



No. 1 Railway Street, Gulgong  
**OCTOBER 2021**

# STATEMENT OF ENVIRONMENTAL EFFECTS



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RAILWAY STREET, GULGONG

## PROJECT INFORMATION

The Proposal: This Statement of Environmental Effects accompanies a development application lodged with consent of the registered property owner. The proposal seeks approval for a 5 lot subdivision, comprising 4 x residential lots and 1 x residue lot.

Site: Lot 2 Deposited Plan 613429  
Nos. 1 – 5 Railway Street  
GULGONG NSW 2852

Developer:   
43/2 Slough Avenue  
SILVERWATER NSW 2128



## **CONTENTS**

<b>1</b>	THE SITE & CONTEXT	1
<b>2</b>	THE PROPOSAL	3
<b>3</b>	STATUTORY PLANNING FRAMEWORK	4
<b>4</b>	SECTION 4.15 OF THE EPAA	7
<b>5</b>	CONCLUSION	12

## **ATTACHMENTS**

SURVEY PLAN

PRELIMINARY SITE INVESTIGATION

PLAN OF SUBDIVISION

CIVIL ENGINEERING PLANS

INFRASTRUCTURE CAPABILITY ASSESSMENT

SITE BASED STORMWATER MANAGEMENT PLAN



# 1 THE SITE & CONTEXT

The site is identified as Nos. 1 – 5 Railway Street, Gulgong (Lot 2 Deposited Plan 613429). The site is irregular in shape, has an area of 4.189 hectares and has frontages to Railway Street and Homer Street (see Survey Plan). There are no significant trees upon the site.

One of regional NSW's fastest growing areas, the Mid-Western Region is a key gateway to the Central West and Far West Regions of the state. The Mid-Western Region covers 8,752km<sup>2</sup> and is located in the Central Ranges of New South Wales, approximately 210 kilometres northwest of Sydney, 250 kilometres west of Newcastle, and 300 kilometres north of Canberra. The Castlereagh Highway runs through the centre of the Region in a southeast/ northwest direction. The area is known for its wineries, landscape, historic villages, and is strongly supported by the mining, tourism, construction and agricultural industries.

Gulgong is 300 kilometres north-west of the Sydney, and about 30 kilometres north of Mudgee. At the 2016 census, Gulgong had a population of 2,521. Much of the 19<sup>th</sup> century character of the town remains, contributing to its appeal as a tourist destination, of special interest is the Prince of Wales Opera House and the Gulgong Pioneer Museum. In addition, the town hosted an international ceramics festival every three years since 1989 and hosts an annual folk festival in the last few days of the year.

The suburb of Gulgong is serviced by the Gulgong District Hospital. There are various schools for children of all ages located in Gulgong, including in Gulgong Preschool, Happy Days – Gulgong Childcare & Preschool, All Hallows School, Gulgong Public School, and Gulgong High School. The suburb has a multitude of parks and services available including but not limited to Gulgong Skatepark, Gulgong adventure playground, Gulgong Swimming Pool, The People's Park, Coronation Park, ANZAC Park, Victoria Park and the Gulgong Showgrounds.



FIGURES 1 & 2

Photographs of the subject site.



