

DREW ROBERTS CONSULTING

STATEMENT OF ENVIRONMENTAL EFFECTS

Alterations & Additions to an Existing Dwelling

CLIENT: SUNRAI DESIGNS

DATE: 15 JULY 2022

PROJECT: 2023/02

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1 Introduction

This Statement of Environmental Effects (SEE) has been prepared for SUNRAI Designs and forms part of a development application to Mid-Western Regional Council for a dwelling alteration and addition at 800 Castlereagh Highway, Menah.

The objective of this proposal is to create a highly desirable and modern dwelling with an improved layout for the current occupants.

The proposal is in accordance with the relevant zone objectives contained in the Mid-Western Regional Local Environmental Plan (MWRLEP) 2012 and generally satisfies the relevant objectives and controls of the Mid-Western Regional Development Control Plan 2013 (MWRDCP).

This document is divided into 6 sections. Section 2 contains a site analysis, Section 3 contains details of the proposal, Sections 4 and 5 contain the detailed assessment of the application in accordance with Section 4.15(1) of the Environmental Planning & Assessment (EP&A) Act 1979, and Section 6 concludes the report. The following details accompany this SEE:

- Architectural Plans; and
- BASIX Certificate.

2 Site Analysis

This section contains a description of the following: The Locality; Site Description; Existing Character and Context; and Surrounding Road Network.

2.1 The Locality

The subject site is located approximately 7km north-west of Mudgee and is located within the Local Government Area (LGA) of Mid-Western Region.



FIGURE 1: LOCATION PLAN (SIX MAPS)

2.2 Site Description

The subject site is located on the eastern side of the Castlereagh Highway and is known as 800 Castlereagh Highway, Menah or Lot 11 DP 251719.

The site is regular in shape, has a gentle undulation throughout and contains a total area of approximately 25 acres with the majority of area containing a vineyard that is no longer in operation or irrigated for commercial purposes.

Existing improvements on the site consist of a 3 bedroom dwelling, several farm and machinery sheds, a dam, post and wire fencing and a vehicular access.

2.3 Existing Character and Context

The surrounding area is predominantly rural, characterised by larger farms/rural properties.

The outcome of the development is considered to be in keeping with the character of the rural area in that it will have no unreasonable impacts upon the function, environmental criteria, agricultural opportunities or the residential amenity of the locality.

2.4 Surrounding Road Network

The site has frontage to the Castlereagh Highway with vehicular access gained from same via an existing rural access. The Castlereagh Highway is a two lane sealed road that provides the main connection between Mudgee and Gulgong. The Castlereagh Highway is identified as a Classified Road in accordance with the Roads Act 1993, however, no new works within the road reserve are required to facilitate the development. Subsequently, no S138 application is necessary.

It should be noted that the proposal is for dwelling alterations and additions to facilitate improved amenities and layout for the existing residents with no additional bedrooms created. Subsequently, no additional vehicular movements result from the proposal and it is therefore unreasonable and unnecessary to necessitate any upgrades to the existing access to the road, which was installed in conjunction with the original development consent for the dwelling.

3 Details of the Proposal

It is proposed to undertake the following works upon the existing dwelling:

- Remove several walls and fixtures within the dwelling to facilitate an upgrade and reconfiguration including an open plan living/kitchen area and a new study;
- Erect a single storey addition to the southern end of the dwelling to facilitate a new master suite and laundry;
- Replace the tile roof with a modern colorbond sheet roof.

