

DREW ROBERTS CONSULTING

STATEMENT OF ENVIRONMENTAL EFFECTS

Dual Occupancy (detached) & Torrens Title Subdivision

CLIENT: SUNRAI DESIGNS

DATE: 4 AUGUST 2022

PROJECT: 2023/09

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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 detached dual occupancy and torrens subdivision at 6 Queen Street, Gulgong.

The objective of this proposal is to create a highly desirable and modern development to add to the housing stock of Gulgong within the urban area where services are readily available.

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; and
- Plan of subdivision.

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 within the town of Gulgong 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 northern side of Queen Street within the urban boundaries of Gulgong and is known as 6 Queen Street, Gulgong or Lot 2 DP 1285405.

The site is regular in shape, generally flat in topography and contains a total area of approximately 1012m², which is typical for residential properties in the area. The site also benefits from a rear frontage to Wattle Lane, which is a sealed laneway.

2.3 Existing Character and Context

The surrounding area is predominantly residential, characterised by low density single dwellings of a variety of ages and styles.

The property is not located within the Gulgong Heritage Conservation Area (HCA), however is on the fringe of this designated area.

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

2.4 Surrounding Road Network

The site has a primary frontage to Queen Street, however no vehicular access is currently in place for the site. Queen Street is a two lane sealed road that provides a connection directly through to the downtown core of Gulgong to the west. Queen Street is not identified as a Classified Road in accordance with the Roads Act 1993 with MWRC the designated roads authority. Concurrent approval is being sought for the new driveway crossovers within Queen Street pursuant to section 138 of the Roads Act 1993.

The property also has a parallel road frontage to Wattle Lane to the north, however formal access to this road is not being sought as a part of this development application.

3 Details of the Proposal

It is proposed to undertake the following works upon the site:

- Erection of a single storey detached dual occupancy with each dwelling containing 3 bedrooms, media room, single garage, open plan living/kitchen area, bathroom, laundry and an alfresco;
- Torrens title subdivision of the detached dual occupancy.



FIGURE 2: 3D CONCEPT (SUNRAI DESIGNS)

The proposal will result in a modern and appealing development that sits comfortably within the surrounding low density residential neighbourhood with excellent solar access and amenity for future occupants. Each dwelling incorporates subtle design differences when viewed from Queen Street to ensure interest in the streetscape is maintained.

