

December 2021



Statement of Environmental Effects

Lot 1 Croake Way – Attached Dual Occupancy & Strata Subdivision



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SUBTITLE	Lot 1 Croake Way – Attached Dual Occupancy & Strata Subdivision
PREPARED BY	O’Ryan Geospatial Pty Ltd
LANDHOLDER/S	
APPLICANT	Hibbard Homes
SITE ADDRESS	██
LOT/SECTION/DP	1/-/DP1267151

VERSION	COMMENT	DATE
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1 INTRODUCTION

O’Ryan Geospatial Pty Ltd (O’Ryan) has been engaged to prepare a Statement of Environmental Effects (SEE) report to describe the proposed development against the relevant legislative, environmental and planning requirements. This development application (DA) seeks permission for an attached dual-occupancy and Strata Title subdivision.

1.1 SCOPE OF THIS REPORT

This SEE report provides an overview of the existing site, describes the proposed development and evaluates the proposal against the environmental planning framework. The report is structured in the following sections:

- **Section 2** provides a description of the site and its locality
- **Section 3** describes the proposed development
- **Section 4** evaluates the proposal against the environmental planning framework
- **Section 5** identifies the impacts of the proposed development
- **Section 6** considers the suitability of the site for the proposed development
- **Section 7** provides a conclusion

The application is supported by additional technical plans and reports which should be read in conjunction with this report including:

- Appendix A – Design Plans prepared by Hibbard Homes
- Appendix B – AHIMS Basic Search

1.2 SUBJECT SITE

The location of the proposed development (the subject site) is 43 Saleyard Lane, which is legally identified as 1/-/DP1267151. The site is located approximately 2.3km northwest of the Mudgee Post Office, as shown below in Figure 1.

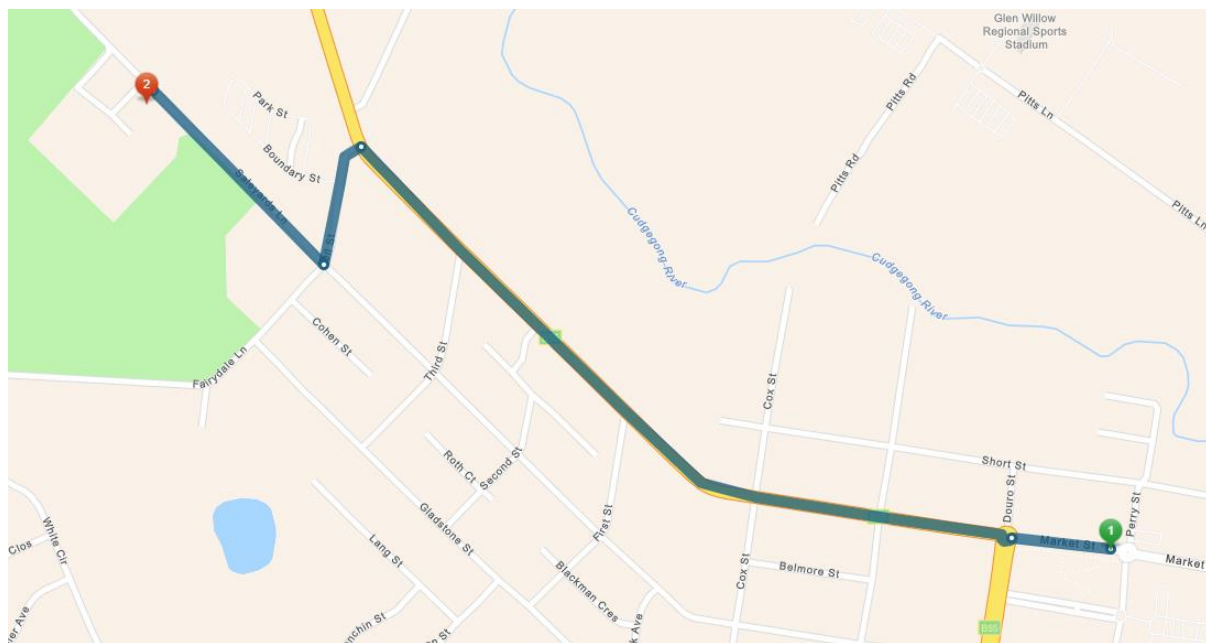


Figure 1 Location of the Subject Site

2 SITE OVERVIEW

The site has a corner lot configuration with approximately 19m frontage with Croake Way and 29m frontage with Saleyards Lane. The site is a vacant residential portion approximately 690m² in area and located within a rapidly developing residential area on the outskirts of Mudgee.

2.1 LAND USE

The site is a vacant lot primarily comprised of disturbed groundcover. Service connections were installed during the subdivision of the site. The site is zoned R1 General Residential under *Mid-Western Regional Local Environmental Plan 2012* (MWR LEP) LNZ_006C and is considered a greenfield residential site.

The site is a corner lot that adjoins two established sealed roads: Croake Way and Saleyards Lane. A childcare facility located on 30/-/DP1267151 adjoins the southeast boundary of the site. New residential dwellings or dwellings under construction are located to the north, east and south of the site. A (dated) overview of the site is provided in Figure 2. Site photos are shown below in Figure 3 and Figure 4.



