



STATEMENT OF ENVIRONMENTAL EFFECTS

PROPOSED RESIDENCE + SECONDARY DWELLING & FARM SHED + CABANA AT
Lot 6 No. 157 MELROSE Road, MOUNT FROME - Mudgee NSW 2850



JUNE 1, 2022
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1 INTRODUCTION

This Statement of Environmental Effects is submitted for approval as a Development Application for the construction of a proposed new single storey residence with attached garage & veranda, detached secondary dwelling and shed & cabana at No. 157, Lot 6 DP 253326 Melrose Road, Mount Frome - Mudgee NSW.

The report shall be read in conjunction with accompanying documents as listed below.

REF.	DESCRIPTION	PREPARED BY
21/005a-j	Architectural DA Plan Set	Gavin Dale Design
1283766S	BASIX Certificate (Primary Residence)	Gavin Dale Design
1326756S	BASIX Certificate (Secondary Dwelling)	Gavin Dale Design
	Intensive AG Report	PB AG Consulting

1.1 APPLICANT AND SITE OWNERSHIP

The applicant is Peter & Tania Mayson.

The subject site is owned by Peter & Tania Mayson who has consented to the application being made.

1.2 SUBJECT LOCALITY

The subject land is Lot 6, Number 157 Melrose Road, Deposited Plan (DP) number 253326 within the Local Government Area of Mid-Western Region NSW. See Figure 1 below for reference. The subject site is a Primary Production Small Lots (RU4) allotment within an established small lot / acreage area in the Mount Frome area of Mudgee.

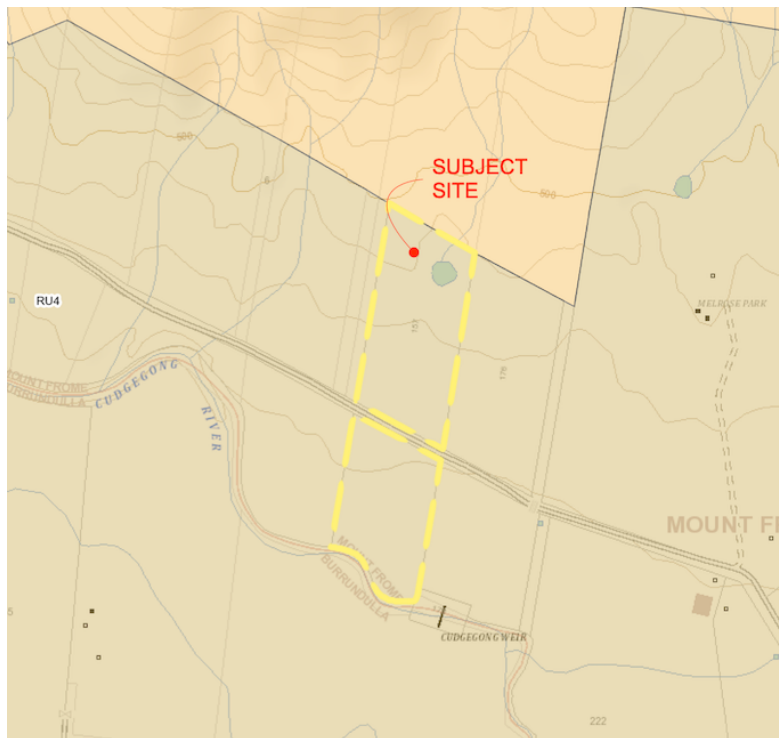


FIGURE 1: Source: ePlanning Spatial Viewer. Image Extract of Lot 6 Melrose Road Mount Frome – June 2022.

1.3 SITE DESCRIPTION

The subject site is a land parcel divided by a formed road reserve (Melrose Road). The site is generally a rectangular parcel of land with Southern & Northern Road frontage boundaries of approximately 180m in length. The site is an existing vacant Primary Production Small Lots property and falls to the South to the Cudgegong River. There is an existing small metal shed to the Southwestern corner of the allotment adjacent to the river. See Figure 2 below for reference.



FIGURE 2: Source: SixMaps NSW Government Image Extract of Lot 6 Melrose Road Mount Frome – June 2022.

1.4 EXISTING CHARACTER AND CONTEXT

The subject site is consistent with the surrounding small lot rural development landscape along the Northern embankment of the Cudgegong River, which predominately consists of established single and two storey residences with Southerly and Easterly sloping topography.

2 DEVELOPMENT PROPOSAL

2.1 PROPOSED NEW DWELLING

This proposal is for development consent for the construction of a new single storey rendered brick and clad residence with an attached veranda & double garage. The residence has been sympathetically designed and thoughtfully placed within the landscape. The proposed residence has a site footprint of 454.7 sq m. See Figure 3 below for reference.