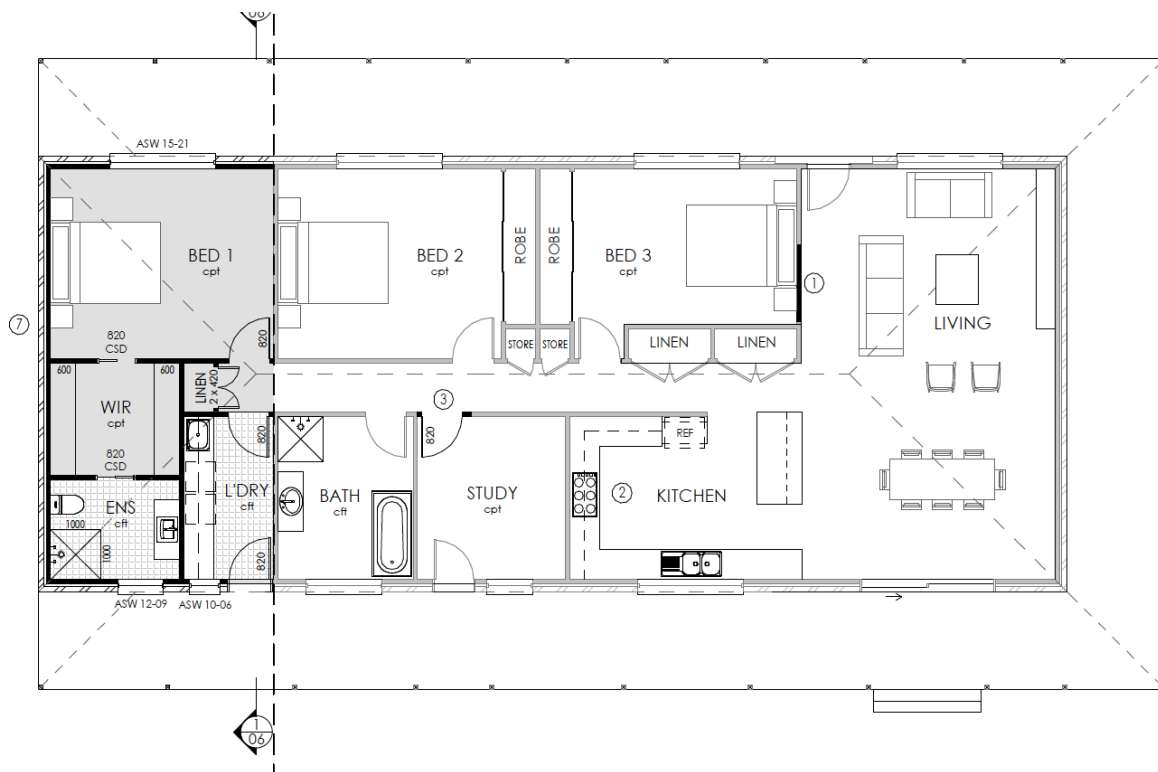


FIGURE 2: LAYOUT (SUNRAI DESIGNS)

The proposal will result in an improved layout and functionality bringing laundry facilities internally to the dwelling, creating a modern master suite area and a more functional living/kitchen area. No new bedrooms are created and the dwelling will continue to present as a single storey rendered country residence to the surrounding area.

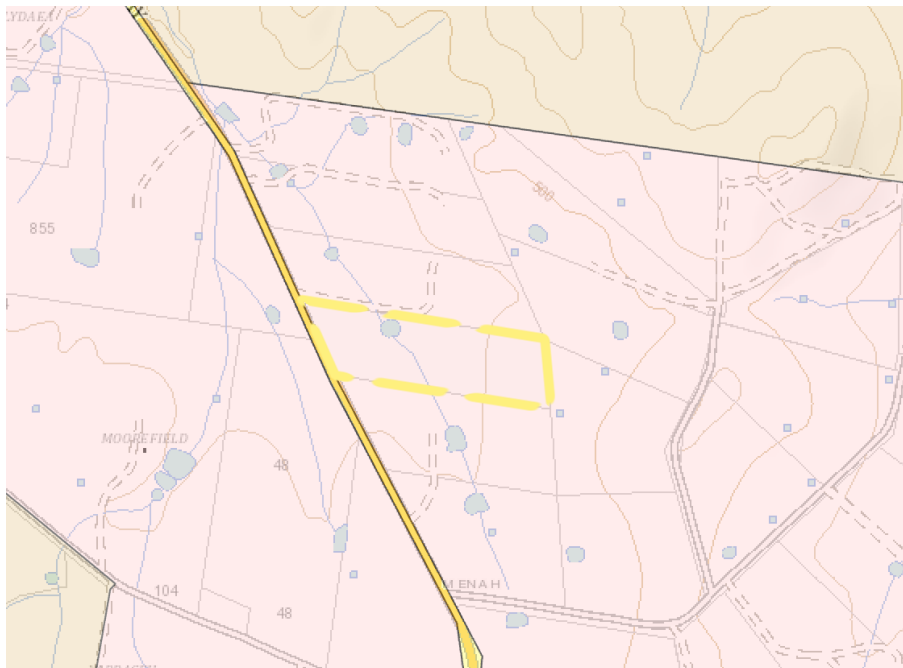
4 Planning Controls

Pursuant to section 4.15(1)(a) of the EP&A Act, this section will assess the compliance with the planning controls applicable to the site and relevant to the proposal pursuant to the relevant heads for consideration. The relevant controls include:

- Mid-Western Regional Local Environmental Plan (MWRLEP) 2012;
- State Environmental Planning Policy (Resilience & Hazards) 2021;
- Mid-Western Regional Development Control Plan 2013 (MWRDCP).

