.1B, development consent may be granted to the subdivision of a dual occupancy (detached) if each dwelling will be located on a separate lot 400m<sup>2</sup> or greater as a result of that subdivision:

- (1) This clause applies to the following land—*
  - (a) land within Zone R1 General Residential,*
  - (b) land within Zone R3 Medium Density Residential,*
  - (c) land in Rylstone or Kandos that is within Zone RU5 Village.*
- (2) Despite any other provision of this Plan, development consent may be granted to the subdivision of land to which this clause applies if—*
  - (a) multi dwelling housing or a dual occupancy is lawfully erected on the land, and*
  - (b) the area of each resulting lot will not be less than—*
    - (i) 300 square metres for a dual occupancy (attached) or multi dwelling housing, or*
    - (ii) 400 square metres for a dual occupancy (detached), and*
  - (c) only one dwelling will be located on each lot resulting from the subdivision.*
- (3) Development consent may be granted to a single development application for development to which this clause applies that is both of the following—*
  - (a) the subdivision of land into 2 or more lots,*
  - (b) the erection of a dual occupancy (attached), dual occupancy (detached) or multi dwelling housing on each lot resulting from the subdivision, if the size of each lot is equal to or greater than—*
    - (i) 300 square metres for a dual occupancy (attached) or multi dwelling housing, or*
    - (ii) 400 square metres for a dual occupancy (detached).*

Comment – the proposed dual-occupancy and subsequent subdivision will result in two lots substantially greater than the 400m<sup>2</sup> required under MWR LEP section 4.1B. Proposed lot 1 will be 609.78m<sup>2</sup> and proposed lot 2 will be 831.22m<sup>2</sup>.

### **6.2.3 Salinity**

Mudgee is associated with historic salinity issues. Clause 6.1 of the LEP outlines the considerations for development to ensure that land subject to salinity is managed to minimise and mitigate the impacts of the development on salinity and salinity processes. Before determining a development application, the consent authority must consider the impacts of the development on salinity processes and whether salinity is likely to impact the development. The proposed development would not result in any significant change to groundwater infiltration and is otherwise considered unlikely to contribute to salinity processes

### **6.2.4 Flood planning**

The objectives of clause 6.2 are to minimise the flood risk to life and property associated with land use, allow development that is compatible with the lands flood hazard, and avoid significant impacts on flood behaviour and the environment. The subject land is not identified as being flood affected in the EPI mapping however is identified as being within the flood extent identified by the Mudgee Local Creeks Flood Study 2008, see section 7.8 for additional details.

### **6.2.5 Earthworks**

The objectives of clause 6.3 are to ensure that earthworks will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding landscape. Earthworks are required for the establishment of the building pad. The proposed development includes some cut/fill such that both buildings will be situated above the 1-in-100-year flood extent. All fill is to be either sourced from onsite during construction or certified clean fill of a suitable standard.

### **6.2.6 Groundwater vulnerability**

The objectives of clause 6.4 are to maintain the hydrological functions of critical groundwater systems and protect groundwater resources from depletion and contamination. This clause applies to land identified as "Groundwater Vulnerable" on the Groundwater Vulnerability Map. The subject property has been partially mapped as being groundwater vulnerable. No broad excavation or new bores are proposed as part of the subdivision. Given the negligible interactions with groundwater, the development is not likely to result in groundwater contamination, adversely impact potable water supply or harm groundwater-dependent ecosystems.

### **6.2.7 Terrestrial Biodiversity**

The objective of clause 6.5 is to maintain terrestrial biodiversity by protecting native fauna and flora, protecting the ecological processes necessary for their continued existence, and encouraging the conservation and recovery of native flora and fauna. The subject land has not been mapped as having a high biodiversity value on the BV map or being of high or moderate biodiversity value on the LEP Sensitivity Biodiversity Map and therefore further consideration of this clause is not warranted.

