

STATEMENT OF ENVIRONMENTAL EFFECTS

PROPOSED FARM BUILDING

2252 (LOTS 2 & 3 DP 1227437) CASTLEREAGH HIGHWAY AND
SPRINGFIELD LANE, GALAMBINE

Prepared on behalf of Topfruit Australia Pty. Ltd.

Prepared for submission to:
MID-WESTERN REGIONAL COUNCIL

Prepared by:



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planning ■ surveying ■ project management



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1 INTRODUCTION

1.1 Overview and Proposed Development

This Statement of Environmental Effects (SEE) has been prepared on behalf of Topfruit Australia Pty. Ltd. (the applicant) to accompany a development application (DA) for the establishment of a farm building at 2252 (Lots 2 and 3 DP 1227437, Castlereagh Highway, Galambine). The owners of the property operate a commercial cherry farm. The purpose of the farm building is for the storage of agricultural machinery, transportation vehicles and produce emanating from the cherry farm. The entirety of the cherry farm comprises 102.6 hectares (ha) and consists of Lots 1-3 DP1227437 and Lots 12 & 14 DP 1238550 Springfield Lane and Castlereagh Highway, Galambine.

Whilst, currently, the site is vacant, when constructed the proposed farm building will extend an existing associated building on the site (a cool room: being exempt development under the *Environmental Planning & Assessment Act, 1979* (EP&A Act): confirmed similarly by Mid-Western Regional Council).

As detailed in the body of the SEE, the proposed development meets the relevant requirements of the *Mid-Western Regional Local Environmental Plan 2012* (LEP).

With variation to clause 6.1 of the Mid-Western Development Control Plan 2013 (DCP), the proposed development meets the relevant controls of the DCP. The SEE provides justification for variation to clause 6.1 (farm building size) of the DCP.

The proposed variation to DCP clause 6.1 consists of an 8.8 percent increase to the maximum permissible farm building size of 500m².

1.2 Consent Authority

Mid-Western Regional Council ("Council") is the consent authority for the proposed development.

1.3 Scope of Statement of Environmental Effects

The SEE accompanies a DA for the proposed development. It has been prepared on behalf of the applicant and includes the matters referred to in Section 4.15 of the EP&A Act and other matters to be considered by Council. The purpose of the SEE is to:

- Describe the land to which the DA relates and the character of the surrounding area;
- Describe the proposed development;
- Define the statutory planning framework within which the DA is to be assessed and determined;
- Assess the proposed development in the light of relevant heads of consideration.

Drawings and documents provided in support of the DA are identified in the list of appendices in the foreword of this report.

2 THE SITE

2.1 Location

The site is located at 2252 (Lots 2 and 3 DP 1227437) Castlereagh Highway, Galambine within the Mid-Western Regional Council Local Government Area (see Location Plan in **Appendix 1**).

2.2 Title Details, Ownership and Existing Site Characteristics

The subject site is located at 2252 (Lots 2 and 3 DP 1227437) Castlereagh Highway, Galambine.

The site is owned by Topfruit Australia Pty. Ltd.

In aggregation, Lots 2 and 3 comprise 41.68 hectares which is a portion of the cherry farm.

The entirety of the cherry farm comprises 102.6 hectares (ha) and consists of Lots 1-3 DP1227437 and Lots 12 & 14 DP 1238550 Springfield Lane and Castlereagh Highway, Galambine.

The settlement pattern in the locality is rural. The general character of the area is shown in the aerial photo (**Appendix 2**). Land uses in the locality consist, primarily, of plant and animal agriculture and rural living.

The site is zoned RU4 Primary Production Small Lots pursuant to the LEP as shown on the Zoning Map (**Appendix 3**).

2.2.1 Topography and Site Buildings

The property is elevated between 400 and 500 metres AHD, generally sloping from the south to the north. Fords Creek is located to the north of the site.

The site is currently vacant.

2.2.2 Vegetation

The site is generally devoid of native vegetation other than along the periphery of the property at the conjunction with the Castlereagh Highway and Fords Creek.

2.2.3 Contamination

There is no history or evidence of contaminating land use at the site.

2.2.4 Bushfire

The site is not identified as bushfire prone land (NSW RFS Website, January, 2022).