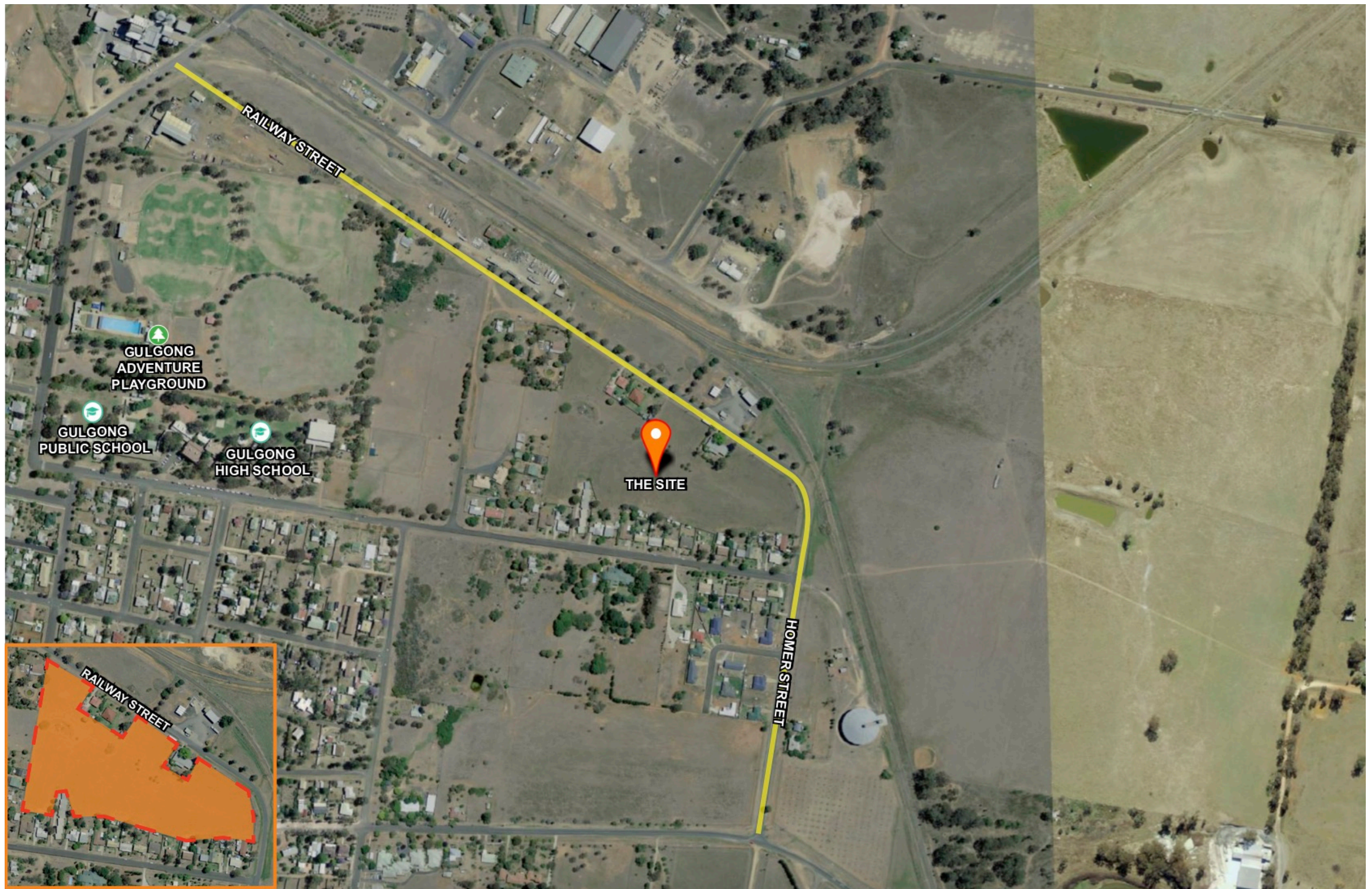


FIGURE 3

The site and its context (extract from Six maps).



