

# STATEMENT OF ENVIRONMENTAL EFFECTS

155 Suzanne Road,  
TALLAWANG, 2852

Erection of a Dwelling House  
to Create a Dual Occupancy

May 2022

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Statement of Environmental Effects				
Rev No	Date	Revision details	Author	Checked
1	17.05.2022	Draft	M. McDonagh Junior Planner	V. Toose Planning Manager
2	20.05.2022	Final	M. McDonagh Junior Planner	V. Toose Planning Manager

Buildcert Planning Pty Ltd hereby certify that this Statement of Environmental Effects has been prepared in accordance with the requirement of the Environmental Planning and Assessment Act 1979 and its associated Regulations. It is certified that to the best of our knowledge the information contained within this Report is neither false nor misleading.

This Statement of Environmental Effects (SEE) accompanies the Development Application (DA) to Mid-Western Regional Council for the erection of a dwelling house to create a dual occupancy. The statement is intended to provide further details, where necessary, on aspects covered in the drawings as well as provide additional information where required. The information following is provided to detail the merit of the proposed development in relation to the provisions set out in both the *Mid-Western Regional Local Environmental Plan 2012* and *Mid-Western Regional Development Control Plan 2013*.

DEVELOPMENT APPLICATION DETAILS	
<b>Property Address</b>	Lot 14/-/DP253275 155 Suzanne Road, Tallawang, 2852
<b>Local Government Area</b>	Mid-Western Regional Council
<b>Zone</b>	R5 Large Lot Residential
<b>Calculations</b>	Site Area: 26.14ha Proposed Ground Floor: 138.0m <sup>2</sup> Proposed First Floor: 48.5m <sup>2</sup> Proposed Carport: Approximately 54m <sup>2</sup>
<b>Existing Development</b>	Dwelling House, Sheds.

The DA and statement have been prepared on behalf of the applicant and addresses the matters referred to in Section 4.15 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) and the matters required to be considered by the consent authority. The purpose of this SEE is to:

- Describe the existing environment to which the DA relates and the character of the surrounding area;
- Describe the proposed development;
- Outline the statutory planning framework within which the DA is assessed and determined; and
- Assess the proposed development in considering the relevant heads of consideration.

## 1.0 Site Location and Description



Figure 1: Aerial view, showing subject lot outlined in red (Source: LPI SIX Maps Viewer, Accessed 17/05/22).

The subject site is located at the end of Suzanne Road, in a Large Lot Residential zoned area, with adjoining land to the north and west zoned RU1 Primary Production in the Warrumbungle LGA. The allotment is irregular in shape, with a total area of 26.14ha. Driveway access to the existing dwelling extends northwest across the site from Suzanne Road in the southeast corner.

The site contains a single storey brick dwelling with ancillary development of sheds, as well as dams and fenced areas of land. The land is highest at the northwest portion of the site, where the existing dwelling is sited, and where the new dwelling is proposed.

The land is identified as bushfire prone and groundwater vulnerable. The appropriate assessments and mitigation measures are detailed throughout this report.

A GIPA identified previous approval (from 1996) for the existing dwelling on the site, confirming that it was lawfully erected, and providing a basis for a dual occupancy to be created with the proposed erection of a new dwelling.

## Proposed Development

The applicant seeks consent for the erection of a two storey dwelling house to create a dual occupancy for the site, which has an existing dwelling. The proposed dwelling consists of four bedrooms, one ensuite bathroom, one bathroom, a laundry (featuring entry door and landing), an open plan kitchen/ dining/ living room area, a ground floor deck, and a first floor balcony. A new carport is proposed to the southeast of the dwelling, accessed via a new driveway length which branches off from the existing driveway access on the site.

The dwelling will display a contemporary external appearance with attractive articulation of the building. The proposal will result in a maximum ridgeline height of approximately 8.30m from existing ground level. No maximum height is identified for the site, and the scale of the proposed dwelling is considered suitable for the site, with no anticipated impacts on neighbouring land due to the large nature of the subject site.

Minimal earthworks associated with the establishment of the columns and footings supporting the dwelling are proposed. No significant excavation is proposed.

The proposed dwelling will display the following setbacks:

- North side boundary: 18.27m
- Northeast side boundary: 17.86m
- West rear boundary: 159.63m
- To the existing shed: 55.17m
- To the existing dwelling: Approximately 58.7m (figured from plans).
- To the east street frontage: Approximately 970m (figured from plans).
- To the south side boundary: Approximately 360m (figured from plans).

Stormwater will be directed to rainwater tank storage, with any overflow discharged to a soakage/ rubble pit to Council specifications.