2.3 Aboriginal Heritage

A search of the Office of Environment and Heritage Aboriginal Heritage Information Management System (AHIMS) Web Services returned no records of Aboriginal sites or places in or near the subject site. (**Appendix 4**).

2.4 European Heritage

There are no listed heritage items located on or in proximity to the subject site and the site is not within a heritage conservation area.

2.5 Access

The site has access from the Castlereagh Highway and Springfield Lane.

2.6 Utility Services

Electricity and telecommunications infrastructure are available to the site.

No alterations to utility services are proposed.

2.7 Flooding

The site is not identified as being within a Flood Planning Area (Mid-Western Regional Council, 2021).

3 THE PROPOSAL

3.1 Proposed Development

The proposed development constitutes a farm building. The owners of the property operate a commercial cherry farm. The purpose of the farm building is for the storage of agricultural machinery, transportation vehicles and produce emanating from the cherry farm.

Whilst, currently, the site is vacant, when constructed the proposed farm building will extend an existing associated building on the site (a cool room: being exempt development under the EP&A Act: confirmed similarly by Mid-Western Regional Council). (See details of the proposed 'Farm Building' at **Appendix 5**).

The proposed 'Farm Building' is intended to be constructed from Colourbond steel, earth-toned and with low reflectivity.

The proposed variation to DCP clause 6.1 consists of an 8.8 percent increase to the maximum permissible farm building size of 500m².

3.2 Utility Services

Electricity and telecommunications infrastructure are available to the site.

No alterations are proposed to utility services.

3.3 Access, Parking and Traffic

No alterations are proposed to the existing access or parking. Traffic generation will not increase as a result of the development.

3.4 Vegetation Removal

The proposed development does not require the removal of native vegetation.

4 STATUTORY PLANNING CONTROL

4.1 Environmental Planning and Assessment Act, 1979

The proposed development requires consent in accordance with Part 4 of the EP&A Act.

The proposal does not constitute Integrated Development pursuant to the provisions of section 4.46 of the EP&A Act.

4.2 State Environmental Planning Policies

There are no State Environmental Planning Policies relevant to the proposed development.

4.3 Mid-Western Regional Local Environmental Plan 2012

The proposed development is defined as a farm building pursuant to the LEP, viz:

“Farm building means a structure the use of which is ancillary to an agricultural use of the landholding on which it is situated and includes a hay shed, stock holding yard, machinery shed, shearing shed, silo, storage tank, outbuilding or the like, but does not include a dwelling”.

The land, the subject of the proposed development, is zoned RU4 Primary Production Small Lots (see **Appendix 3**).

A farm building is a permissible land use with the consent of Council.

The proposed development meets the relevant objectives of the RU4 Primary Production Small Lots zone.

A discussion of other provisions of the LEP is provided in Table 4.1 below.

Table 4.1: Proposed Development: Compliance with *Mid-Western Regional Local Environmental Plan 2012*

Mid-Western Regional Local Environmental Plan 2012		
Clause	Clause Detail	Compliance and Commentary
1.2 Aims	<p>(2) The particular aims of the LEP are:</p> <p>(aa) to protect and promote the use and development of land for arts and cultural activity, including music and other performance arts,</p> <p>(a) to promote growth and provide for a range of living opportunities throughout Mid-Western Regional,</p> <p>(b) to encourage the proper management, development and conservation of resources within Mid-Western Regional by protecting, enhancing and conserving—</p> <p>(i) land of significance to agricultural production, and</p> <p>(ii) soil, water, minerals and other natural resources, and</p>	<p>The LEP provides for appropriate development within the LGA. The proposal has given due consideration to the site and surrounds and is in keeping with the aims of the LEP.</p>