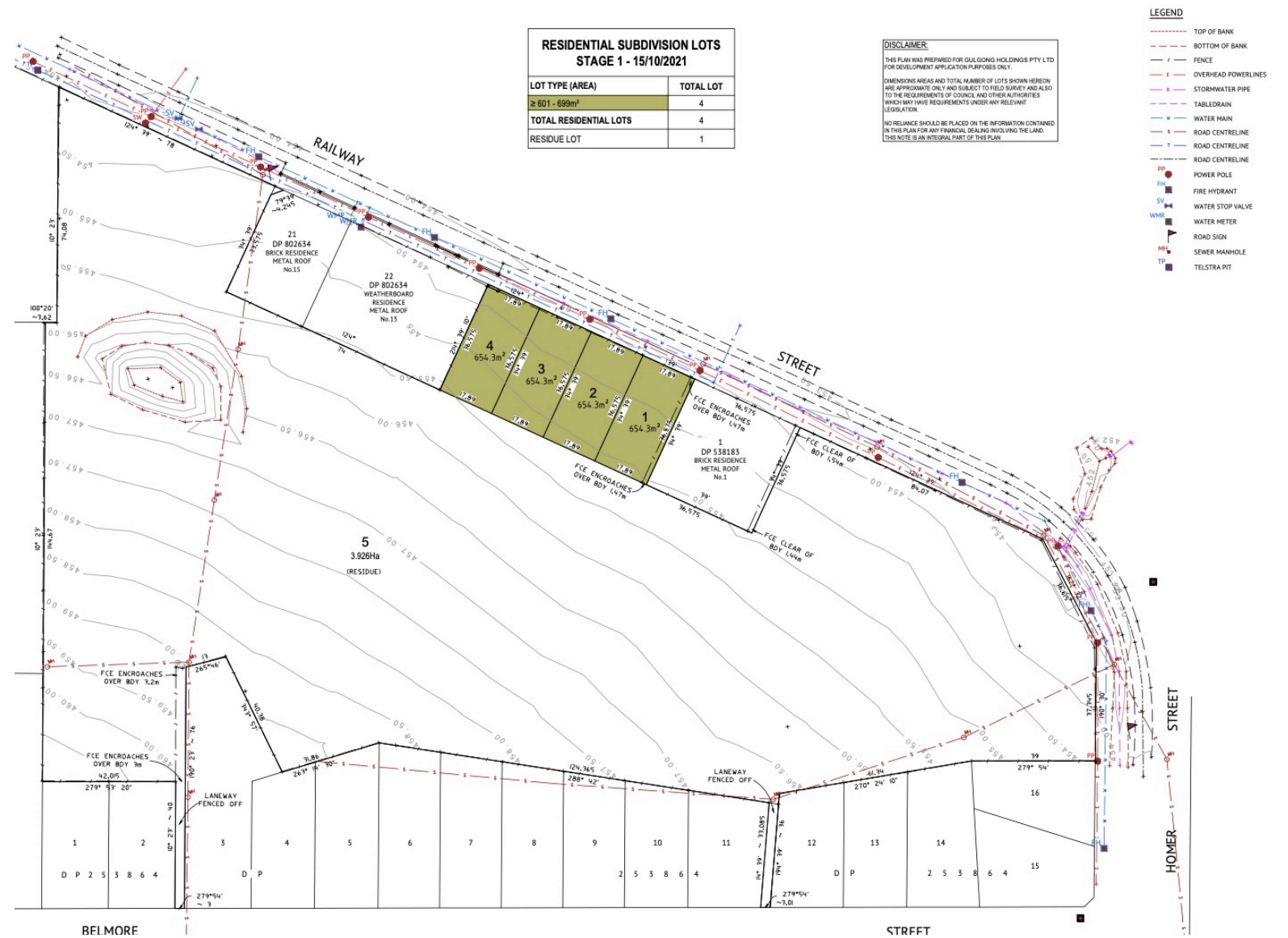
# 2 THE PROPOSAL

The application seeks approval for a 5 lot subdivision to include 4 residential lots and 1 residual lot. Each residential allotment is to be regular in shape, with a 17.89 metre frontage to Railway Street.

The residual lot is to be developed as part of a future Development Application. The proposed lots are defined as follows:

- Lot 1 – 654.3m<sup>2</sup>
- Lot 2 – 654.3m<sup>2</sup>
- Lot 3 – 654.3m<sup>2</sup>
- Lot 4 – 654.3m<sup>2</sup>
- Lot 5 (residual) – 3.926 hectares.

Other required subdivision works will also be completed including road widening and the extension of water and sewer services, as per attached Civil Engineering Drawings.