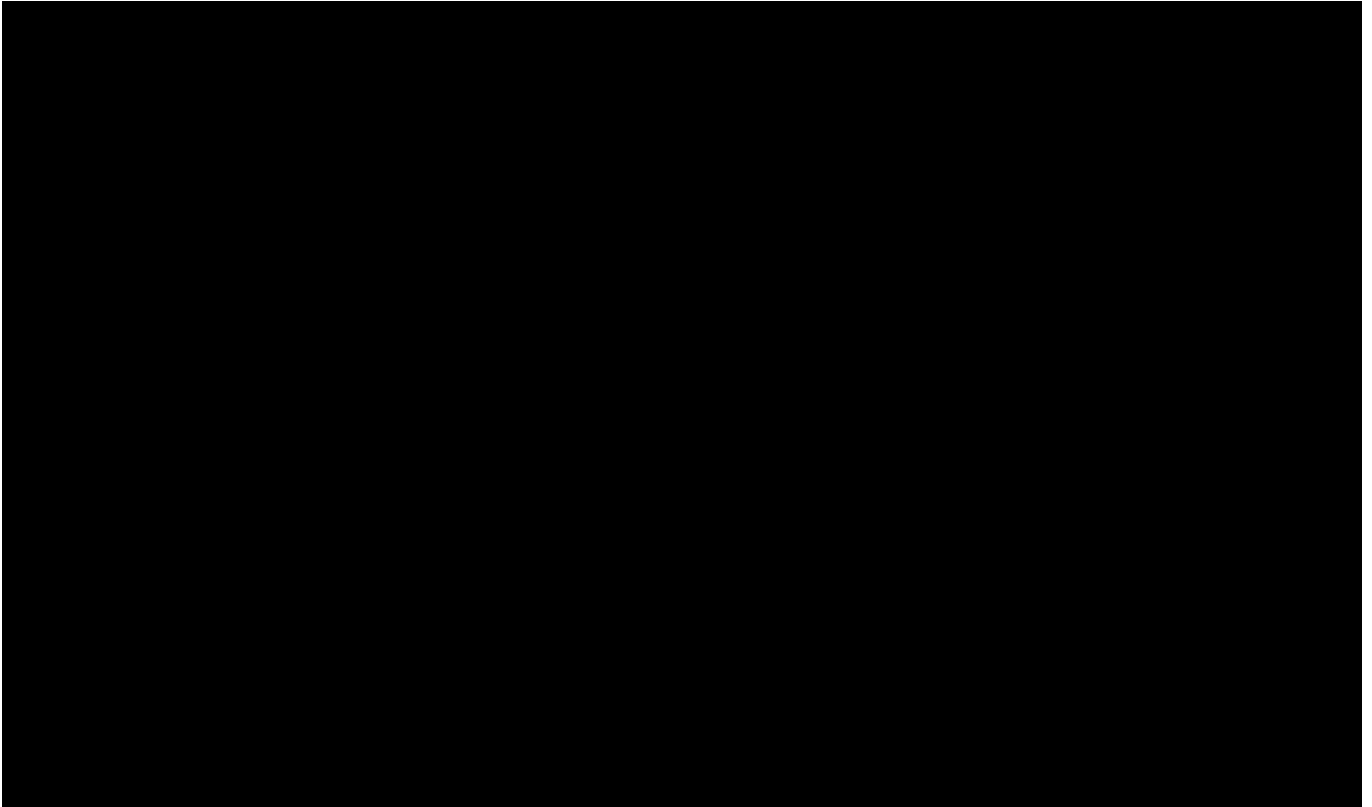


FIGURE 3: Source: Gavin Dale Design. Proposed Residence Floor Plan - June 2022.

2.2 PROPOSED SECONDARY DWELLING + FARM SHED

Included in the Development Application is a proposal for a new Secondary Dwelling and open farm shed. The secondary dwelling contains 2 bedrooms, kitchen (with combined laundry facilities), living with a first-floor lounge area above. The secondary residence and shed has been a responsive and complimentary design to the proposed residence. The proposed new secondary dwelling and shed structure has a total site footprint of 154 sq m. See Figures 4 and 5 below for reference.

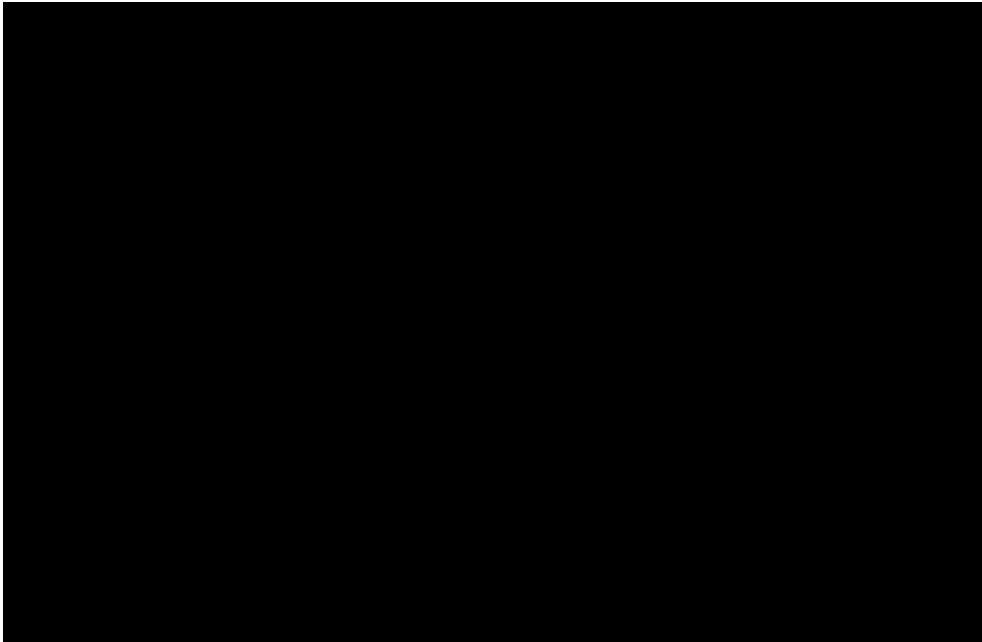


FIGURE 4: Source: Gavin Dale Design. Proposed Farm Shed Ground Floor Plan - June 2022.