	<p>(iii) native plants and animals, and</p> <p>(iv) places and buildings of heritage significance, and</p> <p>(v) scenic values,</p> <p>(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,</p> <p>(d) to foster a sustainable and vibrant economy that supports and celebrates the Mid-Western Regional's rural, natural and heritage attributes,</p> <p>(e) to protect the settings of Mudgee, Gulgong, Kandos and Rylstone by—</p> <p>(i) managing the urban and rural interface, and</p> <p>(ii) preserving land that has been identified for future long-term urban development, and</p> <p>(iii) promoting urban and rural uses that minimise land use conflict and adverse impacts on amenity, and</p> <p>(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,</p> <p>(f) to match residential development opportunities with the availability of, and equity of access to, urban and community services and infrastructure,</p> <p>(g) to promote development that minimises the impact of salinity on infrastructure, buildings and the landscape.</p>	
<p>2.1 Land use zones</p>	<p>The site is zoned RU4 General Residential Zone RU4 Primary Production Small Lots</p> <p>1 Objectives of zone</p> <ul style="list-style-type: none"> • To enable sustainable primary industry and other compatible land uses. • To encourage and promote diversity and employment opportunities in relation to primary industry enterprises, particularly those that require smaller lots or that are more intensive in nature. • To minimise conflict between land uses within this zone and land uses within adjoining zones. 	<p>As noted above, the proposed development satisfies the relevant objectives of the RU4 zone and a farm building is a permissible use in the RU4 zone.</p>

	<ul style="list-style-type: none"> • To ensure that land is available for intensive plant agriculture. • To encourage diversity and promote employment opportunities related to primary industry enterprises, particularly those that require smaller holdings or are more intensive in nature. <p>2 Permitted without consent</p> <p>Environmental protection works; Extensive agriculture; Home businesses; Home occupations; Intensive plant agriculture; Roads; Water reticulation systems</p> <p>3 Permitted with consent</p> <p>Aquaculture; Cellar door premises; Dwelling houses; Farm buildings; Home industries; Plant nurseries; Roadside stalls; Any other development not specified in item 2 or 4</p> <p>4 Prohibited</p> <p>Air transport facilities; Amusement centres; Attached dwellings; Backpackers' accommodation; Boarding houses; Boat building and repair facilities; Boat launching ramps; Boat sheds; Car parks; Cemeteries; Charter and tourism boating facilities; Centre-based child care facilities; Commercial premises; Crematoria; Exhibition homes; Exhibition villages; Freight transport facilities; Group homes; Heavy industrial storage establishments; Helipads; Highway service centres; Home occupations (sex services); Hostels; Hotel or motel accommodation; Industrial retail outlets; Industrial training facilities; Industries; Intensive livestock agriculture; Jetties; Livestock processing industries; Marinas; Mooring pens; Moorings; Mortuaries; Multi dwelling housing; Passenger transport facilities; Places of public worship; Public administration buildings; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Registered clubs; Residential flat buildings; Respite day care centres; Restricted premises; Sawmill or log processing works; Semi-detached dwellings; Seniors housing; Service stations; Sex services premises; Shop top housing; Signage; Stock and sale yards; Storage premises; Transport depots; Vehicle body repair workshops; Vehicle repair stations; Warehouse or distribution</p>	
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	centres; Waste disposal facilities; Wholesale supplies	
4.3 Height of Buildings	The objectives of this clause are as follows— to establish a maximum height limit to which buildings can be designed in particular locations, to enable infill development that is of similar height to existing buildings and that is consistent with the heritage character of the towns of Mudgee, Gulgong, Kandos and Rylstone. The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map.	Not applicable at the site.
5.10 Heritage Conservation	Heritage items are listed and described in Schedule 5 of the LEP. Heritage conservation areas are shown on the Heritage Map as well as being described in Schedule 5. The objectives of this clause are: <ul style="list-style-type: none"> • to conserve the environmental heritage of Mid-Western Regional, • to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views, • to conserve archaeological sites, • to conserve Aboriginal objects and Aboriginal places of heritage significance. 	The proposed development is not in the vicinity of either heritage items or heritage conservation areas.
5.21 Flood Planning	The objectives of this clause are: <ul style="list-style-type: none"> • to minimise the flood risk to life and property associated with the use of land, • to allow development on land that is compatible with the flood function and behaviour on the land, taking into account projected changes as a result of climate change, • to avoid adverse or cumulative impacts on flood behaviour and the environment, • to enable the safe occupation and efficient evacuation of people in the event of a flood. 	The site is not identified as being within a Flood Planning Area (Mid-Western Regional Council, 2021).