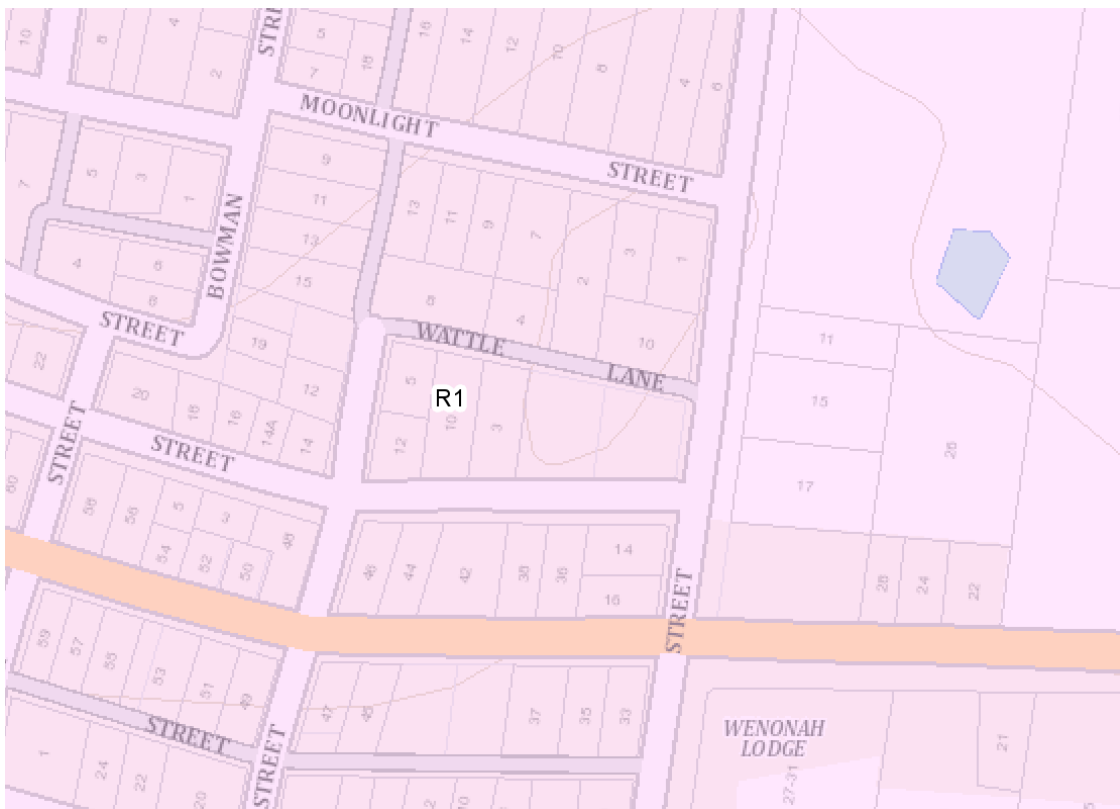
4 Planning Controls

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 R1 – General Residential under Council’s MWRLEP 2012 (see Figure 3). *Dual occupancies (detached)* are permissible with consent in the zone under the group definition of *residential accommodation* 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 R1 are stated:

1. *To provide for the housing needs of the community.*

Comment: The proposed dual occupancy will contribute to the needed housing stock in the low density residential environment.

2. *To provide for a variety of housing types and densities.*

Comment: The proposal will facilitate a dual occupancy development in the town of Gulgong where a variety of housing types is needed.

3. *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*

Comment: The proposal is for a dual occupancy, which will not impede other land uses from being considered in the area.

In our opinion the proposal is consistent with the relevant objectives of the R1 General Residential zone as detailed above. The proposal is intended to facilitate additional housing stock within the Gulgong urban fringe within close proximity to existing services and amenities.

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 : 1012m ²	
LEP Provisions	Complies / Comments
4.1A Minimum lot sizes for dual occupancies, manor houses, multi dwelling housing and residential flat buildings	
(1) The objective of this clause is to achieve planned residential density in certain zones.	The proposed dual occupancy will contribute to the expected residential density of the R1 zone in Gulgong.
(2) This clause applies to the following land— (a) land within Zone R1 General Residential,	Subject site is zoned R1 General Residential.

<p>(b) land within Zone R3 Medium Density Residential,</p> <p>(c) land in Rylstone or Kandos that is within Zone RU5 Village,</p> <p>(d) for the purposes of a manor house, any land that is within Zone RU5 Village.</p>	
<p>(3) Despite any other provision of this plan, development consent may be granted to development on land to which this clause applies—</p> <p>(a) for the purposes of a dual occupancy (attached), if the area of the lot is equal to or greater than 600 square metres, or</p> <p>(b) for the purpose of a dual occupancy (detached), if the area of the lot is equal to or greater than 800 square metres, or</p> <p>(c) for the purposes of multi dwelling housing, if the area of the lot is equal to or greater than 1,200 square metres, or</p> <p>(d) for the purposes of a residential flat building, if the area of the lot is equal to or greater than 1,200 square metres, or</p> <p>(e) for the purposes of a manor house, if the area of the lot is equal to or greater than 1,200 square metres.</p>	<p>The proposal is for a <i>dual occupancy (detached)</i> and the site is 1012 square metres in size. Accordingly, subclause (3)(b) is satisfied.</p>
<p>4.1B Exceptions to minimum lot sizes for certain residential development</p>	
<p>(1) This clause applies to the following land—</p> <p>(a) land within Zone R1 General Residential,</p> <p>(b) land within Zone R3 Medium Density Residential,</p> <p>(c) land in Rylstone or Kandos that is within Zone RU5 Village.</p>	<p>Subject site is zoned R1 General Residential.</p>
<p>(2) Despite any other provision of this Plan, development consent may be granted to the subdivision of land to which this clause applies if—</p> <p>(a) multi dwelling housing or a dual occupancy is lawfully erected on the land, and</p> <p>(b) the area of each resulting lot will not be less than—</p>	<p>It is intended to erect a <i>dual occupancy (detached)</i> and undertake a subsequent torrens title subdivision resulting in lot sizes of 520m² and 499m² respectively for each dwelling in accordance with subclause (2)(b)(ii).</p> <p>This clause allows Council to consider a subdivision despite the provisions of clause 4.1 of the MWRLEP 2012.</p>