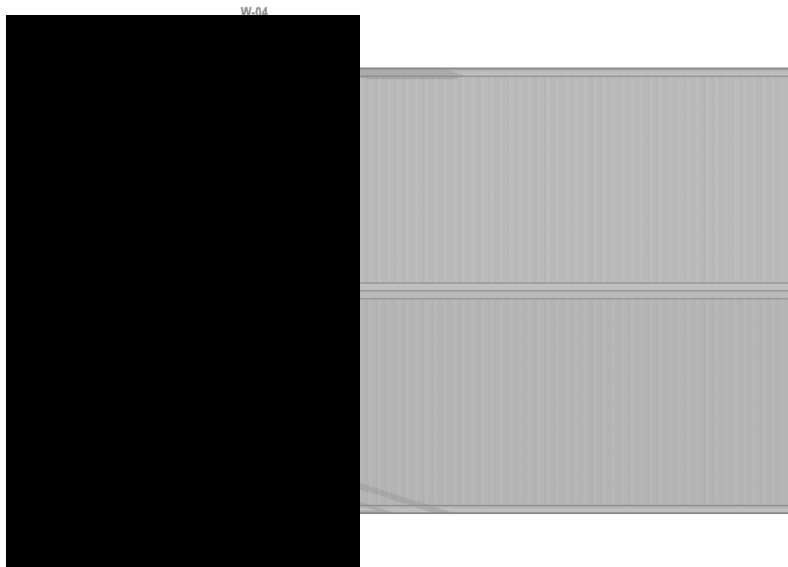


FIGURE 5: Source: Gavin Dale Design. Proposed Farm Shed First Floor Plan - June 2022.

2.3 PROPOSED CABANA

Additionally, the Development Application includes a proposal for a new cabana for the future in-ground pool. The cabana has likewise been a responsive and complimentary design to the proposed residence. The proposed new cabana has a total site footprint of 38 sq m. See Figure 6 below for reference.