<p>6.5 Terrestrial Biodiversity</p>	<p>The objective of this clause is to maintain terrestrial biodiversity by protecting native fauna and flora, and protecting the ecological processes necessary for their continued existence, and encouraging the conservation and recovery of native fauna and flora and their habitats.</p>	<p>The proposed development site is identified as having 'High Biodiversity' value.</p> <p>The proposed development site has limited amounts of native vegetation. The site is generally devoid of vegetation other than along the periphery of the property at the conjunction with the Castlereagh Highway and Fords Creek.</p> <p>The proposed development is not situated in proximity to remnant native vegetation on the site nor does it seek to remove native vegetation.</p> <p>The proposed development will not impact the biodiversity characteristics of the site.</p>
<p>6.9 Essential services</p>	<p>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</p> <p>(a) the supply of water, (b) the supply of electricity, (c) the disposal and management of sewage, (d) stormwater drainage or on-site conservation, (e) suitable road access.</p>	<p>No alterations are proposed to existing utility services.</p> <p>Electricity and telecommunications are available to the site.</p>

4.4 Mid-Western Development Control Plan 2013

The DCP provides guidelines for various forms of development; assists Council to expedite development approvals by providing clear direction of Council's intent and criteria; and provides certainty of development outcomes for developers and the community.

4.4.1 Clause 6.1: Requirements Specific to Farm Buildings

Clause 6.1 of the DCP prescribes the following requirements for farm buildings (as defined in the LEP) in rural areas:

1. Farm buildings must not negatively affect the amenity of the streetscape or adjoining properties; and
2. Compliance of farm building (shed) size with Table 4.2, noting that the table determines that any proposed shed size is directly proportional to the size of the land.

Table 4.2: Farm Buildings: Shed Size Requirements by Lot Size

Lot Size	Shed Size in m ²
Up to 5ha	150
Greater than 5ha and less than 40ha	200
Greater than 40ha	500

Response to DCP Requirements:

1. Appendix 6 shows the spatial relationship between the location of the proposed development and surrounding residences. Given the distances, tree lines and topography between the farm building and surrounding development, the proposed development will have minimal impact on the amenity of adjoining residents.

The 'Farm Building' will be visible by vehicle (albeit in the distance) by way of glimpses through existing trees on the Castlereagh Highway. The nature of the building is one which would be expected to be associated with agricultural land uses in the locality. Construction materials will consist of earth-toned Colourbond steel with low reflectivity. Any visual impact will be negligible and reasonably anticipated.

2. Appendix 5 illustrates the relationship between the cool room being provided as exempt development and its incorporation as part of the finished building. The cool room will be carefully designed and constructed to allow integration with the finished building; both structurally and visually.

Deducting the size of the cool room (192m²) from the total size of the finished building (736m²), the size of the building for which consent is sought is 544m².

The size of the site (aggregation of Lots 2 and 3) is 41.68 hectares. On that basis, a farm building is permitted to a maximum size of 500m². The proposed development (544m²) seeks an 8.8 percent variation to the maximum allowable building size. Justification for the increase in size and variation to clause 6.1 of the DCP follows.

Justification for Variation to Clause 6.1 (Farm Buildings) of the DCP

- (i) The scale and throughput of the cherry farm is extensive and requires significant storage capacity for cherries, transportation vehicles and operating machinery. A large farm building of the size proposed is an essential requirement for the commercial operation;
- (ii) The farm building, as proposed, will, as demonstrated in Appendix 6, have minimal visual impacts; and
- (iii) The farm building as proposed, will, as demonstrated, have insignificant environmental impacts.

4.4.2 Clause 5.3: Stormwater Management

The construction and operation of the farm building will incorporate adequate sedimentation and erosion control measures.

All stormwater will be directed to a series of rainwater tanks for re-use. Any overflow of water from the tanks (albeit unlikely given intended re-use, number and capacity of tanks) will be discharged and absorbed on site.

4.4.3 Clause 5.4: Environmental Controls

Table 4.3: Response to Mid-Western DCP 2013: Clause 5.4 – Environmental Controls

Relevant Considerations	Commentary
Protection of Aboriginal Archaeological Items	The AHIMS report in Appendix 4 indicates that there are no known Aboriginal archaeological items at the site.
Bushfire Management	The site is not identified as bushfire prone land (NSW RFS Website, January, 2022).
Riparian and Drainage Line Environments	The site is not located within a riparian or drainage line environment. Fords Creek is located to the north of the site. Sedimentation and erosion controls will be established to ensure that the proposed development has no impact on the creek and its associated water quality.
Pollution and Waste Management	Any surplus building materials will be removed from the site and recycled where possible. All non-recyclable waste will be disposed to landfill.
Threatened Species and Vegetation Management	No native vegetation removal is proposed in association with the construction of the farm building.