Figure 2 Site Overview

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Lot 1 Croake Way – Attached Dual Occupancy & Strata Subdivision

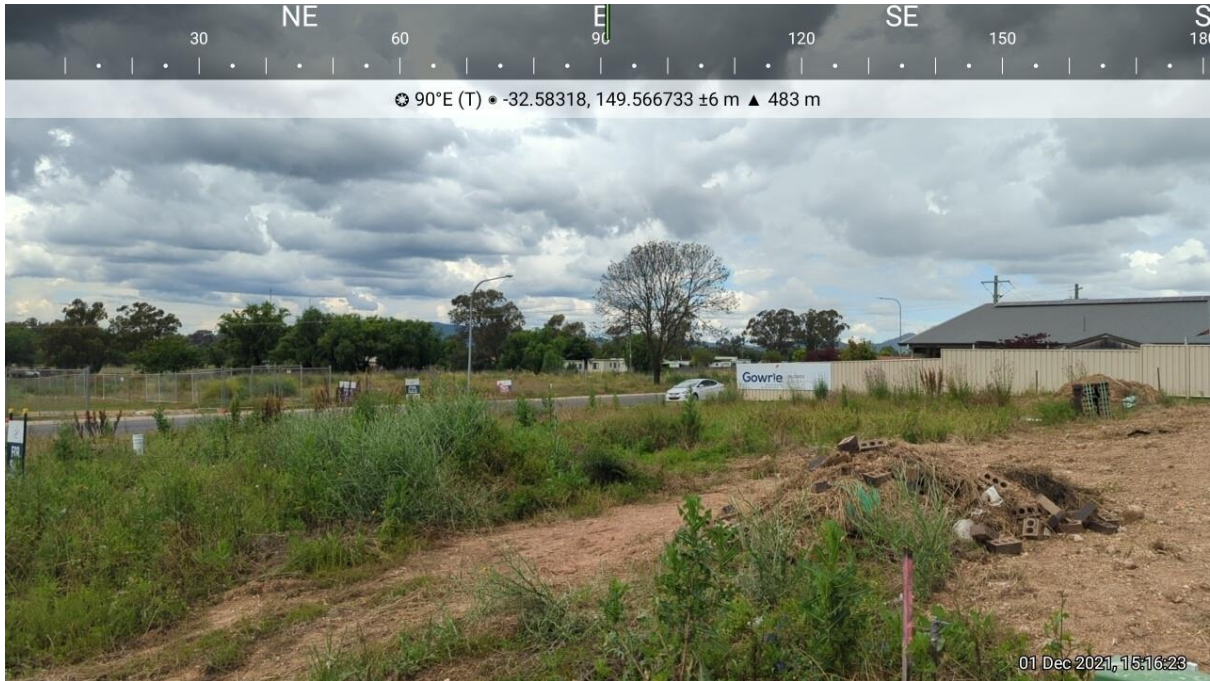


Figure 3 Subject Site – looking East



Figure 4 Subject Site - looking North

2.2 TERRAIN DESCRIPTION

The site has a uniform landform which gently slopes towards the northeast. The site is not associated with prominent crests, ridgelines or otherwise visually sensitive land. The site does not contain any overland flow paths or watercourses, with the closest drainage channel located 80m southeast of the site. Figure 5 is a false-colour DEM depicting the site and surroundings.

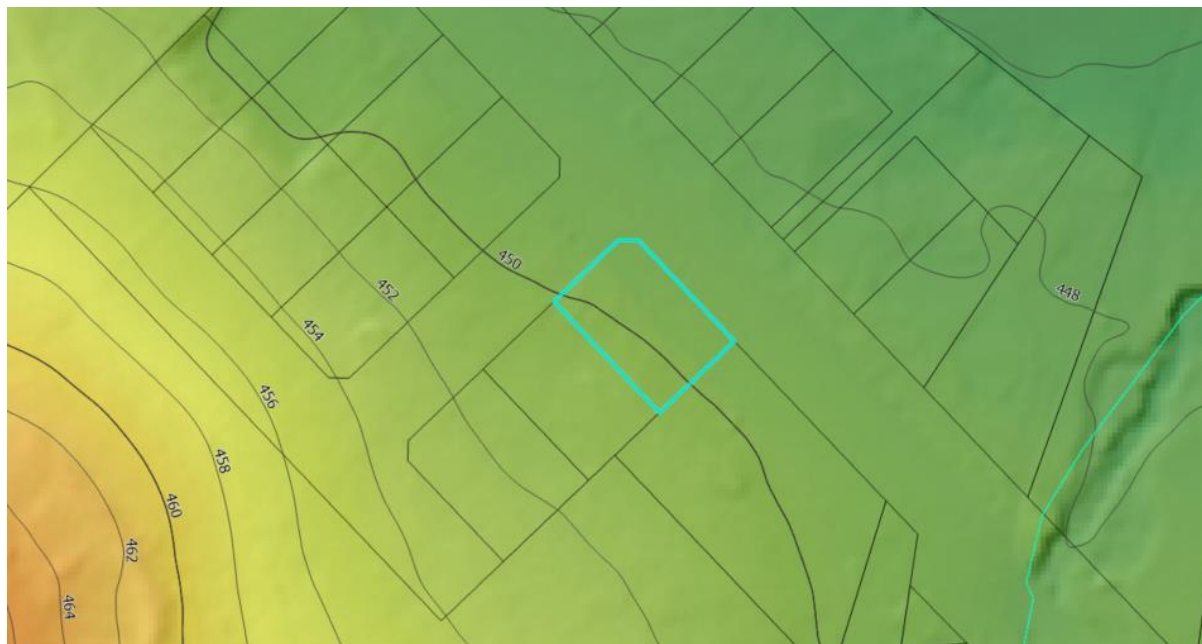


Figure 5 False Colour 1m DEM with Hillshade and 2m Contours

2.3 SENSITIVE FEATURES OR ENVIRONMENTS

The subject site has been historically cleared and is current comprised of disturbed groundcover and weeds. The site is not identified as being of high biodiversity value on the BV Map published by the DPIE nor is the site identified as being of high or moderate terrestrial biodiversity on the MWR LEP Biodiversity Sensitivity Map.

The site is not located within the Mudgee Heritage Conservation Zone and neither the site nor the adjoining properties are associated with a local heritage item listed under Schedule 5 of the MWR LEP or an item on the State Heritage Register. An AHIMS basic search was conducted in December 2021 which did not identify any sites or places of Aboriginal cultural heritage within 200m of the site. The site is generally considered disturbed and does not contain any landscape features associated with increased prevalence of Aboriginal objects (see Section 5.3 for further information).

The site is located in proximity to a childcare facility, which adjoins the eastern boundary of the site. The proximity of the childcare facility has been considered in this report.