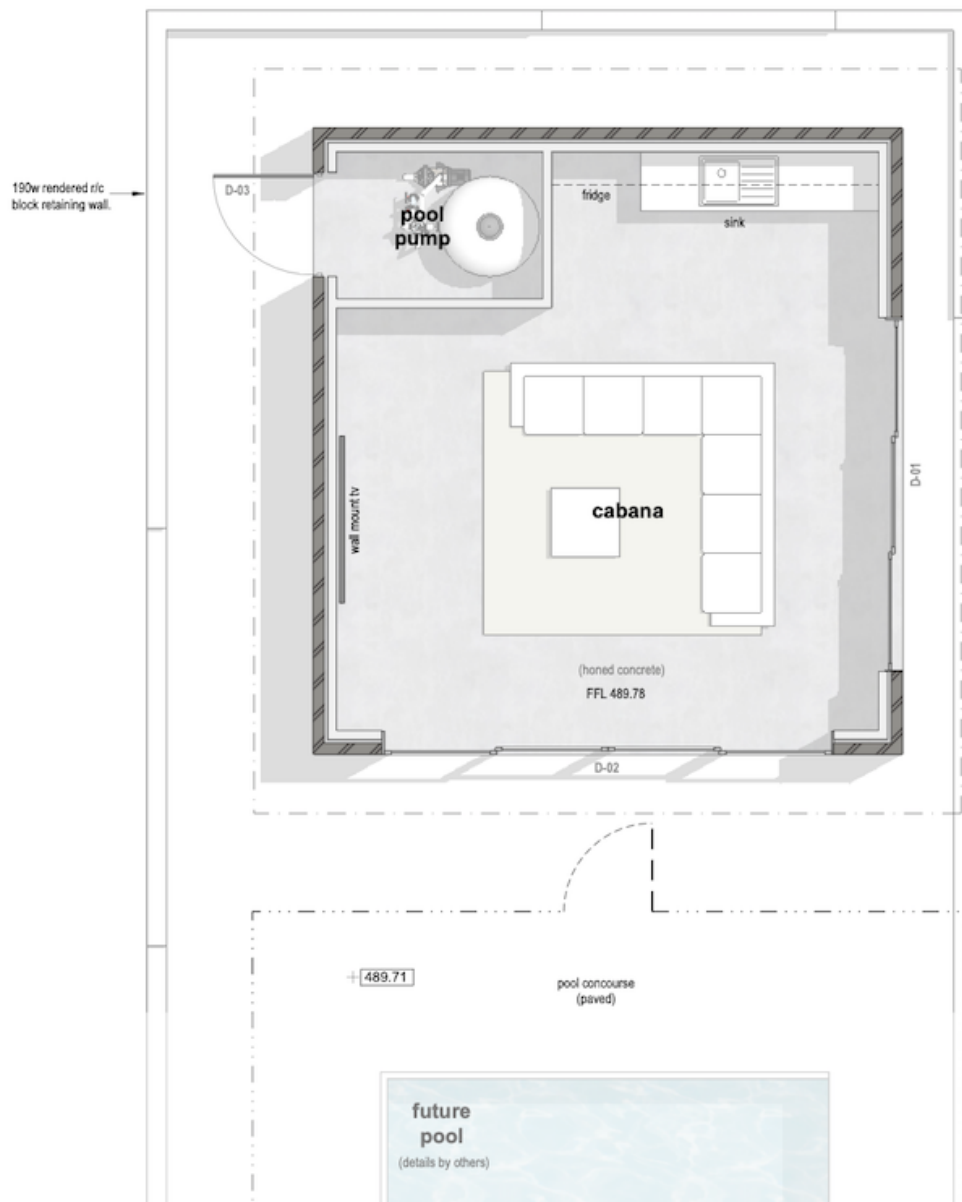


FIGURE 6: Source: Gavin Dale Design. Proposed Cabana + future pool Plan - June 2022.

3 LEGISLATION AND PLANNING CONTROLS

3.1 PLANNING CONTROLS

In accordance with section 4.15 of the EP&A Act, this section will assess the compliance with the planning controls applicable to the site pursuant to the relevant heads for consideration. The relevant controls include:

- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004;
- Mid-Western Regional Local Environmental Plan (LEP) 2012 and
- Mid-Western Regional Development Control Plan (DCP) 2013 (amendment No. 5)

3.2 STATE PLANNING CONTROLS (BUILDING SUSTAINABILITY INDEX: BASIX) 2004

Sepp (Building Sustainability Index BASIX) 2004 applies to all new residential buildings in NSW to meet certain sustainability targets. In considering the merits of the proposal, it is appropriate to refer to the sustainability targets of the SEPP.

A BASIX report (Certificate # 1283766S and Certificate # 1326756S) accompanies the Development Application for the proposed residence and Secondary Dwelling respectively. These reports demonstrate that the proposal complies with all minimum targets set by the SEPP.

3.3 LOCAL PLANNING CONTROLS

3.3.1 MID-WESTERN REGIONAL LOCAL ENVIRONMENTAL PLAN 2012 (LEP 2012)

The subject site is zoned RU4 Primary Production Small Lots under Council's LEP 2012. (Refer FIGURE 7 below). Dwelling houses are permissible with consent within the RU4 zone. There is no maximum height for buildings under Clause 4.3 of the LEP.

The proposal satisfies the objectives of the zone.