**FIGURE 4**  
Extract proposed Subdivision Plan.

# 3 STATUTORY PLANNING FRAMEWORK

## 3.1 STATE ENVIRONMENTAL PLANNING POLICY NO. 55 – REMEDIATION OF LAND

Clause 7(1)(a) of State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55) states that a consent authority must not consent to the carrying out of any development on land unless it has considered whether the land is contaminated. The Department of Planning publication “Managing Land Contamination – Planning Guidelines SEPP 55 – Remediation of Land” provides advice on the process of determination as to whether a site is contaminated. In this regard, Section 2.2 of the Guidelines states:

*When carrying out planning functions under the EP & A Act, a planning authority must consider the possibility that a previous land use has caused contamination of the site as well as the potential risk to health or the environment from that contamination.*

*When an authority carries out a planning function, the history of the land use needs to be considered as an indicator of potential contamination. Where there is no reason to suspect contamination after acting substantially in accordance with these Guidelines, the proposal may be processed in the usual way.*

The Guidelines continue at Section 3.2.1 by stating that:

*The potential for contamination is often linked to past uses of land and a good early indicator of possible uses is land zoning. Contamination is more likely to have occurred if the land is currently, or was previously, zoned for industrial, agricultural or defence purposes.*

A Stage 1 Preliminary Site Investigation has been prepared in support of this application, which was based on a desktop review of available information, a review of historical records, site walkover reconnaissance, and analytical results of collected samples. The investigation concludes:

- *The area comprising the site, consisting of Lot 2 in DP 613429 appears to have predominantly been historically utilised for passive rural / agricultural purposes.*
- *Based on known activities at or in the vicinity of the site, and observations during the inspection in September 2021, no significant routes of exposure by receptors (current or future) to potential contamination sources have been identified, due to negligible impacts present. The potential risk of any residual contamination impacts, if present, would be minor in scale and may be adequately managed by conducting works in accordance with appropriate construction industry standards.*
- *Based on the findings of this preliminary site investigation, Premise considers that any residual environmental impacts are likely to be aesthetic in nature and, if identified, may be managed by industry-standard waste management practices.*

## 3.2 MID-WESTERN REGIONAL LOCAL ENVIRONMENTAL PLAN 2012

The Mid-Western Regional Local Environmental Plan 2012 was gazetted on 10 August 2012 and applies to all land within the Mid-Western Regional local government area (LGA). The particular aims of the LEP are to:

- (aa) *to protect and promote the use and development of land for arts and cultural activity, including music and other performance arts,*
- (a) *to promote growth and provide for a range of living opportunities throughout Mid-Western Regional,*
- (b) *to encourage the proper management, development and conservation of resources within Mid-Western Regional by protecting, enhancing and conserving—*



- i. *land of significance to agricultural production, and*
  - ii. *soil, water, minerals and other natural resources, and*
  - iii. *native plants and animals, and*
  - iv. *places and buildings of heritage significance, and*
  - v. *scenic values,*
- (c) *to provide a secure future for agriculture through the protection of agricultural land capability and by maximising opportunities for sustainable rural and primary production pursuits,*
- (d) *to foster a sustainable and vibrant economy that supports and celebrates the Mid-Western Regional's rural, natural and heritage attributes,*
- (e) *to protect the settings of Mudgee, Gulgong, Kandos and Rylstone by—*
- i. *managing the urban and rural interface, and*
  - ii. *preserving land that has been identified for future long- term urban development, and*
  - iii. *promoting urban and rural uses that minimise land use conflict and adverse impacts on amenity, and*
  - iv. *conserving the significant visual elements that contribute to the character of the towns, such as elevated land and the rural character of the main entry corridors into the towns,*
- (f) *to match residential development opportunities with the availability of, and equity of access to, urban and community services and infrastructure,*
- (g) *to promote development that minimises the impact of salinity on infrastructure, buildings and the landscape.*

#### Land Use Zone

The site is zoned R1 General Residential Zone. The objectives of the 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 proposed development is permissible with consent within the R1 General Residential zone and satisfies the objectives of the zone, as the development will provide additional housing to meet the needs of the community.

#### Clause 4.1 Minimum Subdivision Lot Size

Clause 4.1 of the LEP prescribes the minimum subdivision lot size of 600m<sup>2</sup>.

The minimum proposed lot size is 654.3m<sup>2</sup>.

#### Clause 5.10 Heritage Conservation

Clause 5.10 of the LEP relates to heritage conservation. The site does not contain a heritage item, nor is it located within a heritage conservation area.