The proposed septic treatment system is identified on plans and described in detail in the accompanying Site & Soil Assessment for On-Site Effluent Management System Report.

Being a residential site with an existing dwelling, other utilities are available to the site, such as electricity and telecommunications.

An assessment of the proposed development has not identified any unreasonable adverse environmental impacts likely to arise as a result of the proposal. It is therefore recommended that consent for the proposed development is granted subject to Council's standard conditions.

## 2.0 Statutory Requirements

This section deals with the proposal's consistency with the various statutory and non-statutory provisions. It also addresses the relevant matters for consideration under Section 4.15 of the *Environmental Planning and Assessment Act 1979* (as amended).

### **Commonwealth Legislation - Environment Protection and Biodiversity Conservation Act 1999**

The Commonwealth Environmental Protection and Biodiversity Conservation Act (EPBC) 1999, in conjunction with the Commonwealth Environmental Protection and Biodiversity Conservation Regulations 2000, provide the basis for national environmental protection and conservation.

The subject site is not situated on or near an area of environmental significance and does not contain any national environmental significance items.

### **Other Acts**

Consideration was afforded to other legislation, including legislation concerning whether the proposal is integrated development. Integrated development is development that, in order for it to be carried out, requires development consent and one or more of the following approvals:

- *Fisheries Management Act 1994*
- *Heritage Act 1977*
- *Coal Mine Subsidence Compensation Act 2017 No 37*
- *National Parks and Wildlife 1974*
- *Petroleum Act 1991*
- *Protection of the Environment Operations Act 1997*
- *Roads Act 1993*
- *Rural Fires Act 1997*
- *Water Management Act 2000*
- *Biodiversity Conservation Act 2016 No 63*

Rural Fires Act 1997

The site is identified as Bushfire Prone land (Vegetation Category 1 & 2). Accordingly, a bushfire assessment report has been prepared and accompanies this DA. The site of the proposed development is rated as BAL-29, with all construction and APZ maintenance to be conducted in accordance with the advice in the report, with *Planning for Bushfire Protection 2019* and *AS 3959-2009 Construction of buildings in bushfire prone areas*.

**State Environmental Planning Policies (SEPP)**

The following State Environmental Planning Policies are considered applicable to the land and relevant to the proposal such as to warrant consideration:

State Environmental Planning Policy (Resilience and Hazards) 2021

Chapter 4 of this Policy contains planning provisions from SEPP 55, which provides a state-wide planning framework for the remediation of contaminated land and to minimise the risk of harm.

The site is currently zoned and used for residential purposes. No further investigation is considered to be required.

State Environmental Planning Policy (Biodiversity & Conservation) 2021

This Policy seeks to protect the biodiversity values of trees and other vegetation in non-rural areas of the State, and to preserve the amenity of non-rural areas of the State through the preservation of trees and other vegetation.

No tree removal is required to facilitate this development.

State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

The State Environmental Planning Policy was enacted to ensure buildings are designed to use less potable water and minimise greenhouse gas emissions by setting energy and water reduction targets for residential houses and units.

A BASIX assessment has been undertaken as part of the proposed development. The certificate for the proposal plans is attached with this application and commitments are noted on supplied plans.

### **3.0 Local Environmental Plans (LEP)**

#### **Mid-Western Regional Local Environmental Plan 2012**

##### **Part 2 Permitted or Prohibited Development**

The Mid-Western Regional Local Environmental Plan 2012 is the comprehensive Local Environmental Plan applying to the site. The site is wholly zoned R5 Large Lot Residential. The proposal is defined as a *Dual Occupancy* development and is permissible with consent.

Objectives of the zone:

- *To provide residential housing in a rural setting while preserving, and minimising impacts on, environmentally sensitive locations and scenic quality.*
- *To ensure that large residential lots do not hinder the proper and orderly development of urban areas in the future.*
- *To ensure that development in the area does not unreasonably increase the demand for public services or public facilities.*
- *To minimise conflict between land uses within this zone and land uses within adjoining zones.*

The proposed development satisfies zone objectives by erecting a dwelling house on the site to create a dual occupancy to provide residential housing. The siting and design of the proposal respects the environment and scenic quality of the locality. There are no anticipated land use conflicts, as the site features an existing dwelling on the site, and does not adjoin any land uses considered incompatible with a residential dwelling.

##### **Part 4 Principal Development Standards**

###### **Clause 4.2A Erection of Dwelling Houses and Dual Occupancies on Land in Certain Zones**

The subject lot is zoned R5 Large Lot Residential, so clause 4.2a is identified as applicable to the land, with an applicable minimum lot size of 12ha. As the subject land is 26.14ha and exceeds the minimum lot size, it is understood that consent may be granted for a dual occupancy.