## Statement of Environmental Effects

Lot 16 Saleyards Lane – Dual Occupancy and Subdivision



### 6.2.8 Essential services

The objectives of clause 6.9 are to ensure that services that are essential for the proposed development are available or that adequate arrangements have been made to make them available. Essential services include:

- (a) *the supply of water,*
- (b) *the supply of electricity,*
- (c) *the disposal and management of sewage,*
- (d) *stormwater drainage or onsite conservation,*
- (e) *suitable road access.*

Comment - Section 3.3 provides an overview of the proposed servicing arrangements.

### 6.3 PROPOSED INSTRUMENTS

No proposed instruments have been identified or considered in the preparation of this report.

### 6.4 DEVELOPMENT CONTROL PLAN (DCP)

Compliance with the requirements of the Mid-Western Regional Development Control Plan 2013 (DCP) is discussed. Section 2.2 Dual Occupancy "Deemed to Satisfy" Provisions, Section 7.1 Urban Subdivisions and Section 5.3 Drainage have been referenced in the table below. Further comments are provided below each table section where a variation to the development standards occurs.

# Statement of Environmental Effects

Lot 16 Saleyards Lane – Dual Occupancy and Subdivision



Development Standard	Comment on Compliance
<b>2.2 Dual Occupancy "Deemed to Satisfy" Provisions</b>	
Minimum lot size	
<ul style="list-style-type: none"> <li>▪ Detached attached occupancy 600m<sup>2</sup> minimum lot</li> <li>▪ Prohibited in R2 Low-Density Residential</li> </ul>	Complies – original allotment (lot 16 in Appendix A) size of 1441m <sup>2</sup>
Building setbacks	
<ul style="list-style-type: none"> <li>▪ Building Setback from the Street -Zones R1, R2 and R3 where lot size is less than 600m<sup>2</sup>: 4.5m, 5.5m to the garage</li> <li>▪ Building Side/Rear setback - Zones R1, R2 and R3 where lot size is less than 600m<sup>2</sup>: 900mm</li> </ul>	Complies – front setback of 9.6m, side setbacks (including interior subdivision) are >900mm and rear setbacks of 3.9m and 4m.
Building Height/Design	
<ul style="list-style-type: none"> <li>▪ Proposed buildings are single story</li> <li>▪ The design is not a mirror or duplication for the two dwellings when fronting streets.</li> </ul>	Complies – both proposed units are single-storey brick buildings with good articulation and vegetation to break up visual bulk. The FFL is to be <1m from natural ground level.
<ul style="list-style-type: none"> <li>▪ 75% of Internal living areas shall receive at least three hours effective of sunlight between the hours of 9.00 am and 3.00 pm on 21 June (Winter solstice).</li> <li>▪ A minimum separation of 3 metres between buildings</li> </ul>	Complies – both proposed units are well separated from adjoining development and have >3m separation between each unit. Dwellings are orientated such that high-traffic living areas have a north or northeast orientation to encourage solar access.
<ul style="list-style-type: none"> <li>▪ Both dwellings have direct street frontage, i.e., battle-axe arrangements are not permissible</li> </ul>	Non-complaint – see comment below.
<ul style="list-style-type: none"> <li>▪ The garage door or carport does not exceed 45% of the front elevation</li> <li>▪ All facades with street frontage contain windows</li> <li>▪ Street frontage elevations contain a minimum of 5% openings</li> </ul>	Complies – only one unit has street frontage and the proposed dual bay garage is less than 45% of the front elevation. The unit includes articulation and vegetation to break up visual bulk.  Non-complaint – see comments below regarding unit 2
<ul style="list-style-type: none"> <li>▪ The building is not a transportable or relocated dwelling</li> </ul>	Complies – both units are single-storey brick structures.
Slope Cut and Fill	
<ul style="list-style-type: none"> <li>▪ The slope of the site does not exceed 15%</li> </ul>	Complies – site slope is <5%