4.1 Mid-Western Regional Local Environmental Plan (MWRLEP) 2012

The subject site is zoned R5 – Large Lot Residential under Council's MWRLEP 2012 (see Figure 3). *Dwelling houses* are permissible with consent in the zone and the proposal is considered to satisfy the objectives of the zone.



**FIGURE 3: EXTRACT FROM ZONING PLAN
(SOURCE: MID-WESTERN REGIONAL LEP 2012)**

4.1.1 Zone Objectives

The relevant objectives for Zone R5 are stated:

1. *To provide residential housing in a rural setting while preserving, and minimising impacts on, environmentally sensitive locations and scenic quality.*

Comment: The proposed dwelling addition will allow the site to continue benefiting from a residential use in a rural area, with the dwelling to remain in the same position. Subsequently no impact of substance on the scenic quality and environmental attributes of the surrounding area will result

2. *To ensure that large residential lots do not hinder the proper and orderly development of urban areas in the future.*

Comment: The proposal is for a dwelling addition, which will have no impact upon any of the surrounding urban areas.

3. *To ensure that development in the area does not unreasonably increase the demand for public services or public facilities.*

Comment: The proposal is for a dwelling addition that will not result in any additional bedrooms. Accordingly, no undue increase in demand for public services or facilities are expected.

4. *To minimise conflict between land uses within this zone and land uses within adjoining zones.*

Comment: Surrounding land consists of RU1 Primary Production and R5 Large Lot Residential and the proposed dwelling addition will not result in any additional land use conflict.

In our opinion the proposal is consistent with the relevant objectives of the R5 Large Lot Residential zone as detailed above. The proposal is intended to create an improved dwelling layout and upgrade of the existing dwelling only.

A summary of our assessment of the proposed development against the relevant LEP provisions is in the following table (see Table 1):

4.1.2 Other LEP Provisions

TABLE 1: PROJECT COMPLIANCE – Mid-Western Regional LEP 2012	
Site Area : 25 Acres	
LEP Provisions	Complies / Comments
Clause 4.2A Erection of dwelling houses and dual occupancies on land in certain zones	
<p>(1) The objectives of this clause are as follows—</p> <p>(a) to minimise unplanned rural residential development,</p> <p>(b) to enable the replacement of lawfully erected dwelling houses in rural and environmental protection zones,</p> <p>(c) to control rural residential density affected by historical subdivision patterns in Zone R5 Large Lot Residential.</p>	<p>The dwelling is existing and the proposal will not contribute to any unplanned rural residential development.</p> <p>N/A. Proposal is for alterations and additions.</p> <p>N/A. The site is existing, resulting from a historical subdivision, however no further subdivision is proposed.</p>
<p>(2) This clause applies to land in the following zones—</p> <p>(a) Zone RU1 Primary Production,</p> <p>(b) Zone RU4 Primary Production Small Lots,</p> <p>(c) Zone RU5 Village,</p> <p>(d) Zone R5 Large Lot Residential,</p> <p>(e) Zone E3 Environmental Management.</p>	<p>The land is zoned R5 Large Lot Residential..</p>
<p>(3) Development consent must not be granted for the erection of a dwelling house or dual occupancy on land in a zone to which this clause applies, and on which no dwelling house or dual occupancy has been erected, unless the land—</p> <p>(a) is a lot that is at least the minimum lot size shown on the Lot Size Map in relation to that land, or</p> <p>(b) is a lot or holding that existed before this Plan commenced and on which the erection of a dwelling house or dual occupancy was permissible immediately before that commencement, or</p> <p>(c) is a lot resulting from a subdivision for which development consent (or equivalent) was granted before this Plan commenced and on which the erection of a dwelling house or dual</p>	<p>The proposal is for alterations and additions to a dwelling house and is not for the erection of a new dwelling house. However, this clause should be considered when determining this application.</p> <p>No. Minimum lot size is 12ha. The property has a size of approximately 10ha.</p> <p>Yes. The property existed before MWRLEP 2012 and a dwelling was permissible prior to this LEP.</p> <p>Yes. Property was created with development consent from a subdivision for the purposes of a dwelling house. Refer to historical subdivision consent.</p>