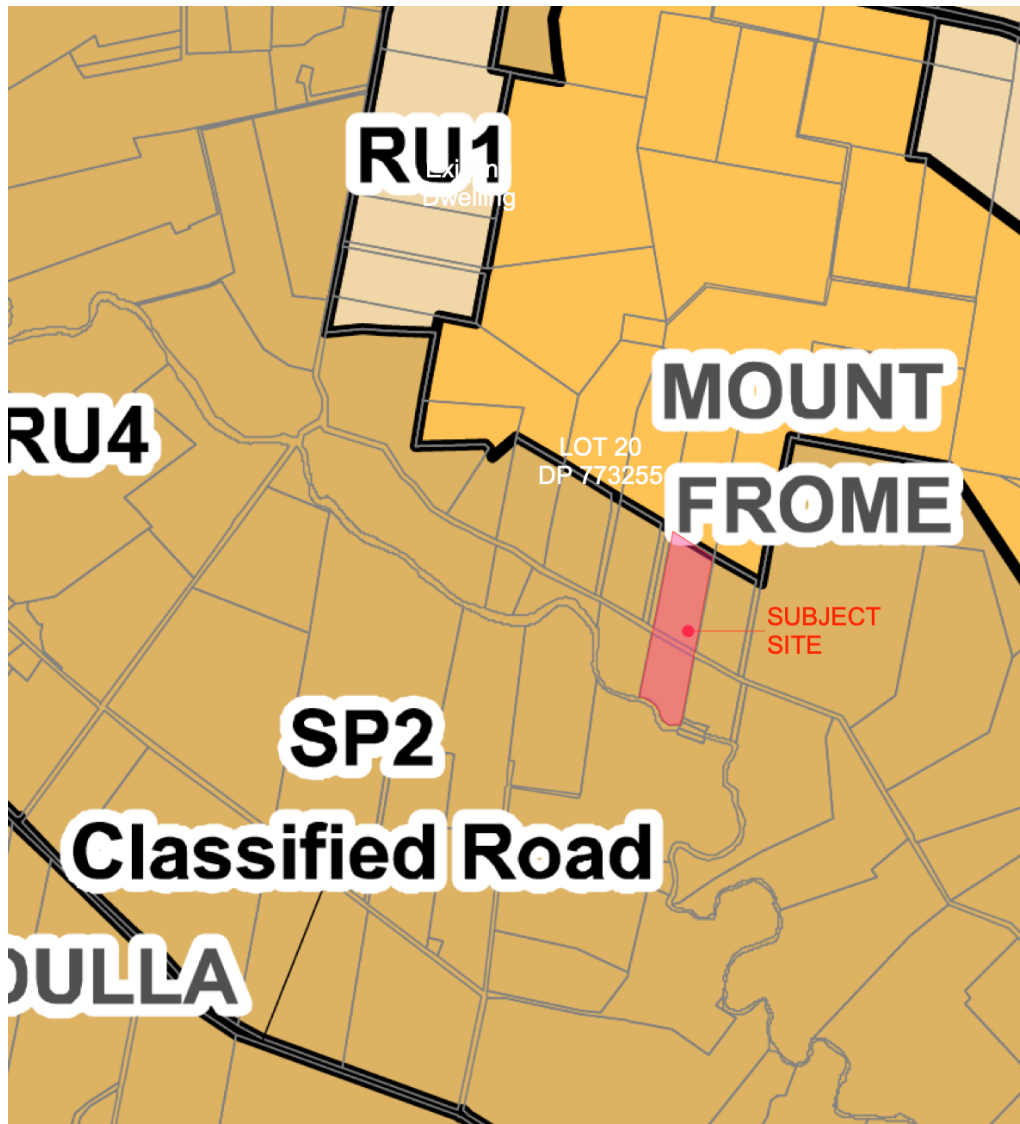


FIGURE 7: Extract from Mid-Western Regional Council LEP 2012 Land Zoning Map - Sheet LZN_006 June 2022

3.3.2 OBJECTIVES OF THE ZONE (RU4)

- *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.*
- *To ensure that land is available for intensive plant agriculture.*

In our opinion the proposal is consistent with the relevant objectives of the RU4 Primary Production Small Lots Zone.

- The proposal will not unduly interfere with the surrounding arable land for future agricultural use.
- The proposal does not create conflict between adjoining land uses as “Dwelling Houses” and “farm buildings” are permissible within all adjoining land zones.
- The proposal is within site setbacks, and which is consistent with the low-density development pattern of the immediate vicinity.

The proposal is appropriate in an area which includes a variety of rural dwelling styles and has been designed to maintain the existing character and amenity of the surrounding contemporary rural residential developments.

It is considered the proposal is permissible with consent and achieves the objectives of the Mid-Western Regional LEP land use zoning requirements.

4 PRINCIPAL DEVELOPMENT STANDARDS

4.2B DWELLING HOUSES ON LAND IN ZONE RU4 PRIMARY PRODUCTION SMALL LOTS

- (1) The objective of this clause is to ensure that dwelling houses are erected only where they support the permitted agricultural use of the land.
- (2) Development consent must not be granted for the erection of a dwelling house on land in Zone RU4 Primary Production Small Lots unless the consent authority is satisfied that—
 - (a) the land is being used, or is intended to be used, for the purpose of intensive plant agriculture, and
 - (b) the dwelling house will be required to support the carrying out of the intensive plant agriculture or the irrigation of pasture and fodder crops, and
 - (c) the dwelling house is not likely to cause any land use conflict with existing agricultural uses being undertaken on neighbouring properties in the zone, and
 - (d) services for the supply of water and electricity to support that agricultural use are available or adequate arrangements have been made to make them available when required.

Accordingly, an intensive Agricultural report has been prepared by PB Ag Consulting outlining the specific use of the land for the establishment of an intensive agricultural enterprise within Lot 6 (No. 157) Melrose Road Mount Frome. This report clearly demonstrates how an intensive agricultural enterprise can be conducted within the subject site and thus requiring the proposed dwelling house.

The cluster placement of all buildings to the North-western most corner of the allotment will maximise the overall use of the arable land for agricultural use.

This report has been included as part of the Development Consent.

5 PRINCIPAL DEVELOPMENT STANDARDS

5.1 CONTROLS RELATING TO SECONDARY DWELLINGS ON LAND IN A RURAL ZONE (PART 5.5)

Secondary dwellings are permissible within the RU4 zone.

There are no controls relating to secondary dwellings on land in a rural zone.

5.2 ADDITIONAL LOCAL PROVISIONS (PART 6)

5.2.1 TERRESTRIAL BIODIVERSITY (PART 6.5)

The subject land is identified as High Biodiversity Sensitivity Land in the Mid-Western Regional Local Environmental Plan 2012 (Sensitivity Biodiversity Map Sheet BIO_006) as per the extract image below (Figure 8) from the Planning Map.