## Statement of Environmental Effects

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<ul style="list-style-type: none"> <li>▪ Cut is limited to 1m</li> <li>▪ Fill is limited to 600mm and is made up of clean fill and is accompanied by a geotechnical assessment demonstrating compaction complies with Australian Standards.</li> </ul>	<p>Complies – minor earthworks are proposed to ensure that the FFL is above the 1 in 100-year flood event however the works involve less than 1m cut and 600m fill.</p>
<ul style="list-style-type: none"> <li>▪ Any cut and fill have been provided with retaining wall including drainage and is setback a minimum 300mm from the allotment boundary.</li> <li>▪ Fill does not direct stormwater onto adjoining properties and drainage pits for overland flow paths have been provided.</li> <li>▪ Cut/fill is clear of any water or sewer easements</li> </ul>	<p>Complies – yard sumps are proposed to redirect overland drainage to the inter-allotment drainage system located along part of the west boundary and length of the rear boundary.</p>
<p>Open Space</p>	
<ul style="list-style-type: none"> <li>▪ Each dwelling provides a Principal Private Open Space                             <ul style="list-style-type: none"> <li>○ minimum of 80m<sup>2</sup></li> <li>○ minimum dimension of 5 metres</li> <li>○ located on the Northern or Eastern side</li> <li>○ direct access from main living areas</li> </ul> </li> <li>▪ 75% of Principal Private Open Space shall receive a minimum of 3 hours sunlight between 9.00 am and 3.00 pm on 21 June</li> </ul>	<p>Complies – both dwellings have a suitable private open space orientated towards the north.</p>
<ul style="list-style-type: none"> <li>▪ If alfresco is to be counted as Principal Private Open Space, it must be:</li> </ul>	<p>Not applicable</p>
<ul style="list-style-type: none"> <li>▪ Where Principal Private Open Space is located within front set back:</li> </ul>	<p>Not applicable</p>
<p>Site Coverage</p>	
<p>Maximum site coverage of 35%</p>	<p>Complies – 29.25% site coverage proposed.</p>
<p>Parking</p>	
<ul style="list-style-type: none"> <li>▪ Each dwelling has two car parks with a minimum of one being a garage for each.</li> <li>▪ Parking and manoeuvring areas are hardstand</li> <li>▪ Driveways are located a minimum of 6m from any intersection</li> </ul>	<p>Complies – both proposed dwellings include an attached dual bay garage with access to Saleyards Lane from suitably sized, sealed driveway accesses.</p>