<p>occupancy would have been permissible if the plan of subdivision had been registered before that commencement, or</p> <p>(d) is an existing holding that is not within Zone R5 Large Lot Residential, or</p> <p>(e) would have been a lot or a holding referred to in paragraphs (a)–(d) had it not been affected by—</p> <p>(i) a minor realignment of its boundaries that did not create an additional lot, or</p> <p>(ii) a subdivision creating or widening a public road or public reserve or for another public purpose, or</p> <p>(f) is, in the case of land within 500 metres of land within Zone RU5 Village, a lot that has an area of at least 5 hectares, that has a sealed road frontage and that is connected to the sealed road network, or</p> <p>(g) is a holding within Zone R5 Large Lot Residential that has an area of at least 5 hectares, that has all weather access, including all weather vehicular access, to which adequate services provided by public utility undertakings are available and that is suitable for the on-site disposal of domestic wastewater, or</p> <p>(h) is a former holding, or</p> <p>(i) is a former rural lot that has an area of at least 40 hectares.</p>	<p>N/A. Zone R5.</p> <p>N/A. No changes made.</p> <p>N/A. Property not within 500m of RU5 zone.</p> <p>Yes. This clause is also applicable and could be utilised to confirm compliance with 4.2A.</p> <p>N/A.</p> <p>N/A.</p>
<p>(4) Development consent may be granted for the erection of a dwelling house or dual occupancy on land to which this clause applies if there is a lawfully erected dwelling house on the land and the dwelling house to be erected is intended only to replace the existing dwelling house.</p>	<p>N/A. Proposal is for alterations and additions.</p>
<p>Clause 5.16 Subdivision of, or dwellings on, land in certain rural, residential or environmental protection zones</p>	
<p>(1) The objective of this clause is to minimise potential land use conflict between existing and proposed development on land in the rural, residential or conservation zones concerned (particularly between residential land uses and other rural land uses).</p>	<p>No land use conflict exists between the existing dwelling and any surrounding properties or land uses. The proposal is for alterations and additions to the existing dwelling, which will therefore not create any change to the existing context and landuse interactions.</p>
<p>(2) This clause applies to land in the following zones—</p>	<p>Yes. Zone R5.</p>

<ul style="list-style-type: none"> (a) Zone RU1 Primary Production, (b) Zone RU2 Rural Landscape, (c) Zone RU3 Forestry, (d) Zone RU4 Primary Production Small Lots, (e) Zone RU6 Transition, (f) Zone R5 Large Lot Residential, (g) Zone C2 Environmental Conservation, (h) Zone C3 Environmental Management, (i) Zone C4 Environmental Living. 	
<p>(3) A consent authority must take into account the matters specified in subclause (4) in determining whether to grant development consent to development on land to which this clause applies for either of the following purposes—</p> <ul style="list-style-type: none"> (a) subdivision of land proposed to be used for the purposes of a dwelling, (b) erection of a dwelling. 	<p>Refer to subclause (4) comments below.</p>
<p>(4) The following matters are to be taken into account—</p> <ul style="list-style-type: none"> (a) the existing uses and approved uses of land in the vicinity of the development, (b) whether or not the development is likely to have a significant impact on land uses that, in the opinion of the consent authority, are likely to be preferred and the predominant land uses in the vicinity of the development, (c) whether or not the development is likely to be incompatible with a use referred to in paragraph (a) or (b), (d) any measures proposed by the applicant to avoid or minimise any incompatibility referred to in paragraph (c). 	<p>The immediate surrounding area consists of other large lot residential parcels used predominantly for grazing and lifestyle blocks. No impact is existing or anticipated.</p> <p>Proposal is for additions to an existing dwelling. Accordingly, no impact is expected beyond the existing context.</p> <p>N/A. No impacts identified.</p> <p>N/A. No impacts identified.</p>
<p>6.1 Salinity</p>	<p>The proposal does not involve any major physical works apart from standard footings for the addition. Subsequently, no impacts related to salinity are expected. Any salinity related impacts are expected to be addressed with a condition of consent.</p>
<p>6.4 Groundwater vulnerability</p>	<p>The site is identified as groundwater vulnerable within the MWRLEP 2012 mapping.</p>

	<p>However, the proposal does not result in any additional bedrooms with the dwelling to continue being a 3 bedroom dwelling. Subsequently, no additional load upon the existing OSSM system is expected and therefore no risks to the groundwater system or ecosystem is expected. Accordingly, any upgrades to the existing OSSM system are not considered necessary or warranted.</p> <p>It should be noted that a new septic system was recently installed (refer to the most recent S68 application applying to the property).</p>
6.9 Essential services	<p>All essential services associated with a rural location are already available and connected to the dwelling.</p> <p>These are not expected to be affected by the proposal.</p>

4.2 State Environmental Planning Policy (Resilience and Hazards) 2021

The object of this policy is to provide a mechanism to ensure remediation of contaminated land is undertaken within the planning framework.