2.4 NATURAL HAZARDS

The site is subject to soil subsidence issues and the site has not been identified as bushfire prone land on the maps issued by the NSW RFS. The site is not identified as flood-affected land on the MWR LEP mapping nor in the 2021 Mudgee Flood Study.

3 PROPOSED DEVELOPMENT

The proposed development involves the erection of an attached dual-occupancy and subdivision of the site under the *Strata Schemes Development Act 2015* such that each dwelling is located on a separate strata title.

3.1 PROPOSED DWELLINGS

The proposal seeks permission to erect an attached dual-occupancy. The proposed dual-occupancy is a single-storey brick exterior structure with sheet metal roofing. Each proposed dwelling is a three-bedroom unit, with each unit separated by a fire-rated interior wall. Excerpts of the floor area and elevations are provided in Figure 6 and Figure 7, respectively.

Site details are provided in the plans prepared by Hibbard Homes, which are attached as Appendix A. Compliance with the MWR LEP and Mid-Western Regional Development Control Plan 2013 (DCP) are explored in Section 4 of this report. A summary of the key site areas and dimensions are provided below in Table 1.

Table 1 Summary of key site areas

Feature Area		Dwelling 1	Dwelling 2
Dwelling	Living (m ²)	115.27	115.23
	Garage (m ²)	20.09	20.09
	Porch & alfresco (m ²)	15.56	14.15
	Site Coverage (m ²)	150.92	149.47
Site	Landscaped area *	322m ² or 46.64%	
	Private open Space**	165.82m ²	
	Lot Size	690.4m ²	

* Landscaped area is defined the total vegetated space within the site and includes areas used for growing plants, grasses and trees. Landscaped area excludes impervious surfaces such as buildings, structures or hard paved areas (naturally impervious areas such as rock outcrops are included).

** Private open space is an area of the site accessible from a living area that can be used for recreational purposes. Areas that are within the front setback and areas with a dimension less than 5m are excluded from the calculation.