## Statement of Environmental Effects

Lot 16 Saleyards Lane – Dual Occupancy and Subdivision

Utilities	
<ul style="list-style-type: none"> <li>▪ Buildings are located clear of utility infrastructure</li> <li>▪ The building is not located within an easement for the purpose of utility infrastructure</li> <li>▪ Structures are to be located a minimum of 1500mm from the centre of water and sewer main</li> <li>▪ Connection to reticulated network required if within 500m</li> </ul>	Complies – Appendix B includes the site plans for the proposed development which includes existing and proposed easements to ensure that infrastructure is avoided.
<ul style="list-style-type: none"> <li>▪ All stormwater flows to a gravity system</li> <li>▪ Buildings are not located in the path of overland flow</li> </ul>	Complies – stormwater is directed to an inter-allotment drainage system located at the rear of the site.
Fencing	
<ul style="list-style-type: none"> <li>▪ 1.8m high fencing is provided between Principal Private open spaces</li> <li>▪ Front fences are open panel, do not exceed 1.2 metres in height and are not of Colourbond material construction.</li> <li>▪ Side fences located in front of the building line are open panel or a combination of open panel and masonry columns to match the front fence and do not exceed 1.2 metres in height.</li> <li>▪ Side and rear fences do not exceed 1.8 metres in height once behind the building.</li> </ul>	Complies – 1.8m high Colourbond fencing is proposed along the side boundaries of the site. The rear of the site will retain the existing timber fencing. No fencing is proposed past the building line.
<ul style="list-style-type: none"> <li>▪ Dividing fences do not affect the flow of surface water with the possibility of causing flooding.</li> </ul>	Complies – wire mesh is proposed under the fencing at the rear of the site (part of the inter-allotment drainage system) to ensure flows are unobstructed.
<p><u>Comment – Direct Frontage</u></p> <p>The DCP “deemed to satisfy” criteria require dual occupancies to have direct street frontage. In this instance, only Unit 1 has direct access to the road frontage with Unit 2 situated directly behind. No discretionary standards apply in this circumstance and a merit-based assessment of the design applies. The deviation from the standard is considered reasonable the given frontage constraints posed by the drainage channel located along the western boundary of the site. The proposed designs demonstrate how the site can be effectively utilised to achieve a housing density consistent with the neighbouring development along Saleyards Lane.</p> <p><u>Comment – Unit 2 Garage Width</u></p> <p>The aggregate width of the unit 2 garage is 50.6% of the front elevation. The deemed to satisfy design standards state that the aggregate width of a garage or carport is not to exceed 45% of the frontage. The intention of the standard is to preserve the amenity of the streetscape however the proposed unit is located at the rear of unit 1 and will not be visible from the street. In these circumstances, a minor variation to the standard is considered justifiable.</p>	

## Statement of Environmental Effects

Lot 16 Saleyards Lane – Dual Occupancy and Subdivision

DCP 7.1 Urban Subdivision	
Lot Size	
<ul style="list-style-type: none"> <li>▪ All lots must have street frontage</li> <li>▪ As slope increases, the minimum lot size required increases</li> <li>▪ Development not permitted on slopes &gt;20 degrees</li> <li>▪ Battle-axe handles must be 4m wide</li> </ul>	Complies – the proposed allotments are of suitable size for the proposed development, being significantly larger than the required 400m <sup>2</sup> . The battle-axe handle for proposed lot 2 is 4m wide.
Lot Design	
<ul style="list-style-type: none"> <li>▪ Infill development to provide good solar access while considering existing development orientation</li> <li>▪ New release areas should orientate development to maximise solar access</li> </ul>	Complies – the proposed designs demonstrate how each dwelling can be situated to maximise solar access to the high traffic living areas and private open space.
<ul style="list-style-type: none"> <li>▪ Lots should be rectangular</li> <li>▪ Corner lots should be larger to allow dual occupancies</li> </ul>	Non-compliant – see comment below.
Street Design and Layout	
<ul style="list-style-type: none"> <li>▪ Traffic impact statement required for 5 or more allotments</li> <li>▪ Subdivision layout will need to detail the road hierarchy</li> <li>▪ Pedestrian linkages required for cul-de-sac heads</li> <li>▪ Maximum lots serviced by a cul-de-sac of 12 or 150m in length</li> <li>▪ Subdivision should avoid excess backtracking</li> </ul>	<p>Not applicable – only two (2) dwellings are proposed and the increase to traffic is anticipated to be minimal. The size and condition of Saleyards Lane is suitable for the proposed traffic increase.</p> <p>Not applicable – no new road area proposed.</p>
Cycleways and footpaths	
<ul style="list-style-type: none"> <li>▪ Cycleways and pedestrian networks encouraged in new subdivisions</li> <li>▪ Ends of cul-de-sacs to include pedestrian access</li> <li>▪ Developer to pay Council a contribution for cycleway and footpaths</li> </ul>	Not applicable – no new roads are proposed. The existing streetscape includes suitable pedestrian networks.
Open Space	
<ul style="list-style-type: none"> <li>▪ Subdivision &gt;20 lots to be within 400m of passive open space</li> <li>▪ Onsite detention basins doubling as open space to include raised area, shade trees and equipment</li> </ul>	Not applicable – less than 20 new lots are proposed.