<p>(i) 300 square metres for a dual occupancy (attached) or multi dwelling housing, or (ii) 400 square metres for a dual occupancy (detached), and</p> <p>(c) only one dwelling will be located on each lot resulting from the subdivision.</p>	
<p>(3) Development consent may be granted to a single development application for development to which this clause applies that is both of the following—</p> <p>(a) the subdivision of land into 2 or more lots,</p> <p>(b) the erection of a dual occupancy (attached), dual occupancy (detached) or multi dwelling housing on each lot resulting from the subdivision, if the size of each lot is equal to or greater than—</p> <p>(i) 300 square metres for a dual occupancy (attached) or multi dwelling housing, or (ii) 400 square metres for a dual occupancy (detached).</p>	<p>This clause is being utilised in this instance to undertake the development.</p>
<p>4.3 Height of buildings</p>	
<p>(1) The objectives of this clause are as follows—</p> <p>(a) to establish a maximum height limit to which buildings can be designed in particular locations,</p> <p>(b) 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.</p>	<p>The proposed dual occupancy is of an appropriate height for the context of the area with the proposed single storey hip and gable roof design in keeping with the surrounding character and streetscape.</p>
<p>(2) 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.</p>	<p>The maximum height prescribed is 8.5m.</p> <p>Each dwelling will comfortably comply with a maximum height of approximately 5m above ground level (existing).</p>
<p>6.1 Salinity</p>	<p>The proposal does not involve any major physical works apart from standard footings for the dwellings. Subsequently, no impacts related to salinity are expected. Any salinity related impacts are expected to be addressed with a condition of consent.</p>

<p>6.9 Essential services</p>	<p>All essential services associated with a residential location are already available and connected to the site.</p> <p>These are expected to be readily available to each dwelling.</p>
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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.

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: No potentially contaminating activities are undertaken on the property or have been known to have been undertaken on the property. No further consideration of the SEPP is considered necessary.

4.3 Mid-Western Regional Development Control Plan 2013

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

Part 3.1 'Residential Development in Urban Areas' contains specific controls relating to the proposal and the relevant sections, as they relate to a dual occupancy, are addressed in the table below.