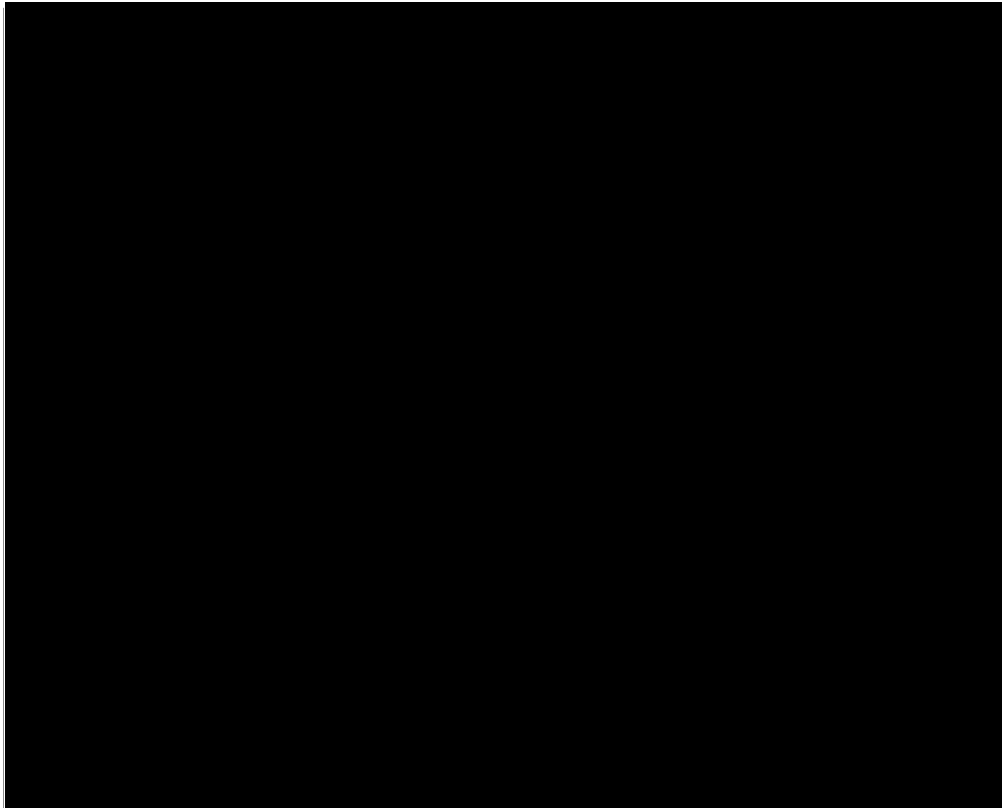


Figure 6 Floor Plan

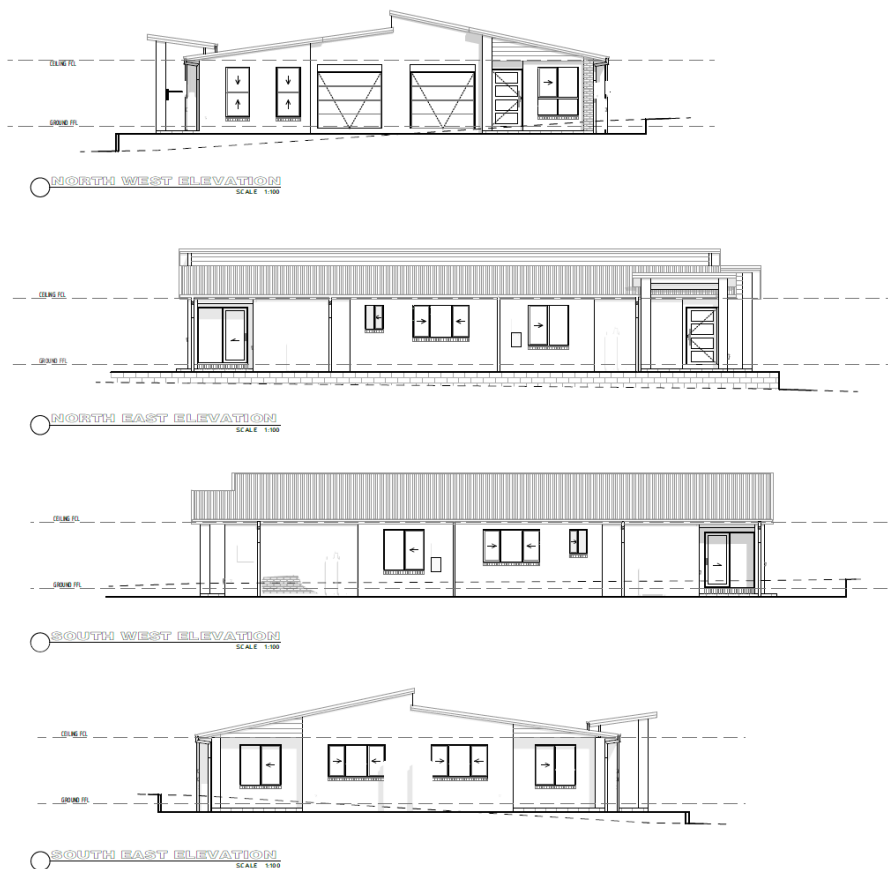


Figure 7 Proposed Elevations

3.2 SUBDIVISION LAYOUT

A strata plan or strata plan of subdivision defined by the *Strata Schemes Development Act 2015* is recognised as a form of subdivision in the *Environmental Planning and Assessment Act 1979* under clause 6.2. Per clause 9 of *Strata Schemes Development Act 2015*:

- 1) *The following land may be subdivided into lots, or lots and common property, by the registration of a plan as a strata plan—*
 - (a) *land including the whole of a building and consisting of one current plan lot or 2 or more contiguous current plan lots,*
 - (b) *land including part only of a building and consisting of one current plan lot or 2 or more current plan lots (whether contiguous or not).*

The proposed development would result in two contiguous plan lots of 394.78m² and 295.62m². The subdivision would result in each unit of the dual occupancy being located on a separate strata lot. An excerpt of the proposed subdivision layout is shown below in Figure 8.



Figure 8 Proposed Two Lot Strata Subdivision Plan

3.3 SERVICING

Service connections were installed during the prior subdivision of the subject site. Details of the proposed servicing arrangements are shown in Appendix A and are summarised below in Table 2.

Table 2 Servicing Summary

Service	Proposed Arrangements
Legal Access	Dual-bay garages are proposed for each dwelling which will have legal access to Croake Way by a sealed shared driveway.
Potable Water Supply	The proposed dual-occupancy will connect to the town reticulated water supply.
Effluent Disposal	The proposed dual-occupancy will connect to the sewerage system through a gravity fed connection to the connection point on the north corner of the site.
Solid Waste Disposal	The subject site is located within the domestic kerbside collection area.
Stormwater	Stormwater captured from the roof will be directed into two 3600L rainwater tanks (one tank per dwelling) for onsite reuse. Overflow and stormwater captured by onsite sump drains will be directed into the kerb outlet on Croake Way.
Electricity	The proposed dual occupancy will be connected to the power supply network.
Telecommunications	The proposed dual occupancy will be connected to NBN broadband and telecommunications.

4 ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

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.

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)*

4.1 PART 1.7 – BIODIVERSITY CONSERVATION ACT 2016 & FISHERIES MANAGEMENT ACT 1994

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 proposed development involves the construction of an attached dual-occupancy and ancillary structures. The subject site is considered disturbed from previous development and does not contain site trees.

The biodiversity offset scheme clearing thresholds have been considered. The anticipated clearing of native vegetation does not exceed the 0.25 Ha clearing threshold specified by the BV Offset Scheme for a lot with a minimum lot size <1Ha. The subject site is not within an area identified as being of high biodiversity value on the BV map or in a declared area of outstanding biodiversity value. The proposal therefore does not trigger entry into the offset scheme through 7(b) or (c) of the BC Act.

4.2 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 Evaluation

Act	Provision	Approval Description	Applies?
<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 comment 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

Comment – Works within a public road reserve may be required to establish the proposed driveway access onto Croake Way. Croake Way 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

4.3 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

State Environmental Planning Policy (SEPP)	Applicable?
<i>State Environmental Planning Policy (Affordable Rental Housing) 2009</i>	No
<i>State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004</i>	Yes – see comment
<u><i>Comment</i></u> The proposal involves a residential development and a BASIX certificate has been included in the application.	
<i>State Environmental Planning Policy (Concurrences and Consents) 2018</i>	No
<i>State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017</i>	No
<i>State Environmental Planning Policy (Exempt and Complying Development Codes) 2008</i>	No – see comment
<u><i>Comment</i></u> 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 after consideration of the relevant provisions, the proposed subdivision does not meet development specified for this code. An exempt or complying development pathway is not sought at this time.	
<i>State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004</i>	No
<i>State Environmental Planning Policy (Infrastructure) 2007</i>	No
<i>State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007</i>	No
<i>State Environmental Planning Policy (Primary Production and Rural Development) 2019</i>	No
<i>State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017</i>	No – See Comment

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Comment

The provisions of the SEPP allow Council to nominate certain species or types of trees for which consent must be obtained prior to removal. The MWR DCP specifies these trees under Section 4.7 Tree Preservation Order. The subject site is not identified on the specific register of trees within Mudgee/Gulgong and is not located within a RU5 village zone.

<i>State Environmental Planning Policy No 21—Caravan Parks</i>	No
<i>State Environmental Planning Policy No 33—Hazardous and Offensive Development</i>	No
<i>State Environmental Planning Policy No 36—Manufactured Home Estates</i>	No
<i>State Environmental Planning Policy No 50—Canal Estate Development</i>	No
<i>State Environmental Planning Policy No 55—Remediation of Land</i>	No – see comment

Comment

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 subject land is a greenfield development site that was rezoned from RU1 Primary Production land to R1 General Residential in 2013. An examination of the NSW Environmental Protection Agency (NSW EPA) public register indicates that the site has not been used for a known contaminating activity. The risk of contamination is considered to be low.