The site is however located adjacent a heritage item at No. 13 Railway Street, which is identified as an item of local significance at Schedule 5 of the LEP (No. 342 'House').

The heritage item at No. 13 Railway Street is a single storey, former homestead that was reputedly built in 1896. It is a Federation style weatherboard house with a wrap around verandah and a hipped, corrugated metal roof. The house is set in open gardens with perimeter plantings. The listing sheet for the property (SHI 2070342) does not contain a statement of significance but identifies the property as having significance under all of the Heritage Manual criteria. The current curtilage of the homestead is its own lot boundaries. The land to the south provides some vestige of the semi rural nature of the area, though the proximity to the township allows for a greater degree of development in line with statutory planning controls.

The proposal involves only minor engineering works to provide services and to permit access to proposed future dwellings, and as such there is a negligible impact on the heritage item. The subdivision will likely lead to development on the subject site, but this is likely to be single storey, traditional low density housing. Any development is likely to be in line with the later development along Belmore Road and Railway Street and will not be at a scale that would impact the setting or significance of the heritage item.

### 6.3 Earthworks

The objective of this clause is to ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land. Only minor subdivision works are proposed as part of this development, including the extension of water and sewer services and road widening works. Earthworks are minor in nature and are unlikely have adverse impacts on the environment. Suitable conditions of development consent will ensure that appropriate erosion and sediment controls are put in place for the duration of construction.

### Clause 6.4 Groundwater Vulnerability

The site is identified on the Ground Vulnerability Map as groundwater vulnerable. The objectives of this clause are to maintain the hydrological functions of key groundwater systems, and to protect vulnerable groundwater resources from depletion and contamination as a result of development. Before determining a development application for development on land to which this clause applies, the consent authority must consider the impact of the proposed development on groundwater. The proposed development includes minor civil works which will not impact on groundwater.

### Clause 6.9 Essential Services

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 proposed development are available or that adequate arrangements have been made to make them available when required:

- the supply of water,
- the supply of electricity,
- the disposal and management of sewage,
- stormwater drainage or on-site conservation,
- suitable road access.

An Infrastructure Capability Assessment has been prepared to accompany the application:

*This Engineering Services report has assessed Council's requirements and possible development restrictions which may apply to filling and excavation, roadways and corridors, water and sewer reticulation, electrical and communication.*

*The report concludes that there are no constraints preventing an orderly development of the subject site from occurring as planned and in accordance with Council's guidelines for development.*



# 4 SECTION 4.15 OF THE EPAA

## 4.1 ENVIRONMENTAL PLANNING INSTRUMENTS – SECTION 4.15(1)(a)(i)

The proposal is permissible subject to the provisions of the LEP. The impacts of other environmental planning instruments including SEPP 55, SEPP (BASIX), SEPP 64, SEPP 65 and SEPP Infrastructure have also been considered in the preparation of this development application. The provisions of these relevant environmental planning instruments have been satisfactorily addressed within Section 3 of the Statement of Environmental Effects.

## 4.2 DRAFT ENVIRONMENTAL PLANNING INSTRUMENTS – SECTION 4.15(1)(a)(ii)

Nil.

## 4.3 DEVELOPMENT CONTROL PLANS – SECTION 4.15(1)(a)(iii)

Mid-Western Regional Development Control Plan 2013

The Mid-Western Regional Development Control Plan 2013 (the DCP) came into effect on 11 February 2013 and applies to land within the Mid-Western Regional LGA. The objectives of the DCP are to:

- Implement and support the objectives of the Local Environmental Plan (Mid-Western Regional LEP 2012);
- Define development standards that deliver the outcomes desired by the community and Council;
- Provide clear and concise development guidelines for various forms of development;
- Encourage innovation in design and development by not over-specifying development controls;
- Expedite development approvals by providing clear direction of Council's intent and criteria; and
- Provide certainty of development outcomes for developers and the community.

**TABLE 1**

Mid-Western Regional Development Control Plan 2013 Compliance Table.