Part 4 of the SEPP requires the consent authority (Mid-Western Regional Council), before determining a development application, to consider whether the land is potentially contaminated and if so whether the land is suitable in its current state for the proposed use.

The site was previously utilised for the purposes of a vineyard, however has not been in operation for numerous years. No other potentially contaminating activities are undertaken on the property or have been known to have been undertaken on the property. It should be noted that the site is considered too small to have been utilised for any larger agricultural activity such as grazing and the like.

Clause 4.6(1) of the SEPP prescribes the specific considerations for the consent authority as noted below:

(1) A consent authority must not consent to the carrying out of any development on land unless—

(a) it has considered whether the land is contaminated, and

(b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and

(c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.

Comment: Although the vineyard is identified as an *agricultural/horticultural activity*, the proposal is for a dwelling alteration and addition where no additional bedrooms or occupants will result. Subsequently, there is no change to the existing situation, landuse or state of the site and no additional risks with regards to contamination as a result of the proposal.

Clause 4.6(1) should be addressed in this context with a view that the land is suitable in the current state and it is unnecessary to require the undertaking of any further preliminary investigation of the land.

4.3 Mid-Western Regional Development Control Plan 2013

The Mid-Western Regional DCP 2013 applies to the site and the proposed development.

Part 5.4 '*Environmental Controls*' contains some relevant provisions including protection of aboriginal archaeology, riparian lines and vegetation management. The proposal generally satisfies these provisions, which are also discussed in various sections throughout this report. No significant impact with respect to the local ecology or groundwater is expected as a result of the proposal.

Part 6.1 '*Dwellings in Rural Areas*' contains specific controls relating to the proposal and the relevant sections, as they relate to a dwelling addition only, are addressed in the table below.

TABLE 2: PROJECT COMPLIANCE – Mid-Western Regional DCP	
Relevant sections applicable to this proposal.	
DCP Provisions	Complies / Comments
<p>Primary Production Small Lots</p> <p>This clause prescribes controls relating to dwellings in the RU4 zone and the undertaking of intensive plant agriculture.</p>	N/A. Site not within RU4 zone.

<p>Dwellings on rural lots within the former Rylstone LGA</p> <p>This clause provides additional controls regarding lot size for dwellings within the former Rylstone LGA.</p>	N/A. Site not within the former Rylstone LGA.																
<p>Services</p> <p>This clause prescribes additional servicing requirements for land within proximity to the R1 and R2 zones.</p>	N/A. There is no R1 or R2 zone within 500m of the property.																
<p>Dwellings adjacent to village zones</p> <p>This clause prescribes additional servicing requirements for land within proximity to the RU5 zone.</p>	N/A. Property not within proximity to the RU5 zone.																
<p>Building setbacks</p> <table border="1"> <thead> <tr> <th>Zone</th> <th>Street</th> <th>Side/Rear</th> <th>Secondary Frontage for Corner Lots *</th> </tr> </thead> <tbody> <tr> <td>R5 Less than or equal to 5ha. in area</td> <td>30m</td> <td>20m</td> <td>15m</td> </tr> <tr> <td>RU1, RU4 and R5 Greater than 5ha. in area</td> <td>60m</td> <td>20m</td> <td>15m</td> </tr> <tr> <td>RU5</td> <td>7.5m</td> <td>BCA</td> <td>3m</td> </tr> </tbody> </table> <ul style="list-style-type: none"> Where the lot is located a Classified Road such as Ulan or Cope Road the front setback is 100m and side and rear setback is 20 metres. Where the lot is located on the State Highway the front setback is 200 m and the side setback is 20 metres. 	Zone	Street	Side/Rear	Secondary Frontage for Corner Lots *	R5 Less than or equal to 5ha. in area	30m	20m	15m	RU1, RU4 and R5 Greater than 5ha. in area	60m	20m	15m	RU5	7.5m	BCA	3m	<p>The proposed addition will be setback 80m from the western State Highway frontage and 56m, 95m and 461m from the northern, southern and eastern side/rear setbacks respectively.</p> <p>Refer to comments at the end of this table regarding the front setback.</p>
Zone	Street	Side/Rear	Secondary Frontage for Corner Lots *														
R5 Less than or equal to 5ha. in area	30m	20m	15m														
RU1, RU4 and R5 Greater than 5ha. in area	60m	20m	15m														
RU5	7.5m	BCA	3m														
<p>Out-buildings and farm buildings</p> <p>This clause prescribes floor area controls for farm buildings and the like.</p>	N/A. All farm buildings are existing and no changes to these are proposed.																