<i>State Environmental Planning Policy No 64—Advertising and Signage</i>	No
<i>State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development</i>	No

4.4 LOCAL ENVIRONMENTAL PLAN (LEP)

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.

4.4.1 LEP Land Use Table

The proposed development includes a dual-occupancy for residential purposes, which is permitted with consent in the R1 General Residential land use zone. Figure 9 shows an excerpt of the LEP Land Zoning Map – Sheet LZN_006C.

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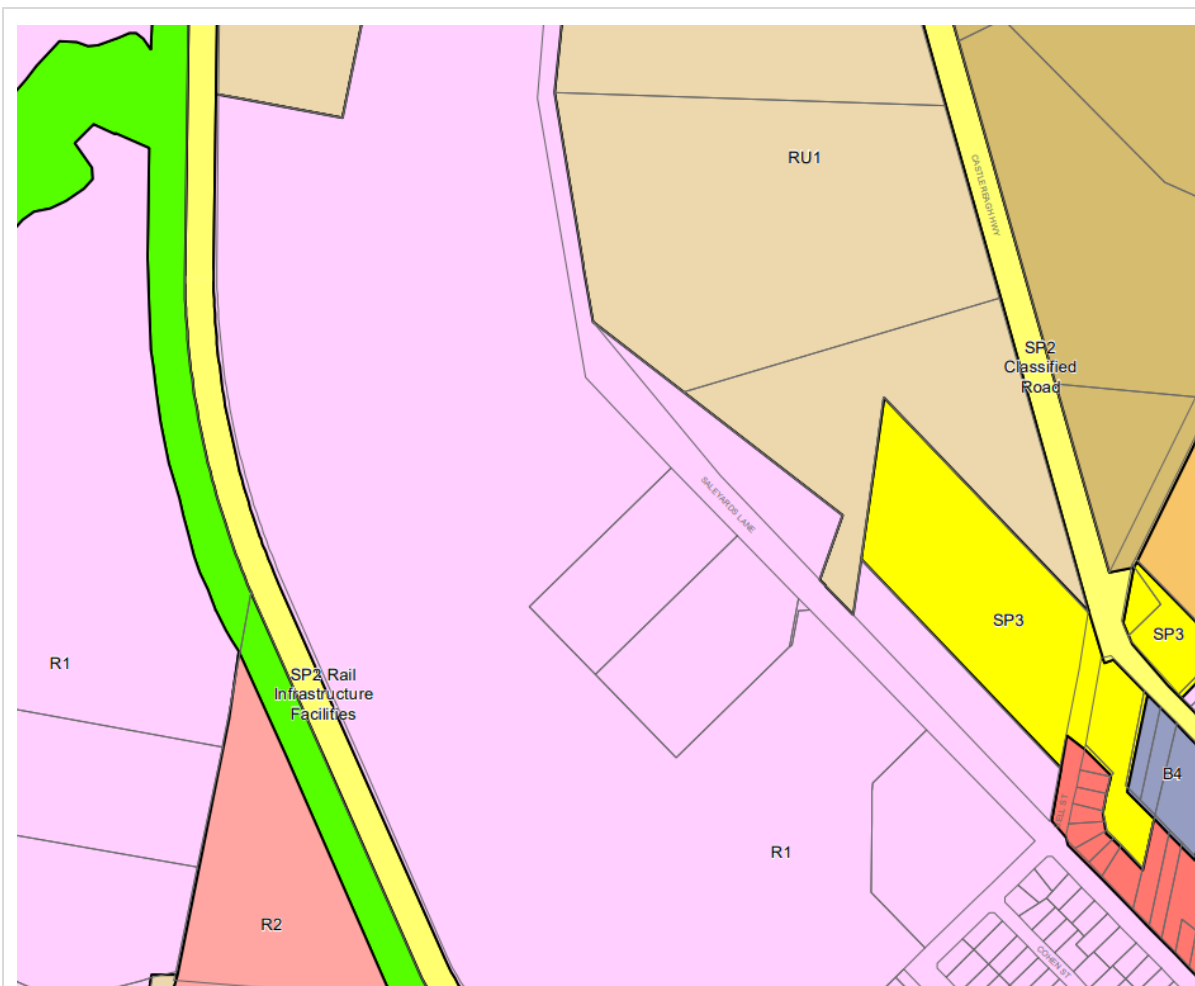


Figure 9 Land Use Zone Excerpt Sheet LNZ_006C

R1 Land Use Objective	Comment
<i>To provide for the housing needs of the community</i>	The proposed development would create two dwellings for residential use.
<i>To provide for a variety of housing types and densities</i>	The proposed dual-occupancy provides higher density housing opportunities along Saleyards Lane and Croake Way while conforming to the build form and scale of neighbouring development.
<i>To enable other land uses that provide facilities or services to meet the day to day needs of residents</i>	The proposed development will have minimal offsite impacts and is unlikely to compromise opportunities for other suitable land uses in proximity to the site.

4.4.2 Minimum Lot Size

The minimum lot size for the subject land is 600m² per the LEP Minimum Lot Size Map Sheet LSZ 006C however the proposed subdivision is a Strata Title Subdivision. The relevant provisions of the MWR LEP Clause 4.1 Minimum Lot Size are outlined below:

- (1) *The objectives of this clause are as follows—*
 - (a) *to ensure that subdivision of land occurs in a manner that promotes suitable land uses and development,*
 - (b) *to minimise any likely impact of subdivision and other development on the amenity of neighbouring properties,*
 - (c) *to ensure that lot sizes and dimensions are able to accommodate development, consistent with relevant development controls,*
 - (d) *to ensure that rural lands are not fragmented in a manner that threatens either their future use, or the use of neighbouring land, for agricultural production,*
 - (e) *to ensure that subdivision does not have an inappropriate impact on the natural environment,*
 - (f) *to maximise the economic potential of, and provide for more intensive, small lot agricultural uses in, areas that are able to access commercial quantities of irrigation water.*
- (2) *This clause applies to a subdivision of any land shown on the Lot Size Map that requires development consent and that is carried out after the commencement of this Plan.*
- (3) *The size of any lot resulting from a subdivision of land to which this clause applies is not to be less than the minimum size shown on the Lot Size Map in relation to that land.*
- (3A) *Despite subclause (3), if the consent authority is satisfied that each lot is, or will be serviced by a water reticulation system and sewerage system—*
 - (a) *land identified as "Area A" on the Lot Size Map may be subdivided to create lots of at least 2,000 square metres, or*
 - (b) *land identified as "Area B" on the Lot Size Map may be subdivided to create lots of at least 4,000 square metres.*
- (3B) *Despite subclause (3), if the consent authority is satisfied that each lot is, or will be serviced by a water reticulation system, land identified as "Area D" on the Lot Size Map may be subdivided to create lots of at least 2 hectares.*
- (4) *This clause does not apply in relation to the subdivision of any land—*
 - (a) *by the registration of a strata plan or strata plan of subdivision under the Strata Schemes Development Act 2015, or*
 - (b) *by any kind of subdivision under the Community Land Development Act 1989.*

Comment – Under clause 4.1(4), the minimum lot size requirement under clause 4.1(3) does not apply to a Strata Title Subdivision. For reference, the smallest proposed strata lot is 295.6m² which is just 1.5% less than the minimum lot size that would apply to an attached dual-occupancy Torrens Title subdivision under MWR LEP clause 4.1B(2)(b)(ii).

4.4.3 Flood planning

Clause 5.21 requires consideration of the potential flood risk. The subject site is not mapped as being flood affected and is generally not considered low-lying land.

4.4.4 Salinity

Clause 6.1 requires consideration of the impact of the development on salinity and salinity processes. The site is not identified as being affected by high soil or groundwater salinity and the proposed development is not considered likely to contribute to salinity processes.

4.4.5 Earthworks

Clause 6.3 requires consideration of the impact resulting from earthworks. The proposed development will include minor cut and fill to create a suitable building pad. The depth and extent of the proposed earthworks is limited and will not result in significant changes to the original ground level.

4.4.6 Groundwater vulnerability

Clause 6.4 requires consideration of the impacts of the development on groundwater systems. No broad excavation, new bores or potentially contaminating activities are proposed. 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.

4.4.7 Terrestrial Biodiversity

The objective of clause 6.5 is to maintain terrestrial biodiversity by protecting native fauna and flora. The subject site is not identified on the MWR LEP Sensitivity Biodiversity maps and is not otherwise mapped as being of high biodiversity value.

4.4.8 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.*

Section 3.3 and Appendix A provide details of the proposed servicing arrangements.

4.5 PROPOSED INSTRUMENTS

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

4.6 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 Subdivision and Section 5.3 Stormwater Management have been referenced in the table below. Further comments are provided below each table section where a variation to the development standards occurs.

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Section 2.2 Dual Occupancy “Deemed to Satisfy”

Minimum Lot Size – Complies

- | | |
|---|---|
| <ul style="list-style-type: none"> Attached Dual Occupancy minimum area – 600m² | The subject site is zoned R1 General Residential and is approximately 690.4m ² |
|---|---|

Building Setbacks – Complies

- | | |
|---|---|
| <ul style="list-style-type: none"> Street setback of 4.5m to building line Side/rear setback of 900mm Secondary frontage setback of 2m | The street setback is 6m, side and rear setbacks meet or exceed 1.5m and the secondary frontage setback is 3.6m |
|---|---|

Building Height – Complies

- | | |
|--|--|
| <ul style="list-style-type: none"> Single storey with FFL <1m above natural ground level | The proposed dual occupancy is a single storey building and fill is limited to 600mm |
|--|--|

Design – Complies

- | | |
|--|--|
| <ul style="list-style-type: none"> Design is not mirrored or duplicated on street frontage elevation 75% of internal spaces to receive 3hrs sunlight on 21 June Compliment the appearance of the streetscape through scale, articulation, setbacks and landscaping No windowless facades on street frontage Dwellings are not relocatable, transportable or manufactured homes Aggregated width of garage door <45% of front elevation of each dwelling | The proposed building is a single storey brick building consistent with the neighbouring residential developments. The street frontage elevation has incorporated roof articulation, window placement and other design elements to compliment the streetscape and to differentiate between each dwelling. The garage door width is <45% of the street frontage of each unit. |
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Slope & Cut and Fill – Complies

- | | |
|---|--|
| <ul style="list-style-type: none"> Development site <15 degrees Cut limited to 1000mm Fill restricted to 600mm clean fill Cut/fill supported by retaining walls and setback 300mm from any boundary Fill must not direct stormwater onto adjoining properties Cut and fill not permitted on water or sewer easements | <p>The site is <15 degrees and a building pad for the proposed dual occupancy can be established with a maximum of 700mm cut and 600mm fill. No cut and fill works are proposed over easements or in proximity to water or sewer mains.</p> <p>Retaining walls are located 300mm from boundaries and do not hinder overland flow. Stormwater within or entering the site is captured by sump drains and directed to the kerb inlet.</p> |
|---|--|

Open Space – Complies

- | | |
|--|--|
| <ul style="list-style-type: none"> Private open space should be on northern or eastern side of the dwelling and have direct access to living spaces | Private open spaces are located at the rear of the site for each dwelling and have direct access to a living room. 1.8m high Colourbond fencing is proposed between each private open space. The dimensions of |
|--|--|