###### **Clause 4.3 Height of Buildings**

There is no maximum permissible building height for this site.



#### Clause 4.4 Floor Space Ratio

There is no maximum floor space ratio (FSR) identified for the site.

#### Part 5 Miscellaneous Provisions

#### Clause 5.16 [...] Dwellings on Land in Certain Rural, Residential, or Conservation Zones

When erecting a dwelling on R5 zoned land, the consent authority is to take into account:

- (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).*

The proposal to create a dual occupancy on the site is permissible in the zone. The site features an existing dwelling and is an established residential site. There is not expected to be any significant opportunity for land use conflict to arise as the current use of the land is not changing. The new dwelling is not expected to interfere with or be affected by the functions of the adjacent land zoned RU1 Primary Production. Surrounding residential development is also set adjacent to land zoned RU1 Primary Production.

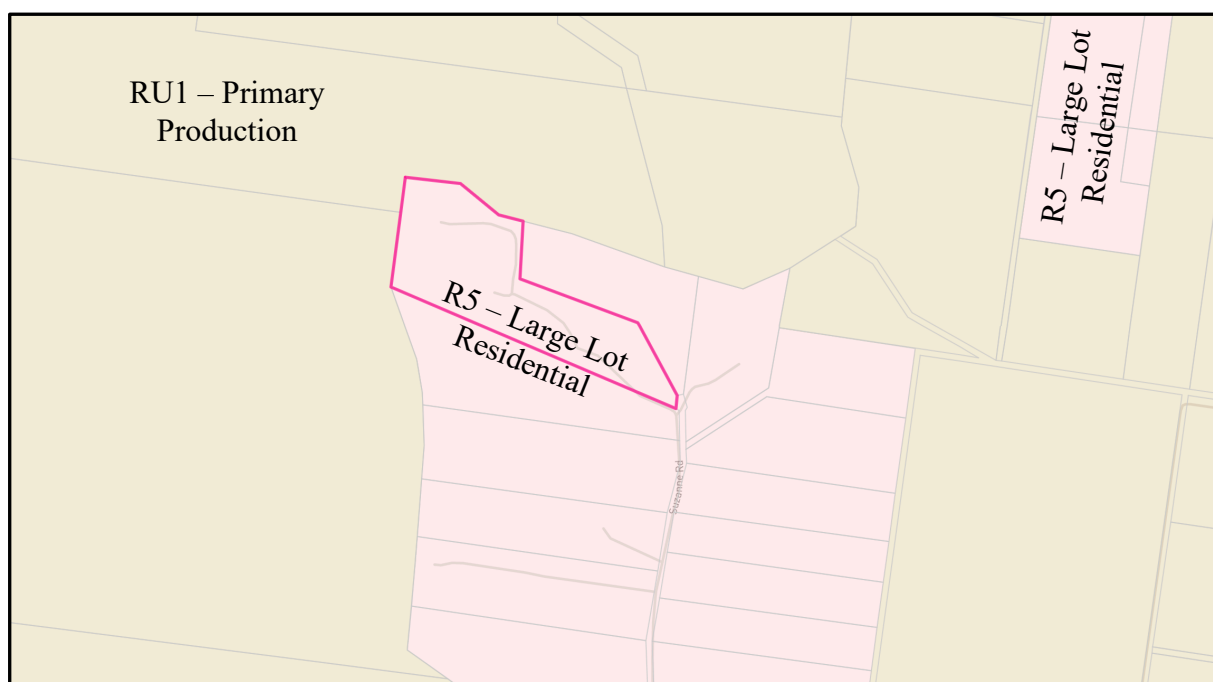


Figure 1: Subject site outlined in red, showing land zoning in locality (Source: Nearmap, Accessed 19/5/22)

## **Part 6 Additional Local Provisions – Generally**

### **Clause 6.1 Salinity**

Before determining an application, the consent authority must consider the following:

- (a) whether the development is likely to have any adverse impact on salinity processes on the land,*
- (b) whether salinity is likely to have an impact on the development,*
- (c) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.*

The building is designed and sited to minimise salinity risks associated with the site. Any further requirements are expected to be able to be adequately conditioned by Council.

### **Clause 6.3 Earthworks**

Minor earthworks associated with the installation of the column footings is proposed. These works are not considered likely to have a detrimental impact on existing drainage patterns, soil stability, or environmental functions and processes.

Erosion and sediment control measures will be implemented prior to the commencement of works and maintained during construction to Council requirements.