MID-WESTERN REGIONAL DEVELOPMENT CONTROL PLAN 2013			
CONTROL	REQUIREMENTS	PROPOSED	COMPLIES
PART 7 – SUBDIVISION			
7.1 – Urban Subdivision			
Lot Size	All lots must have street frontage	Complies. Each lot has frontage to Railway Street.	YES
	As slope increases the minimum size of the lots will be required to increase according to the following: <ul style="list-style-type: none"> <li>• 0-10° - 600m2</li> <li>• 10-15° - 700m2</li> <li>• 15-20° - 800m2</li> </ul>	Complies. A minimum lot size of 654.3m <sup>2</sup> is provided.	YES

MID-WESTERN REGIONAL DEVELOPMENT CONTROL PLAN 2013

CONTROL	REQUIREMENTS	PROPOSED	COMPLIES
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	Development will not be permitted on slopes in excess of 20°. All lots must have a minimum width of 16m at the building line (4.5 metres from the front property boundary) in the case of lots within residential and village zones.	Noted.	
	Battle-axe handles in R1 General Residential and R3 Medium Density Residential and RU5 Village zones must have a minimum width of 4m and R2 Low Density residential and R5 large lot residential zones must have a minimum width of 6m	N/A. No battle-axe handles are proposed.	N/A
Lot Design	For infill developments in established areas, lot orientation should optimise solar access while taking account of the existing pattern and solar orientation of development.	Complies. Lots have been sited to face the street, consistent with adjoining lots.	YES
	For subdivisions in new release areas and at the edge of established residential areas, orientation should maximise solar access by providing a north-south orientation within the range of 30° east of north or 20° west of north as the preferred option. Lots orientated east-west should have increased width and the midpoint of each lot with access to a minimum of 3 hours sunlight between 9.00 am and 3.00 pm on 21 June (Winter solstice)	N/A.	N/A
	Lots should be generally rectangular in shape. Lots on the southern side of the road should provide a greater frontage to allow better solar orientation of the future dwelling.	Complies. Lots are rectangular in shape.	YES
	Corner lots should be created of a sufficient area to allow development for the purposes of dual occupancies with the supply of appropriately located independent utility connection points.	N/A. No new corner lots are proposed.	YES
Street Design and Layout	A Traffic Impact Statement is to be submitted for any subdivision involving 5 or more allotments and, in all cases, where the creation of a new road is proposed.	N/A.	N/A
	A subdivision layout will need to detail the road hierarchy and how the development integrates with the existing residential area. New roads associated with subdivisions must provide 'through road' connections between surrounding roads and road heads where they exist in the locality.	N/A. No new roads are provided as each lot has a street frontage.	N/A
	Where a cul de sac treatment is unavoidable, the applicant will need to incorporate pedestrian linkages between streets throughout the subdivision. Multiple use of cul de sacs and "no through roads" is discouraged.	N/A. No new roads are provided as each lot has a street frontage.	N/A
	The maximum number of lots serviced by a cul de sac in a residential zone is 12, or otherwise a cul-de-sac is restricted to less than 150 metres in length.	N/A. No new roads are provided as each lot has a street frontage.	N/A
	A subdivision involving more than 80 residential lots should be able to accommodate travel without excessive backtracking.	N/A. No new roads are provided as each lot has a street frontage.	N/A
Urban Road Standards	Access to and within a residential subdivision (the road network and internal roads) are to be upgraded or constructed to the following standards. All roads are to be constructed with asphalt or bitumen in accordance with AusRoads standards.	N/A. No new roads are provided as each lot has a street frontage.	N/A

Road Type	Road Reserve	Carriageway	Nature Strip	Footpath	Kerbing
Minor Road – Cul-de-sac serves ≤ 10 dwellings	16m	8m	2x4m	No	Roll-over
Residential Road – serves 31 – 120 dwellings	18m	9m	2x4.5m	1x1.2m	Roll-over



MID-WESTERN REGIONAL DEVELOPMENT CONTROL PLAN 2013

CONTROL	REQUIREMENTS	PROPOSED	COMPLIES
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Major Residential Road (collector road) – serves ≥ 120 dwellings	20m	11m	2x4.5m	1x1.2m	Roll-over
Sub-arterial road – Bus Route and/or cycle lane (on one side only)	22m	13m	2x4.5m	2.5m	Barrier
Commercial & Industrial subdivision roads.	24m	13m	2x4.5m	1x1.2m	Barrier / Roll Over

Note: The minimum radius of Cul-de-sac kerb return is 8.5m with road reserve of 12.5m

Cul-de-sacs will only be considered in commercial/industrial subdivisions where there is no alternative option and should be designed having regard to the size of the lots proposed.