STATEMENT OF ENVIRONMENTAL EFFECTS

Lot 1 Croake Way – Attached Dual Occupancy & Strata Subdivision



<ul style="list-style-type: none"> • Each dwelling shall have one private open space more than 80m² and minimum dimensions of 5m • Decks, balconies and alfresco areas to have northerly aspect and be no more than 25% of private open space requirement • Private open space within front setback to be screened by landscaping • 75% of private open space to receive 3hrs sunlight on 21 June 	<p>the private are satisfactory and the area for each private open space is more than 80m².</p>
<p>Site Coverage – Does not comply. See Comment below table.</p>	
<ul style="list-style-type: none"> • Maximum site coverage of 35% 	<p>Site coverage is 44.12%, which is non-compliant with the deemed to satisfy provisions. See comments below table.</p>
<p>Parking – Complies</p>	
<ul style="list-style-type: none"> • Each dwelling to have 2x parking spaces • At least one parking space to be a garage • All parking and manoeuvring areas to be hardstand • Driveways to be 6m from intersections 	<p>Each dwelling includes an attached dual-bay garage. The shared driveway is hardstand and located more than 6m from the intersection of Croake Way and Saleyards Lane.</p>
<p>Utilities – Complies</p>	
<ul style="list-style-type: none"> • Buildings to be clear of utilities (min 1m from light/power poles) • No building to be located within an easement • Structures to be 1500mm from centre line of water/sewer mains • Stormwater discharged to via a gravity system • No building over flow paths 	<p>The proposed structures have been sited to avoid utilities and associated easements.</p>
<p>Fencing – Complies</p>	
<ul style="list-style-type: none"> • 1.8m high fence required on the boundary of the site and between private open areas • Fencing in front of building line to be made from timber/masonry materials • For corner allotments no fences, structures or landscaping exceeding 1m in height are to be located within the triangle formed by a sight line 12mx6m from the intersection of the two street boundary lines. 	<p>1.8m Colourbond fencing exists or is proposed along the side and rear boundaries and between the private open spaces of each unit.</p> <p>Fencing along the secondary frontage (Saleyards Lane) is 1.5m pool fencing which terminates before the building line to provide line of sight at the corner of the allotment.</p>
<p>Heritage – Not applicable</p>	
<ul style="list-style-type: none"> • Heritage items are excluded from fast-track applications 	<p>The subject site and surrounding land do not contain a heritage item and the site is not located in the heritage conservation zone.</p>

Comment – Site Coverage

The proposed development has a site coverage of 44.12% which is non-complaint with the “deemed to satisfy” criteria. The DCP discretionary standards have an equivalent standard that permits coverage up to 50% of the site. The DCP discretionary standard also outlines additional considerations that apply to the stormwater management and visual bulk of the structure which may be negatively impacted by a development with a larger site coverage.

In this instance, the proposed dual-occupancy incorporates building articulation, design elements and landscaping that serve to soften the visual bulk of the proposed development and otherwise enhance the streetscape. Two 3600L rainwater tanks are also proposed to capture stormwater for onsite reuse. In this instance, the proposed design demonstrates that the application of the 50% site coverage discretionary standard is appropriate.

Section 7.1 Urban Subdivision

Lot Size – Not applicable

- Lot has street frontage
- Minimum lot size changes with slope
- >20 degrees slope
- Battle-axe handle is 4m
- All lots have

The proposed development is a Strata Title subdivision and the lot size requirements under the MWR LEP do not apply.

Lot Design – Complies

- Infill developments optimise solar access
- New release subdivisions should be orientated north or increase width to promote solar access
- Lots should be generally rectangular in shape
- Corner lots should facilitate dual occupancies

Each strata lot is orientated to provide sufficient solar access and is generally rectangular in shape.

Street Design and Layout – Not Applicable

Cycle ways and Footpaths – Not Applicable

Open Space – Not Applicable

Landscaping – Complies

- Landscaping plans shall detail treatment of the public domain
- 2 street trees to be established per lot

Landscaping details are provided in the accompanying plans.

Utility Services – Complies

- Servicing plans shall detail provision of electricity, reticulated sewer and water, drainage and telecommunications

Servicing details are provided in this report or the accompanying plans.

STATEMENT OF ENVIRONMENTAL EFFECTS

Lot 1 Croake Way – Attached Dual Occupancy & Strata Subdivision



Section 5.3 Drainage

Development Category and Applicable Performance Targets and Sections:	Dual Occupancy: <ul style="list-style-type: none">• BASIX (Requirement A)• Quality Management During Operation• Quality Management During Construction
Requirement A – BASIX certificate	Complies – BASIX commitments are provided on the plans prepared by Hibbard Homes (Appendix A)
Quality Management during operation	Not applicable – stormwater retention is specified in BASIX requirements
Quality management during construction. Table 3 sediment and erosion controls.	Complies – the proposed development will have a small-scale disturbance area. Details of the sediment and erosion control are provided in the plans prepared by Hibbard Homes (Appendix A)

4.7 SECTION 7.4 - PLANNING AGREEMENTS

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

4.8 OTHER REGULATIONS

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

5 EP&A ACT PART 4.15 (B) – ENVIRONMENTAL IMPACT

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.

5.1 TRAFFIC GENERATION AND SITE ACCESS

The proposed development involves an attached dual-occupancy for residential purposes. The proposed legal access is a shared hardstand driveway onto Croake Way. Croake Way is a local road maintained by Mid-Western Regional Council and is of suitable size and condition to support the volume and nature of the traffic generated by the proposed development.

The proposed driveway is more than 6m from the intersection between Croake Way and Saleyards Lane and has good visibility upon entering and exiting the site. The line of sight is considered appropriate for the 50km/hr speed zone. Figure 10 and Figure 11 show the line of site at the approximate location of the proposed driveway.