TABLE 2: PROJECT COMPLIANCE – Mid-Western Regional DCP 2013									
Relevant sections applicable to this proposal.									
DCP Provisions	Complies / Comments								
<p>Building setbacks</p> <p>The deem to satisfy controls for a lot size of 1018m² are:</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>R1, R2 and R3 where Lot size is greater than 900m², less than 2,000m²</td> <td>6.5m to building line 7.5 to the garage</td> <td>900mm</td> <td>2m</td> </tr> </tbody> </table>	Zone	Street	Side/Rear	Secondary Frontage for Corner Lots *	R1, R2 and R3 where Lot size is greater than 900m ² , less than 2,000m ²	6.5m to building line 7.5 to the garage	900mm	2m	<p>Dwelling 1</p> <p>Southern street setback: 7.5m to garage and building line.</p> <p>Eastern side setback: 1112mm.</p> <p>Western side setback: 910mm.</p> <p>Rear northern setback: 18.197m.</p> <p>Dwelling 2</p> <p>Southern street setback: 10.64m to garage and 7.11m to building line.</p> <p>Eastern side setback: 900mm.</p> <p>Western side setback: 900mm.</p> <p>Rear northern setback: 15.605m.</p>
Zone	Street	Side/Rear	Secondary Frontage for Corner Lots *						
R1, R2 and R3 where Lot size is greater than 900m ² , less than 2,000m ²	6.5m to building line 7.5 to the garage	900mm	2m						
<p>Building height</p> <p>The deem to satisfy controls are:</p> <p>Deem to satisfy is a single storey building with a FFL of less than 1 metre above Natural Ground Level.</p>	<p>Both dwellings are single storey with a maximum FFL of 500mm at any point.</p>								
<p>Site coverage</p> <p>The deem to satisfy control is:</p> <p>Deem to satisfy is 35% site coverage</p>	<p>42.7% site coverage proposed.</p> <p>Please note that the DCP allows for a maximum site coverage of 50% for dual occupancies. The proposal sits comfortably below the maximum ensuring that the development is not perceived as an over development of the site.</p>								
<p>Solar access</p> <p>The deem to satisfy control is:</p>	<p>The open plan living area, rear alfresco and backyard area of both dwellings are all orientated to the north for optimal solar access.</p>								

<p style="text-align: center;">Deem to satisfy</p> <p>Living areas and private open space areas are to be located with a northerly aspect (i.e. on the north or eastern side of the building).</p>	<p>An open gable form has also been incorporated into the design of the rear alfresco areas to provide additional light into the living area.</p> <p>Additionally, each dwelling has been afforded with skylights in the kitchen area to gain further solar access to the open plan area as a whole.</p>
<p>Privacy</p> <p>The deem to satisfy control is:</p> <p style="text-align: center;">Deem to satisfy</p> <p>Dwellings must be single storey and have a finished floor level less than 1,000 mm above the natural ground level.</p>	<p>Complies, as noted previously.</p>
<p>Parking</p> <p>The deem to satisfy control is:</p> <p style="text-align: center;">Deem to Satisfy</p> <p>Two (2) spaces per dwelling</p>	<p>Each dwelling will have one parking space within a single garage and an additional parking space in the driveway in a stacked arrangement.</p>
<p>Landscaping</p> <p>The DCP requires landscaping of a quality nature, low maintenance and positioned to improve energy losses and gains to the dwelling.</p>	<p>The site is well set up for landscaping of a high quality and suitable species for low maintenance and passive solar design.</p>
<p>Open space</p> <p>The deem to satisfy control is:</p> <p style="text-align: center;">Deem to satisfy</p> <p>Private open space to be on the northern or eastern side of dwelling with direct access to living areas. Area to be 80m² with a minimum dimension of 5 metres.</p>	<p>The rear alfresco and backyard area for each dwelling are both orientated to the north, extend directly from the living area and incorporate a total area of 171m² and 148m² respectively with a minimum dimension of 9.2m.</p>
<p>Corner lots</p> <p>The DCP requires the development to address both street frontages and not incorporate utility windows into a street elevation.</p>	<p>N/A. Site not a corner lot.</p>
<p>Fencing</p> <p>The deem to satisfy control is:</p> <p style="text-align: center;">Deem to Satisfy</p> <p>1.8 metre high fence to all boundaries including private open space areas. All fencing forward of building line cannot be 'Colorbond' (All Residential zones excluding R5 zone).</p>	<p>Fencing at a height of 1.8m behind the Queen Street building line will be provided to each dwelling to facilitate privacy.</p> <p>No fencing forward of the building line is proposed.</p>