Cycle ways and footpaths	<p>Cycle ways and alternative pedestrian networks are encouraged within new subdivisions. Where the site is included in a cycleway plan or pedestrian strategy, the design of the development will need to address this. In other cases, all new residential subdivisions are required to plan and provide combined pedestrian/cycle ways, which will provide direct, convenient and safe access to major facilities e.g. schools, playing fields, playgrounds, shops, bus stops, etc.</p> <p>Ends of cul-de-sacs may be required to include pedestrian pathways (or share ways) preferably in conjunction with stormwater drainage to provide access to adjacent streets or parks. The minimum width of pathway and/or drainage overland flow outlets is 10 metres.</p> <p>The developer will be required to pay council a contribution for the installation of cycle ways and footpaths prior to the release of a subdivision certificate.</p>	<p>N/A. No new roads are provided as each lot has a street frontage.</p> <p>N/A</p> <p>Noted.</p>	<p>N/A</p> <p>N/A</p> <p>N/A</p>
Open Space	<p>Subdivision of Greenfield sites where more than 20 lots are proposed shall ensure that all lots are within 400m of a local park, playground or passive open space</p> <p>Where on-site detention basins are proposed to double as open space the basin must include a sizeable raised level area which incorporates playground or fitness equipment or the like and shading landscaping to ensure that it can be activated for active and passive recreation.</p>	<p>N/A. The proposal is for 4 residential lots and 1 residual lot only.</p> <p>N/A. The proposed subdivision does not comprise on site detention.</p>	<p>N/A</p> <p>N/A</p>
Landscaping	<p>A Landscape plan detailing the proposed treatment of the public domain is required to be submitted with the development application. This plan is to include treatment of the nature strip, street furniture, paving materials etc. Land to be dedicated as a public reserve is to be top soiled, levelled and turfed prior to the release of the Subdivision Certificate. The developer will need to maintain this land for a period of two years and therefore the construction of the public reserves at the start of a green field subdivision is encouraged.</p> <p><b>Street Trees</b> All new lots require the establishment of 2 street trees per lot. The developer is required to pay a levy Council to carry out these works in the future. This is the preferred method for street tree planting as Council can plant these trees after much of the construction work (80% of the lots have been built upon) has taken place. The fee associated with this type of arrangement will be provided in Council's Management Plan.</p>	<p>N/A. Existing landscaping treatment to be retained.</p> <p>Able to comply.</p>	<p>N/A</p> <p>YES</p>

MID-WESTERN REGIONAL DEVELOPMENT CONTROL PLAN 2013			
CONTROL	REQUIREMENTS	PROPOSED	COMPLIES
Utility Services	A servicing plan shall be submitted with the development application and include the provisions of underground electricity, reticulated sewer and water services, drainage, and telecommunications to the development.	Complies. See attached water and sewer servicing plan.	YES
	Evidence of consultation with the relevant authorities is to be submitted with the development application.	Complies.	YES
	In the R1 General Residential Zone and the R3 Medium Density Residential Zone an initial assessment will be undertaken at the development application to nominate those lots considered suitable for dual occupancy development. This assessment will have regard to the requirements of this DCP (see Section 2.2 and 3.1) and the suitability of the site. Where a site has been nominated Council will require dual utility services to be provided for those lots. Dual services are to include water, sewer, stormwater, electrical and telecommunication services. Identification of the site does not pre-empt that development consent will be given for dual occupancy development. Any subsequent Development Application for a dual occupancy will be subject to a full assessment pursuant to Section 4.15 of the Environmental Planning and Assessment Act 1979.	N/A. The minimum lot size of the 4 residential lots will not enable dual occupancy development. Future subdivision of the residual lot would form part of a separate development application.	N/A
Drainage	Refer to section 5.3 Stormwater & Drainage	The proposed subdivision is generally consistent with Section 5.3 of the DCP. See Stormwater Management Plan.	YES

#### 4.4 IMPACTS OF THE DEVELOPMENT – SECTION 4.15(1)(b)

The impacts of the proposal are considered acceptable in the circumstances of the case. Environmental, economic and social impacts, along with quantitative controls have been addressed throughout this report.