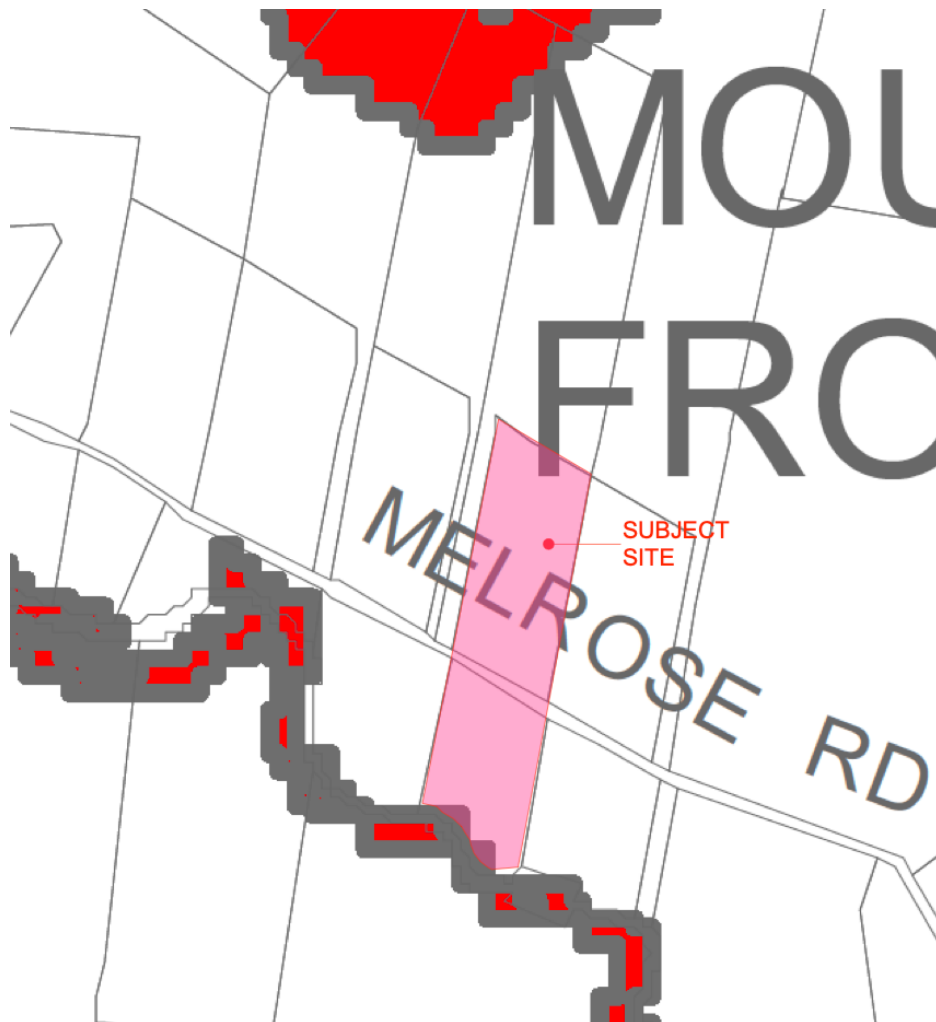


FIGURE 8: Extract from Mid-Western Regional Council LEP 2012 Sensitivity Biodiversity Zoning Map - Sheet BIO_006 June 2022

The objective of this clause is to maintain terrestrial biodiversity by –

- (a) protecting native flora and fauna, and*
- (b) protecting the ecological processes necessary for their continued existing, and*
- (c) encouraging the conservation and recovery of native fauna and flora and their habitats.*

The proposal is consistent with the relevant objectives of the Terrestrial biodiversity zoning requirements.

- The terrestrial biodiverse area is confined to the immediate riverine vicinity of the Cudgegong River.
- The proposed residence is located approximately 600m from the riparian zone. Therefore, having an insignificant impact to the native flora and fauna along the river frontage.
- Additionally, Melrose Road bisects the development allotment, creating a buffer zone between the riparian zone and the proposed development.
- It is also planned that additional native tree planting will be conducted along the river frontage to the allotment to further enhance and densify the existing wildlife corridor. This will undoubtedly encourage the conservation and recovery of native fauna and flora and their habitats to this allotment.

5.2.2 VISUALLY SENSITIVE LAND NEAR MUDGEES (PART 6.10)

The subject land is identified as Visually Sensitive Land in the Mid-Western Regional Local Environmental Plan 2012 (Flood Planning Map / Visually Sensitive Land Map Sheet CL1_006) as per the extract image below (Figure 9) from the Planning Map.