<p>Infrastructure</p> <p>The DCP requires surface infrastructure to not be within street setback or visible from the street.</p> <p>Garbage storage areas are to be screened.</p>	<p>All infrastructure is expected to be behind the building line and screened from the streetscape.</p> <p>Opportunity exists for the storage of garbage bins in the side setback areas and screened from the streetscape as is the standard for dwellings.</p>
<p>Garages, outbuildings</p> <p>The DCP identifies several controls relating to garages and outbuildings including floor area and height.</p>	<p>N/A. No detached garages or outbuildings proposed.</p>
<p>Development near ridgelines</p> <p>The DCP prescribes controls relating to sensitive architectural design and building placement in proximity to ridgelines.</p>	<p>N/A. Property not near a ridgeline.</p>
<p>Slopes</p> <p>The deem to satisfy controls are:</p> <div data-bbox="207 930 784 1157" style="background-color: #e0f2f7; padding: 5px;"> <p style="text-align: center; margin: 0;">Deem to Satisfy</p> <ul style="list-style-type: none"> Cut is to be limited to 1,000 mm. Fill is restricted to 600 mm. It must be clean fill and a geotechnical assessment issued for the fill to demonstrate compaction to the Australian Standard. Any cut and/or fill must be provided with retaining walls, drainage and must be setback a minimum of 300 mm from any boundary. Fill must not direct stormwater onto adjoining properties and drainage pits for overland flow paths are to be provided. Cut and fill is not permitted within water or sewer easements </div>	<p>No significant cut/fill required to undertake the works with the standard benching (max 500mm) to take place to facilitate the erection of each dwelling.</p>
<p>Access</p> <p>All weather vehicle access is required to ensure that emergency services (fire, ambulance, police) are able to access the dwelling at all times.</p>	<p>Both dwellings will have suitable access for emergency services from Queen Street.</p>
<p>Relocated dwellings</p> <p>Dwellings proposed to be re-sited must be of a suitable standard both aesthetically and structurally.</p>	<p>N/A. No relocated dwellings to be utilised.</p>
<p>Adaptability</p> <p>Adaptable housing design must incorporate practical and flexible features to meet the changing needs of residents of different ages and abilities over time. For example, hobless shower area, space for wheelchair access, height of light switches, arrangement and size of rooms.</p>	<p>N/A. No adaptable housing proposed.</p>

Design principles The DCP lists 11 broad design principles to be considered when undertaking residential development.	The proposal is considered to achieve all of the relevant design principles as discussed throughout this report.
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Part 7.1 Urban Subdivision

Part 7.1 prescribes controls relating to subdivision in the R1 General Residential zone. However, the controls are generally aimed towards new lots where dwellings will be designed and erected after subdivision takes place.

The proposed subdivision will follow on from the erection of the dual occupancy to simply facilitate separate ownership of each dwelling. Each dwelling/lot will be adequately connected to services and the initial design of the dual occupancy, complying with the MWRDCP 2013 and MWRLEP 201, has ensured each dwelling is afforded ample opportunity for amenity.

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.

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

5.2.1 Impact on the Areas Character

The surrounding built environment comprises predominantly single storey dwellings on traditionally larger lots. The proposal will not impact this character as each dwelling will be positioned on a more than compliant lot size and minimised to single storey in nature.

5.2.2 Privacy, Views & Overshadowing Impacts

The proposed development will not impede the existing privacy or views of the surrounding lots as it is single storey in nature. 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 standard residential 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 Queen Street and new driveways can be readily installed to provide for safe ingress and egress of vehicles. As the site already exists within the urban area, electricity, water, sewer, internet and telephone are also readily available.

5.3.2 Traffic, Parking & Access

The development will provide for two additional dwellings in the area, as permissible and expected in the R1 zone. It is expected that the current road network is capable of supporting the additional traffic movements, which is minimal.

The proposal complies with the parking provisions contained within the MWRDCP 2013.

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 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 R1 General 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 two new modern dwellings afforded with superior amenity for the future occupants. The proposal is fully compliant with the provisions of the MWRLEP 2012 and MWRDCP 2013.

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