Front setback to The Castlereagh Highway

The MWRDCP 2013 requires a minimum front setback to the Castlereagh Highway of 200m. The proposal will result in a setback of 80m, resulting in a variation of 120m.

The variation is considered warranted in this instance as the existing dwelling has already been positioned on the site (as previously consented to) in the current location and the single storey dwelling addition is a logical approach to the redevelopment of the dwelling and has been sensibly designed to integrate with the existing building fabric. No additional impacts with regards to visual intrusion to the Castlereagh Highway, acoustic intrusion or the streetscape pattern of the locality will result as the dwelling will continue to be a 3 bedroom single storey contemporary residence.

It should be noted that the Ernest Schuetz Estate Wines cellar door and several other dwellings to the south of the site are within close proximity to the Castlereagh Highway road reserve and this has set the 'semi rural' streetscape for the area that extends immediately north from the Mudgee residential area.

The aims of the MWRDCP 2013 outlined in Part 1.2 of the DCP are considered to still be achieved with the proposal presenting a logical and positive development outcome in line with those desired by the community.

5 Planning Assessment

This section will consider the following: the Assessment of Natural Environmental Impact; the Built Environment Impacts; the Site Suitability and the Public Interest in accordance with Section 4.15(1)(b),(c) and (e).

5.1 Assessment of Natural Environmental Impact – S4.15 (1)(b)

5.1.1 Micro Climate Impacts

The proposed development is unlikely to result in any adverse effects to the micro-climate in the locality.

5.1.2 Water & Air Quality Impacts

The proposed development is unlikely to result in any adverse effects on the locality in terms of water and air quality as discussed previously.

5.2 Assessment of Built Environment Impacts – S4.15 (1)(b)

5.2.1 Impact on the Areas Character

The surrounding built environment comprises a mix of single dwellings on larger and smaller rural allotments. The proposal will not impact this character as it is simply a small addition to an existing dwelling.

5.2.2 Privacy, Views & Overshadowing Impacts

The proposed development will not impede the existing privacy or views of the subject or surrounding lots. The development will not provide overshadowing within the subject or adjoining lots.

5.2.3 Aural & Visual Privacy Impacts

The proposed development, being within a rural area and generally compliant with the relevant planning provisions, will not result in any significant privacy concerns for adjoining properties.

5.2.4 Environmentally Sustainable Development

The proposal will have minimal impact with regards to ESD subject to standard conditions imposed by the consent authority.

5.3 Assessment of the Site Suitability – 4.15(1)(c)

5.3.1 Proximity to Service and Infrastructure

As outlined, the site is accessible via the Castlereagh Highway. As the site already contains an existing dwelling, electricity and telephone are also readily available.

5.3.2 Traffic, Parking & Access

The development will not increase the traffic volume for the area, as the proposal is for a dwelling alteration and addition that will not result in additional occupants. It is expected that the current road network is capable of continuing to support the minimal traffic movements.

Refer to the previous comments in Section 2.4 where the existing access is discussed and justification provided to demonstrate that no upgrade works are warranted.

5.3.3 Hazards

The site is not subject to any known hazards such as bushfire threat, flooding, landslip and the like.

5.4 The Public Interest – 4.15(1)(e)

5.4.1 Social and Economic Impact

The proposal will make a positive contribution to the Mid-Western Region by facilitating the improvement of housing stock, rural lifestyle opportunities and the creation of employment.

5.4.2 The Public Interest

The proposal is in the public interest as it satisfies the objectives of the MWRLEP 2012 and MWRDCP 2013 and will not set any undesirable planning precedents.

6 Conclusion

The proposed development has been assessed in accordance with Section 4.15(1) of the EP&A Act 1979 and Council's planning instruments. The proposal is permissible in the R5 Large Lot Residential Zone under the Mid-Western Regional LEP 2012 and in our opinion is consistent with the relevant objectives of the Zone.

As discussed throughout the SEE, the crux of the proposal is to facilitate the erection of an updated and modern dwelling, still consisting of 3 bedrooms, that continues to be positioned in the current location in order to continue to integrate with the other uses and improvements on the site.

For the above reasons the proposal is considered to be in the public interest and is recommended for approval subject to standard conditions.