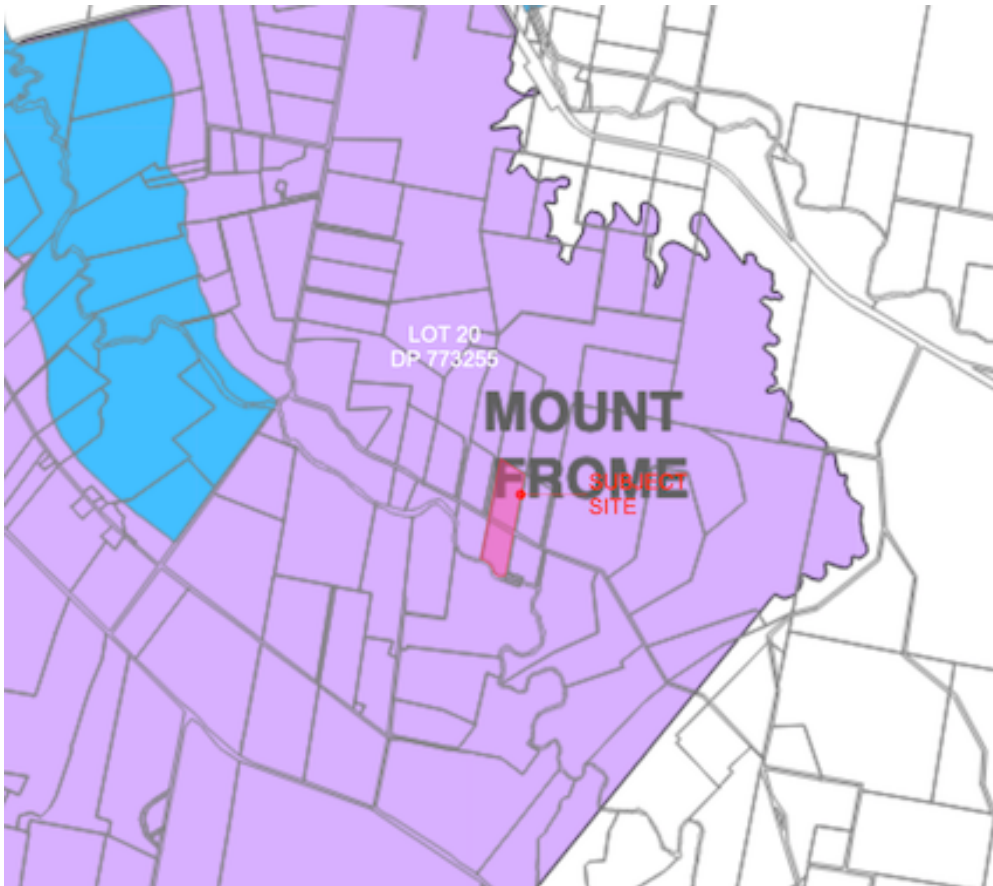


FIGURE 9: Extract from Mid-Western Regional Council LEP 2012 Visually Sensitive Land Map – Sheet LZN_006 June 2022

The objective of this clause is to protect the visually and environmentally significant land on the urban fringe of the town of Mudgee.

“Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that the development –

- (a) *will complement the visual setting forming the backdrop to Mudgee, and*
- (b) *will be designed, set back and sited to respond sympathetically to the landform of the site which the development is proposed to be carried out and will minimise visual intrusion.*

In our opinion the proposal is consistent with the relevant objectives of the Visually sensitive land zoning requirements.

- The proposed residence has been designed laterally with and, to terrace down the contours of the site.
- The use of natural timber cladding and rendered masonry, integrates the residence into the landscape. In conjunction with a traditional pitched roof structure, this design

seeks to harmoniously echo early country dwellings and their place within the landscape whilst maintaining a contemporary appeal.

- The proposed development has been sited to the North-Western most corner of the allotment, some 300m from the access road. This is to ensure the immediate rural landscape is primarily apparent to the transient observer rather than the built environment.
- Given the above, this development is undoubtedly compatible with the surrounding area and minimises visual intrusion into the landscape.

5.3 POTENTIAL HAZARDS

5.3.1 BUSHFIRE PRONE LAND

The subject land is identified as Bushfire Prone Land.

A bushfire Assessment has been conducted on the subject allotment and is attached to this development application. From the site assessment and in accordance with AS 3959 Construction of Buildings in bushfire-prone areas, the primary residence is subject to a (Bushfire attack level) BAL 12.5 whilst the Secondary Dwelling is subject to a BAL 19. Details are included in the Development Application plans.

5.4 MID-WESTERN REGIONAL COUNCIL CONTROL PLAN 2013

5.4.1 DCP 2013

Table 1 outlines the DCP requirements for this application with relevant compliance statements provided.

TABLE 1

PROPOSAL COMPLIANCE – MID-WESTERN REGIONAL COUNCIL DCP 2013			
PROVISION	REQUIREMENT	PROPOSAL	COMPLIES
BUILDING REQUIREMENTS	Demonstration of requirement to support the agricultural use of the land		
	Setbacks	The proposal is adequately distanced from site boundaries (min 20 side and rear) and in accordance with the NCC and are unlikely to cause any overlooking or privacy concerns to adjoining properties.	Yes
	Out-Buildings and Farm buildings	No ancillary buildings have a footprint greater than 200m ² in the proposal.	Yes

6.0 PLANNING ASSESSMENT SUMMARY

In accordance with Section 4.15 ‘Evaluation’ (1)(b)(c) and (e) of the Environmental Assessment Act (EP&A Act), consideration of the Assessment of Natural Environmental Impact; the Built Environment Impacts; Site Suitability and Public Interest must be conducted

A summary of this assessment has been provided in Table 2.

TABLE 2

SUBJECT AREA	POTENTIAL ENVIRONMENTAL IMPACTS OF THE DEVELOPMENT	HOW THE POTENTIAL IMPACTS HAVE BEEN IDENTIFIED	STEPS TAKEN TO MINIMISE AND PROTECT THE ENVIRONMENT
CONTEXT & SETTING	No impact.	Visual observation and interpretation of land use.	Sympathetic design with minimal impact to the existing environment.
ACCESS & TRAFFIC	No impact. Short-term construction works and subsequent vehicle movement.	No impact. Observation of similar developments.	Provisions of new all-weather access driveway to Council’s standards.
INFRASTRUCTURE	Minimal impact. It is proposed to provide off-grid solar power & back-up generator, rainwater harvesting & AWTS (aerated wastewater septic system) to the development.	No impact. Observation of similar developments.	The water, sewer, electricity, telecom, stormwater outputs will be minimal.
HERITAGE	None.	No known records.	Not applicable.
ABORIGINAL CULTURAL HERITAGE	Low impact	An AHIMS search has been conducted showing no sites or places declared.	Ground disturbance confined within the site allotment vicinity.
ARCHAEOLOGY	None.	No known record.	Not applicable.
LAND RESOURCES	None.	Site inspection.	Not applicable.
SOILS	None.	Site inspection	Not applicable.
AIR & MICROCLIMATE	Unlikely to have any impact.	Minor in nature.	Not applicable.
FLORA & FAUNA	Unlikely to have any impact.	Minor in nature.	Not applicable.
WASTE	Unlikely to have any impact.	Existing waste infrastructure in place.	All waste generated will be disposed of lawfully and in accordance with Council guidelines.
NOISE	None.	Design layout of the living rooms orientated for minimal interference for neighbouring properties.	The development complies with the Mid-Western Regional DCP 2013.
NATURAL HAZARDS	Bushfire Prone	Council planning records.	BAL 12.5 adopted for exposed faces to fire hazard.
SOCIAL IMPACTS	None.	Minor in nature.	Not applicable.