5 ASSESSMENT OF ENVIRONMENTAL EFFECTS

In determining the subject DA, Council is required to consider those relevant matters listed in Section 4.15 (1) of the EP&A Act. Each of the relevant matters is addressed below.

5.1 Section 4.15 (1) (a) – Statutory Planning Considerations

Section 4.15 (1) (a) requires the consent authority to take into consideration:

“(a) the provisions of:

- (i) any environmental planning instrument, and*
- (ii) any draft environmental planning instrument that is or has been placed on public exhibition and details of which have been notified to the consent authority (unless the Director-General has notified the consent authority that the making of the draft 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 93F, or any draft planning agreement that a developer has offered to enter into under section 93F, and*
- (iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph), that apply to the land to which the development application relates,”*

These matters (and others) are addressed elsewhere in the SEE.

5.2 Section 4.15 (1) (b) – Environmental, Social and Economic Impacts

Section 4.15 (1) (b) requires the consent authority to consider:

“(b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality.”

The relevant matters are addressed below.

5.2.1 Impacts on the Natural Environment

The proposed development will have minimal impact on the natural environment:

- No cut and fill is proposed
- There is no requirement for the removal of native vegetation
- Adequate sedimentation and erosion controls will be utilised during construction and subsequent operation of the farm building
- Rainwater will be harvested to rainwater tanks.

5.2.2 Impacts on the Built Environment

As outlined under section 4.4.1 of this report, the proposed development will have negligible impact on the built environment.

5.2.3 Social and Economic Impacts

The proposed development will enable the cherry farm to operate in a more cost-efficient and organised manner.

Any economic multiplier impacts will assist in a positive social outcome to the local community.

5.3 Section 4.15 (1) (c) – The Suitability of the Site

Section 4.15 (1) (c) requires the consent authority to consider:

“(c) the suitability of the site for the development.”

The suitability of the site for the proposed development is dealt with in this SEE. The proposed development of the land supports Council’s objectives for the locality. It is therefore considered that the site is suitable for the proposed development.

5.4 Section 4.15 (1) (d) – Submissions

Section 4.15 (1) (d) requires the consent authority to consider:

“(d) any submissions made in accordance with this Act or the regulations”

Any relevant representations will need to be considered by Council in assessing and determining the application.

5.5 Section 4.15 (1) (e) – Public Interest

Section 4.15 (1) (e) requires the consent authority to consider:

“(e) the public interest”

The public interest is best served by the orderly and economic use of land for purposes permissible under the relevant planning regime and predominantly in accordance with the prevailing planning controls. The development is a permissible form of development and, being consistent with the relevant controls, is considered to be in the public interest.

6 CONCLUSION

The proposed development seeks the establishment of a farm building at 2252 (Lots 2 and 3 DP 1227437) Castlereagh Highway, Galambine.

The owners of the property operate a commercial cherry farm. The purpose of the farm building is for the storage of agricultural machinery, transportation vehicles and produce emanating from the cherry farm.

When constructed the proposed farm building will extend an existing associated building on the site (a cool room: being exempt development under the EP&A Act: confirmed similarly by Mid-Western Regional Council).

The land, the subject of the proposed development is zoned RU4 Primary Production Small Lots.

A farm building is a permissible land use with the consent of Council pursuant to clause 2.1 of Council's LEP. The proposed development is consistent with all relevant identified provisions of the LEP and DCP other than clause 6.1 of the DCP which relates to farm building size. The size of the proposed farm building is 8.8 percent larger than the maximum size permitted by the DCP. Justification for the increase in size has been provided as part of this report.

The proposed development is reasonable and appropriate when considered under the relevant heads of consideration in Section 4.15 (1) of the EP&A Act and is worthy of favourable consideration by Council.

APPENDICES

APPENDIX 1

Location Plan

APPENDIX 2

Aerial Photo

APPENDIX 3

Zoning Map– Mid-Western Regional LEP 2012

APPENDIX 4

AHIMS Search Data

APPENDIX 5

Site Plan

APPENDIX 6

Spatial Relationship between proposed farm buildings and surrounding residences