Figure 10 Proposed Driveway Location - View Southwest

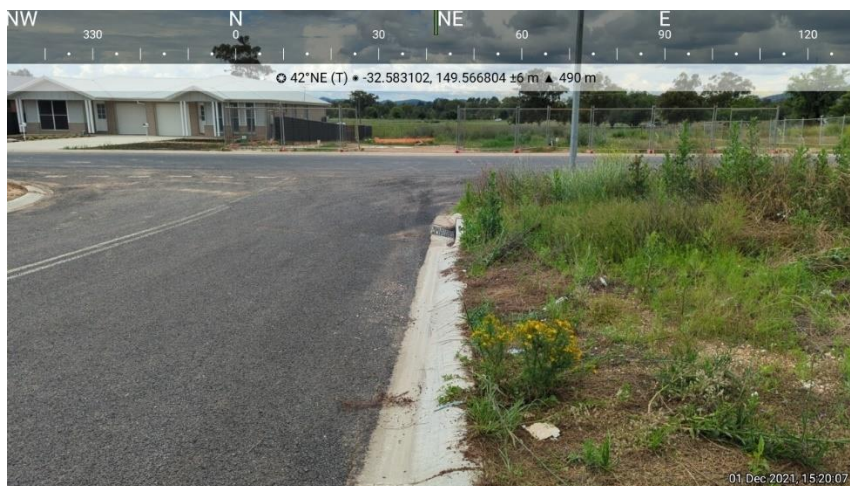


Figure 11 Proposed Driveway Location – View Northeast

5.2 PRIVACY, VIEWS AND OVERSHADOWING

The subject site is a corner lot that slopes towards the secondary street frontage on Saleyards Lane. The site adjoins a residential development on the southwest (side) boundary and a childcare facility on the southeast (rear) boundary. Cut and fill is proposed to create a level building pad. Changes to the natural ground level are minimal (max 700mm cut and 600mm fill). The topography of the site minimises overlooking into adjoining developments and the side metal fencing, which is uphill of the cut area, acts to protect the privacy of the site. 1.8m high colour bond fencing is proposed to separate the private open spaces of each unit.

The proposed building is offset from the southwest boundary a minimum of 1.5m to prevent overshadowing and to retain solar access. The remaining sides of the structure have substantial offsets that provide solar access and minimise overshadowing. The proposed structure is orientated with the long-axis of the building aligned northwest-southeast. The attached floorplans demonstrate how solar access is maximised for high-traffic living spaces.

A childcare facility is located on the lot adjoining the southeast boundary of the site. The proposed building is sited to incorporate a larger (rear) offset to the childcare facility. The design also incorporates 1.8m high Colourbond fencing and concrete sleeper retaining walls along the rear boundary of the site to reduce the transmission of noise and protect privacy.

5.3 HERITAGE

The subject site is not located within the Mudgee Heritage Conservation zone and neither the site or adjoining developments are listed as an item of local or state heritage significance. The potential impacts to heritage are therefore considered negligible.

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 subject site has been partially disturbed in the past and disturbance by the proposed development has a relatively small footprint (<600m ²)
2a. Search the AHIMS Database	An AHIMS basic search was conducted in December 2021. The search, attached as Appendix B, did not identify any known Aboriginal sites or places within 200m of the site.
2b. Activities in the areas where landscape features indicate the presence of aboriginal objects	The subject site is a sloping residential portion and does not contain landscape features typically associated with a higher prevalence of Aboriginal objects.
3. Can you avoid harm to the object or disturbance of the landscape feature?	No known objects occur in the immediate vicinity of the site and the site does not contain a sensitive landscape feature.

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 applicant is aware that if while undertaking any activities an Aboriginal Object is identified, they must stop work, notify the appropriate authorities and possibly apply for an AHIP.

5.4 ENVIRONMENTAL HAZARDS

The subject land is not mapped as being bushfire-prone land or subject to soil subsidence. The subject site is not identified as being flood prone and is not generally considered to be low-lying land.

5.5 AIR AND NOISE

The proposed development is not associated with any ongoing polluting activities that are likely to impact air quality or the microclimate. Noise generated during construction can be controlled by applying appropriate construction practices and hours.

5.6 SOIL AND SURFACE WATER

The catchment area preceding the site is minimal, with the majority of overland flows diverted upstream of the site by Marskell Circuit. The proposed development includes a small footprint subject to earthworks required to establish the building pad. The plans accompanying this report indicate that sediment and erosion control will be installed during these construction works. The small catchment and disturbance area suggest that the proposed sediment and erosion control measures are adequate.

5.7 BIODIVERSITY

The site has been historically cleared, which is reflective of the historic agricultural land use and more recent residential subdivision works. An inspection indicates that no site trees are present within the site and the groundcover shows evidence of disturbance. The potential ecological impact of the proposed dual-occupancy has been considered in this report. The site is not identified as having sensitive or high value biodiversity features and does not otherwise exceed the clearing threshold that would trigger entry into the Biodiversity Offset Scheme. Given the minimal clearing involved and lack of sensitive ecological features, the development is considered to have a low impact on biodiversity.

5.8 CUMULATIVE AND OFF-SITE IMPACTS

The proposed development involves the construction of a dual-occupancy for residential use. The proposed land use is not generally associated with polluting or contaminating activities and the offsite and cumulative impacts are considered negligible.

6 EP&A ACT 4.15(C-E) - SITE SUITABILITY

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. This section also considers the interests of the public per section 4.15(d)&(e) of the Act.

6.1 ZONING AND PERMISSIBILITY OF THE PROPOSAL

The proposed development is an attached dual-occupancy and strata subdivision. The proposed development is permitted with consent in the R1 General Residential land use zone and complies with the expectations and goals of the zone.

6.2 SIZE AND SHAPE OF THE LAND

The location and orientation of the proposed building meet the requirements and expectations of the MWR LEP and DCP, provides adequate solar access and protect the privacy of the proposed dwellings and adjoining developments.

6.3 ENVIRONMENTAL FEATURES

A desktop evaluation of the subject site did not identify any areas of high biodiversity value or any sensitive environmental features within the subject site or the surroundings. No items of cultural heritage value were identified in proximity to the site. Given the lack of sensitive features and the minimal footprint of the development it is anticipated that the proposed development will be of low environmental impact.

6.4 COMPATIBILITY WITH ADJOINING DEVELOPMENT

The proposed development is consistent with the residential land use of surrounding developments. The proposed layout provides suitable offsets and fencing to the established childcare facility located at the rear of the site. The proposed building otherwise provides suitable articulation, design features and landscaping to support and enhance the streetscape along Croake Way and Saleyards Lane.

6.5 PUBLIC INTEREST

The proposal is unlikely to have broader public implementations and generally acts in the public's interest by providing opportunities for residential housing. 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.

7 CONCLUSION

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 strata 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.