ECONOMIC DEVELOPMENT	None.	Minor in nature.	The proposal will provide employment during construction.
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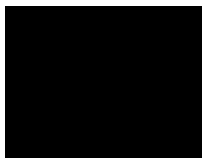
7.0 CONCLUSION

The proposal 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 RU4 Zone under the Mid-Western Regional LEP 2012 and in our opinion should be approved given that the proposal:

1. Complies with the State Environmental Planning and Assessment Regulation provisions relevant to the proposal;
2. Complies with SEPP provisions relevant to the proposal;
3. Complies with the provisions of the Dubbo LEP 2011 and meets the objectives of the zone.
4. Complies where applicable with Dubbo DCP 2013; and
5. Will not adversely impact on the environment, as discussed in the Statement of Environmental Effects above.

We hope this Statement of Environmental Effects meets your immediate requirements. Should you require any further information please do not hesitate to contact the undersigned.

Sincerely,



Gavin Dale
Gavin Dale Design
0420 295 886

APPENDIX A - AHIMS SEARCH



Your Ref/PO Number : GAVIN DALE DESIGN

Client Service ID : 695460

Gavin Dale

Date: 24 June 2022

31 Hampden Street
Dubbo New South Wales 2830

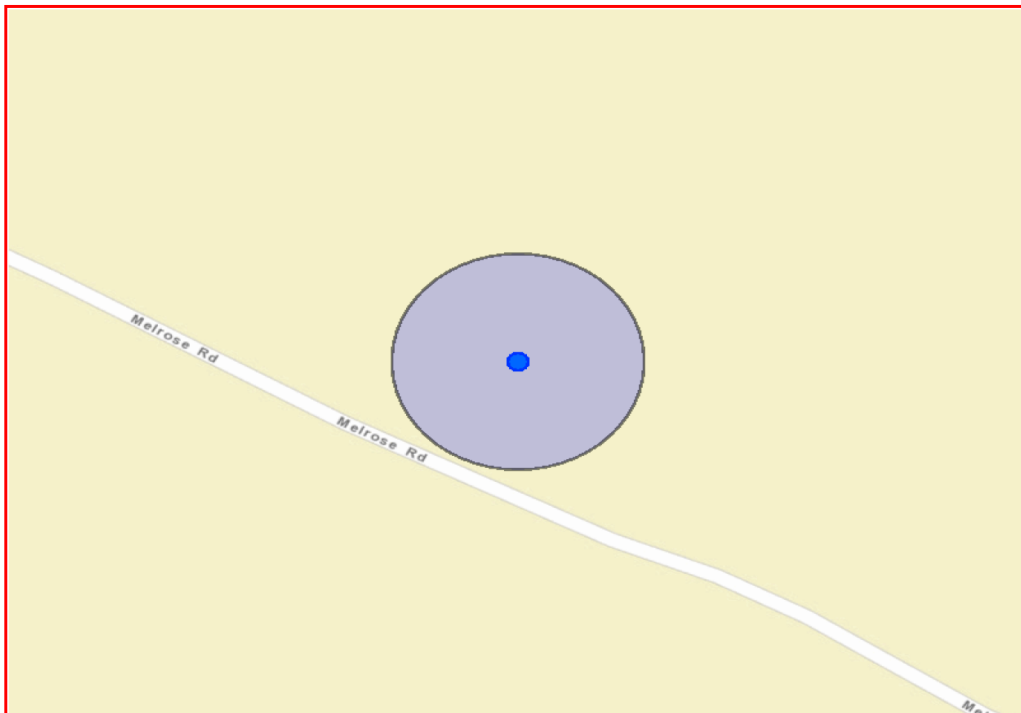
Attention: Gavin Dale

Email: info@gavindaledesign.com

Dear Sir or Madam:

AHIMS Web Service search for the following area at Address : 157 MELROSE ROAD MOUNT FROME 2850 with a Buffer of 50 meters, conducted by Gavin Dale on 24 June 2022.

The context area of your search is shown in the map below. Please note that the map does not accurately display the exact boundaries of the search as defined in the paragraph above. The map is to be used for general reference purposes only.



A search of Heritage NSW AHIMS Web Services (Aboriginal Heritage Information Management System) has shown that:

0 Aboriginal sites are recorded in or near the above location.
0 Aboriginal places have been declared in or near the above location. *