## Statement of Environmental Effects

Lot 16 Saleyards Lane – Dual Occupancy and Subdivision



Landscaping	
<ul style="list-style-type: none"> <li>▪ Landscaping plan to be provided detailing public domain treatment</li> <li>▪ Land dedicated as a public reserve to be top soiled, levelled and turfed</li> <li>▪ All new lots to establish 2 street trees per lot</li> </ul>	Complies – Appendix B includes landscaping details.
Utility Services	
<ul style="list-style-type: none"> <li>▪ A servicing plan shall be submitted detailing electricity, reticulated sewer and water services, drainage, and telecommunications.</li> <li>▪ Evidence of consultation to be submitted</li> <li>▪ Dual occupancies are required to have dual services</li> </ul>	Complies – servicing details are provided in this report or accompanying plans.
<p><u>Comment – Battle-axe configuration and rectangular lot design</u></p> <p>The proposed development includes a one (1) into two (2) lot subdivision that will create one allotment with reduced frontage of 13.3m with Saleyards Lane and a battle-axe lot with a 4m wide access handle. Council typically prefers standard residential lots (typically 600m<sup>2</sup>) to have a frontage of 16m and for dual-occupancies to have direct front or be established on corner lots. No discretionary standards apply in this circumstance and a merit-based assessment of the design applies.</p> <p>The subject site is highly constrained by the drainage channel that adjoins the western boundary of the site which has resulted in an irregular shaped lot that tapers outwards towards the north. Given the surrounding development and drainage channel, no new roads/access from the rear of the site is anticipated. The proposed development demonstrates how a desirable development density can be achieved for the site despite these constraints and it is considered justifiable to deviate from the above standards in this instance.</p>	
DCP 5.3 Stormwater Management	
<ul style="list-style-type: none"> <li>▪ Development Category and Applicable Performance Targets and Sections:</li> </ul>	<p>Performance Targets:</p> <ul style="list-style-type: none"> <li>I. BASIX</li> <li>II. Quality management during operation</li> <li>III. Quality management during construction</li> </ul> <p>Requirements: A</p>
<ul style="list-style-type: none"> <li>▪ BASIX – the development proponent shall meet all obligations included on their BASIX certificate</li> </ul>	Complies – BASIX certificates to be provided by applicant.
<ul style="list-style-type: none"> <li>▪ Part B – Quality management during operation</li> </ul>	Each dwelling is to include a 3000L rainwater tank for stormwater retention and reuse.
<ul style="list-style-type: none"> <li>▪ Part C – Quality management during construction. Table 3 sediment and erosion controls.</li> </ul>	Complies – sediment fencing details provided in Appendix B.

## **6.5 SECTION 7.4 - PLANNING AGREEMENTS**

No draft or existing volunteer planning agreements have been made or are proposed for the subject site or development.

## **6.6 OTHER REGULATIONS**

No other regulations have been identified or are described in this report.

## **7 EP&A ACT PART 4.15 (B) & (C) – ENVIRONMENTAL**

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In determining a development application, the consent authority considers the relevant environmental impacts of the development under Section 4.15 of the Environmental Planning and Assessment Act 1976. This section considers the likely impact of the proposed development on the built and natural environments as well as the social and economic impacts within the locality per section 4.15(1)(b) of the Act and section 5.4 of the Mid-Western Regional Council Development Control Plan 2013.

### **7.1 TRAFFIC AND ACCESS**

The subject site will have access to Saleyards Lane, Mudgee. The traffic generated by the development is minimal, with three dwellings proposed. The condition and design of Saleyards Lane are appropriate for the proposed traffic increase. Saleyards Lane and Croake Way is the closest intersection and is approximately located approximately 170m northwest. The site has good visibility upon entering and exiting, which is appropriate for the speed zone of 50km/hr.