The impacts of any engineering works, including road widening and connection to services including water, sewer and stormwater have been considered in earlier sections of this report and via attachments addressing infrastructure capability and stormwater design. This proposed Site Based Stormwater Management Plan has been prepared to manage future site based stormwater quantity requirements for the design storms up to and including the 1% AEP event. A detention tank for any future DA/CDC is required at each lot to ensure non- worsening of post-development discharge from the proposed development. Runoff from external catchments will be conveyed safely by a 1.5 metre wide swale along the southern boundaries of Lots 1 – 4 towards the east. The Stormwater Management Plan concludes that by implementing the proposed stormwater quantity management measures, the proposed development will ensure no worsening effects downstream of the proposed development and conforms to best engineering practices.

The impacts on heritage have also been considered earlier in this report.

The proposed development is consistent with the objectives of R1 General Residential zone and is within the site’s environmental carrying capacity. It is otherwise demonstrated to be consistent with Council’s DCP requirements for subdivision in residential zones.



#### 4.5 SUITABILITY OF THE SITE – SECTION 4.15(1)(c)

The site is not affected by any known natural or technological constraints that would prevent development in accordance with the zone objectives.

**TABLE 2**

Does the proposal fit the locality?

CONSIDERATION	OUTCOME
Are the constraints posed by adjacent developments prohibitive?	No
Would development lead to unmanageable transport demands?	No
Are there adequate transport facilities in the area?	Yes
Will the locality contain adequate recreational opportunities and public spaces for new occupants?	Yes
Are utilities and services available to the site and adequate for the development?	Yes
Is the air quality and microclimate appropriate for the development?	Yes
Are there hazardous land uses or activities nearby?	No
Are ambient noise levels suitable for the development	Yes
How critical is the site to the water cycle in the catchment?	N/A

**TABLE 3**

Are the site attributes conducive to development?

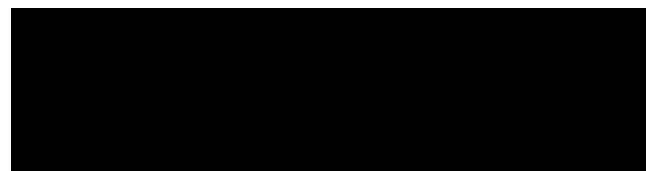
CONSIDERATION	OUTCOME
Is the site subject to natural hazards including floodplain, tidal inundation, subsidence, slip, mass movement, and bushfires?	No
Is the proposal compatible with conserving the heritage significance of the site?	Yes
Are the soil characteristics on the site appropriate for development?	Yes
Is development compatible with protecting any critical habitats or threatened species, populations, ecological communities and habitats on the site?	N/A
Is the site prime agricultural land and will development prejudice future agricultural production?	No
Will development prejudice the future use of the site for mineral and extractive resources?	N/A

#### 4.6 PUBLIC INTEREST – SECTION 4.15(1)(e)

The proposed development is considered to be in the public interest, promoting redevelopment of an underutilised site, providing a range of housing types in demand within the locality. The proposed development is consistent with the objectives of R1 General Residential zone and is within the site’s capacity constraints. The development has otherwise been demonstrated to be consistent with Council’s requirements for subdivision.

## 5 CONCLUSION

Having taken into account the relevant heads of consideration pursuant to Section 4.15 of the Environmental Planning and Assessment Act 1979, the proposal is considered an appropriate development of the site, providing for the housing needs of the community, contributing to the variety of housing types and densities available within the Gulgong centre.



Daniel McNamara

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