### **7.2 SOLAR ACCESS**

Urban subdivisions should encourage energy-efficient designs (i.e., passive heating) and rooftop solar collectors by facilitating solar access for the proposed development during the design stage. The surrounding development includes single-storey residential dwellings and no overshadowing issues have been identified. The proposed dwellings are orientated such that high-traffic living areas and the private open space are orientated north for improved year-round thermal comfort.

### **7.3 PRIVACY**

The size and dimensions of the proposed allotments enable suitable boundary offsets to be achieved for the existing dwelling and future development. Established neighbouring developments include single-storey housing only and no privacy or overlooking concerns have been identified.

### **7.4 VISUAL AMENITY**

The subject site is not associated with a visually sensitive landscape feature such as a ridgeline and is not mapped as being visually sensitive land on the Visually Sensitive Land EPI Map Sheet CL1\_006C. The proposed designs (Appendix B) demonstrate suitable articulation and screening to break up visual bulk when viewed from the street. The proposed development conforms with the surrounding land use (residential) the visual amenity impacts are considered negligible overall.

## 7.5 WASTE

The proposed use of the subject site is for fully-serviced residential development. The site is within the domestic kerbside collection service area. No trade, liquid or chemical waste streams have been identified.

## 7.6 STATE OR LOCAL HERITAGE ITEMS

The subject site is not located within the Mudgee Heritage Conservation zone and neither the site nor adjoining developments are listed as an item of local or state heritage significance. The potential impacts to heritage are therefore considered negligible.

## 7.7 ABORIGINAL HERITAGE

The Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales has been referenced. Per section 1, *do you need to use this due diligence code?* The development is required to apply the Code of Practice outlined in Section 8:

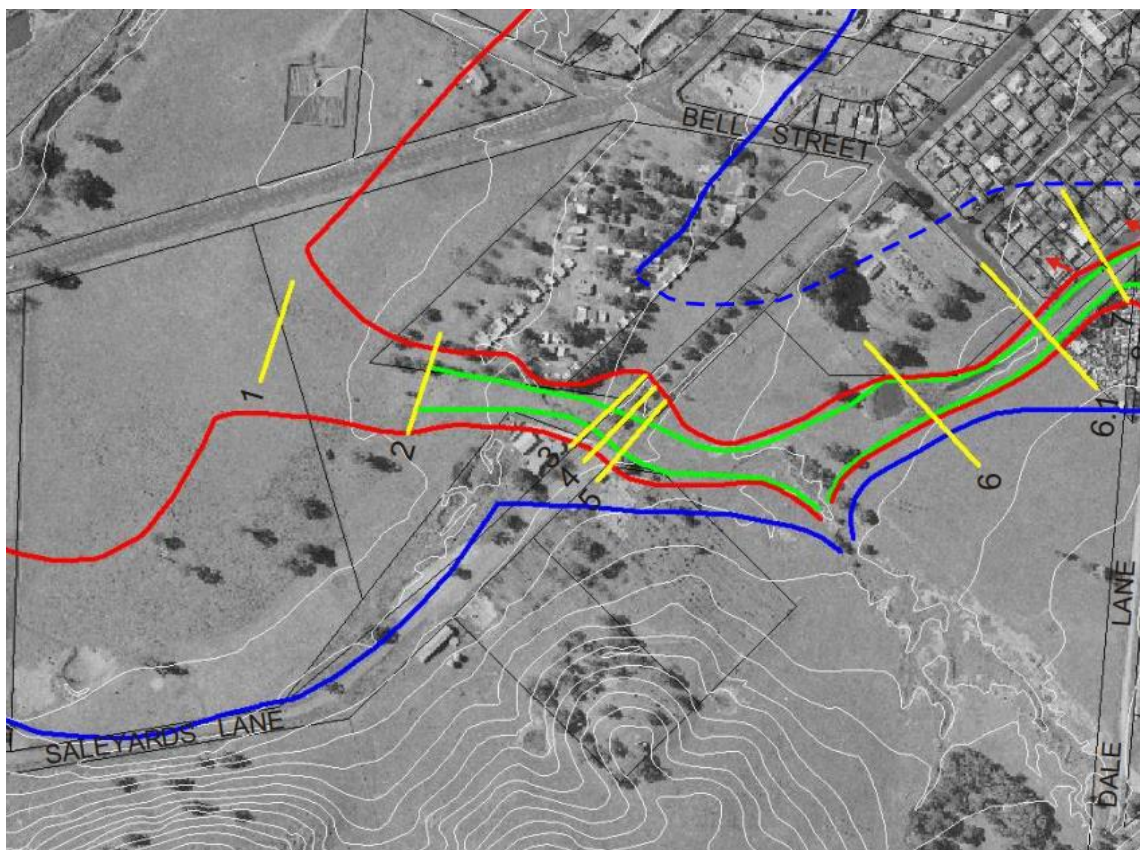
**Table 5 Code of Practice - Part 8**

Section 8 Assessment	Evaluation
1. Will the activity disturb the ground surface?	The proposed activity will involve minor earthworks to establish suitable building pads however the site itself has been historically cleared and may be considered disturbed.
2a. Search the AHIMS Database	An AHIMS search was conducted in August 2021 (Appendix C) for the parent lot. No Aboriginal Sites or Places were recorded in proximity to the site.
2b. Activities in the areas where landscape features indicate the presence of aboriginal objects	The site adjoins a drainage channel on the western boundary. The channel is partially disturbed (channel includes culverts and scour protection) and is avoided by the development.
3. Can you avoid harm to the object or disturbance of the landscape feature?	Not applicable – no sites or places are known to occur.

The outcome of the part 8 assessment of the Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales indicates that the applicant can proceed with caution without applying for an Aboriginal Heritage Impact Permit (AHIP). The owner (the applicant) is aware that if while undertaking any activities an Aboriginal Object is identified, they must stop work and notify the appropriate authorities and possibly apply for an AHIP.

## 7.8 ENVIRONMENTAL HAZARDS

The subject land is not mapped as being bushfire-prone land or subject to soil subsidence or instability. The EPI flood maps do not identify the subject as being flood-affected. The review of Catchment A of the Mudgee Local Creeks Floodplain Risk Management Study and Plan 2008 indicates that the subject site is within the 1-in-100-year flood extent. An excerpt of the flood study for the site is shown in Figure 10.



**Figure 10 Flood Study Excerpt - Catchment C**

The Mid-Western Regional DCP 2013 indicates that the proposed development, being within the 1-in-100-year flood extent, is of medium flood risk. Appendix A of the DCP has been referenced for residential development in a medium flood risk category, which requires:

- Floor levels to be above the 100-year ARI flood
- All structures within the 100-year ARI flood are to have flood compatible building components
- The applicant is to demonstrate that any structure can withstand the forces of floodwater, debris & buoyancy up to the 100-year ARI flood
- The impacts of flood elsewhere are to be considered
- Reliable access for pedestrians or vehicles required during a 100-year ARI flood

**Comment** - The building pads include a minor lift to achieve RLs above the mapped 100-year flood extent. As the proposed floor levels are to be located above the 100-year flood ARI, the design complies with points 1-3. The extent of the raised building pads is minimal and is considered unlikely to have further implications for flooding elsewhere. The subject site is not isolated during a flood event and can evacuate to Mudgee via Saleyards Lane if required.

## **7.9 SOIL AND EROSION**

The proposed development is not associated with a potentially polluting activity likely to affect water quality through increased sediment load or result in soil contamination. Minor earthworks are proposed during construction. The minimal slope within these areas suggests that standard sediment and erosion control practices (details included in Appendix B) will be sufficient to prevent erosion and off-site sedimentation from occurring.

## **7.10 AIR AND MICROCLIMATE**

The proposed development is not associated with any ongoing polluting activities that are likely to impact air quality or the microclimate.

## **7.11 NOISE AND VIBRATION**

The proposed development will not generate significant noise or vibrations and is not expected to impact neighbouring properties.

## **7.12 SURFACE WATER**

Extensive earthworks are not proposed during this stage of development and the disturbed area of the site will be negligible. The proposed sediment and control measures are considered satisfactory to prevent degradation of the watercourse through diminished water quality or sedimentation resulting from erosion.

## **7.13 BIODIVERSITY**

The subject site has been reviewed for sensitive ecological receptors. The subject site is not associated with high biodiversity value as published by the OEH on the BV map or identified as being of terrestrial biodiversity as published by Mid-Western Regional Council on the Sensitivity Biodiversity Map.

Site inspections indicate that the land has been extensively cleared and remanent site vegetation is negligible. Given no further clearing is proposed and the lack of sensitive ecological features or environments, the development is considered to have a low ecological impact.

## **8 SITE SUITABILITY**

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The suitability of the site has been considered in the context of the site location, surrounding development, proposed use and potential environmental impacts per section 4.15(c) of the EP&A Act.

### **8.1 ZONING AND PERMISSIBILITY OF THE PROPOSAL**

The proposed dual occupancy and subdivision is permitted with consent in the zone and is consistent with the zone's objectives and surrounding use of the land.

### **8.2 SIZE AND SHAPE OF THE LAND**

The site is constrained by the drainage reserve that adjoins the western boundary however the proposed design demonstrates how the site can be suitably developed to achieve similar housing densities to the development occurring along Saleyards Lane.

### **8.3 ENVIRONMENTAL FEATURES**

The hazards due to flooding have been assessed, and the development is within the medium flood risk category. The application of a minor lift to the building pad has been proposed such that the buildings will be above the 100-year ARI flood event.

### **8.4 COMPATIBILITY WITH ADJOINING DEVELOPMENT**

The proposal is in line with the surrounding land use, being residential development. The proposal does not create additional interactions with neighbouring lots, and no land-use conflicts have been identified. Substantial offsets from the neighbouring allotments have been incorporated into the design to minimize privacy impacts due to the proposed building pad lift. No cumulative impacts have been identified that are likely to impact the subject site or any adjoining development.

## **9 EP&A ACT PART 4.15(D) & (E) – PUBLIC INTEREST**

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The Environmental Planning and Assessment Act 1976 requires the consent authority to consider the interests of the public under sections 4.15 (d) and (e). Any submissions made in accordance with the EP&A Act or Regulations and received during the notification period for the development would be required to be considered by Council in assessing the application. The proposal is unlikely to have broader public implementations and generally acts in the public's interest by providing opportunities for residential housing.

## **10 CONCLUSION**

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This Statement of Environmental Effects assesses the impact of the proposed development and, where relevant, provides supporting information that outlines how the proposal will achieve consistency with the zone's objectives and how environmental impacts, if any, will be mitigated. It is recommended that the proposed dual occupancy and one (1) into two (2) lot Torrens Title subdivision be approved on the following basis:

- The proposal is considered acceptable in terms of the provisions of Section 4.15 of the *Environmental Planning and Assessment Act 1979*
- The proposal is permitted with consent and is consistent with the land use objectives of the R1 General Residential zone
- The proposal complies with the relevant provisions of the *Mid-Western Regional Local Environmental Plan 2012* and the *Mid-Western Regional Development Control Plan 2013*
- The proposed development would not conflict with adjoining land uses and is generally considered suitable for the subject site and its surroundings.

Overall, the development meets the standards expected for the location and proposed use. Under the *Environmental Planning and Assessment Act 1979*, further environmental assessment is not warranted. Mid-Western Regional Council can assess and determine this application based on this document and supporting plans.