### **6.4 Groundwater Vulnerability**

The subject lot is identified as groundwater vulnerable. Before determining a development application, the consent authority must consider the following:

- (a) the likelihood of groundwater contamination from the development (including from any on-site storage or disposal of solid or liquid waste and chemicals),*
- (b) any adverse impacts the development may have on groundwater dependent ecosystems,*
- (c) the cumulative impact the development may have on groundwater (including impacts on nearby groundwater extraction for a potable water supply or stock water supply),*
- (d) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.*

No significant excavation is proposed to occur as part of the works. A Site and Soil Assessment for On-Site Effluent Management System by Barnson accompanies this application, outlining suitable measures to protect surrounding lands from negative impacts associated with the handling of residential wastewater.

## **4.0 Development Control Plan (DCP)**

### **Mid-Western Development Control Plan 2013**

Consideration has been given with regards to the outcomes and prescriptive requirements of the Mid-Western Regional Development Control Plan 2013. The proposed development is considered consistent with these requirements in the DCP. The following Chapters are considered applicable to the proposal.

### **Part 5 Development Standards**

#### **5.1 Car Parking**

The proposed carport meets the requirement for two spaces associated with the proposed dwelling. Both spaces are covered and located wholly within the site.

#### **5.2 Flooding**

The subject site is not identified as flood prone. The proposed development is raised off the ground and is sited on high ground. The proposal is not expected to lead to an increased risk to human life or property.

#### **5.3 Stormwater Management**

The development is to comply with all Basix requirements, in accordance with the performance target for single dwelling and dual occupancy development. Stormwater from the proposed dwelling is to be directed to rainwater tanks, with any overflow discharged into a soakage/ rubble pit constructed to Council requirements. Plans note a minimum grade to rubble pits on site to be 1%, and that all stormwater & drainage is to be in compliance with BCA parts 3.1.2 & 3.5.2 as well as AS/NZ S3500.

Plans show the location and detail of proposed sediment control fencing and material stockpile to be established before and present throughout construction.

#### **5.4 Environmental Controls**

##### **Protection of Aboriginal Archaeological Items:**

An AHIMS search was conducted with a 200m radius and did not identify any items or sites of Aboriginal heritage significance. No significant earthworks are proposed. No further assessment is expected to be required at this stage.

### **Bushfire Management**

The site is identified as Bushfire Prone land (Vegetation Category 1 & 2). Accordingly, a bushfire assessment report has been prepared and accompanies this DA. The site of the proposed development is rated as BAL-29, with all construction and APZ maintenance to be conducted in accordance with the advice in the report, with *Planning for Bushfire Protection 2019*, and *AS 3959-2009 Construction of buildings in bushfire prone areas*.

### **Pollution & Waste Management**

A Waste Management Plan accompanies this application, addressing the storage and removal of all construction waste.

### **Threatened Species and Vegetation Management**

No vegetation is identified for removal. The nature of the design is such that minimal earthworks or disturbance of the land is proposed. The development is to occur on a cleared area of an existing residential site and no undue adverse impact is expected.

### **Building in Saline Environments**

The building is designed and sited to minimise risks associated with the site. Any further requirements are expected to be adequately conditioned by Council.

## **Part 6 Development in Rural Areas**

### **6.1 Dwellings**

Building Setbacks for R5 lots greater than 5ha in area:

*Street: 60m* – The dwelling is set back over 900m from the east front street boundary.

*Side/ Rear: 20m* – The proposed dwelling is to be set back 17.86m from the nearest side/ rear boundary. While this represents a slight encroachment in terms of Council's numerical controls, no adverse impact or land use conflict is expected to arise due to the nature of the adjoining land. Being zoned RU1 Primary production, the adjoining land is largely managed agricultural land. The proximity to the boundary is not out of character in terms of the surrounding lots, and the existing residential use of the subject site is not proposed to change, as the proposed development is for a dual occupancy on a site featuring an existing dwelling.

## **5.0 Environmental Effects**

The proposed development has been evaluated with regard to the matters for consideration of section 4.15 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) that have not been addressed elsewhere within this statement.

### **The Provisions of any Environmental Planning Instrument – 4.15(1)(a)(i)**

Consideration has been given to relevant Environmental Planning Instruments (EPI) above. The proposed development is not inconsistent with any EPI.

### **The Provisions of any Draft Environmental Planning Instrument – 4.15(1)(a)(ii)**

We are not aware of any Draft Instruments relating to the site or the proposed development.

### **The Provisions of any Development Control Plan – 4.15(1)(a)(iii)**

Consideration has been given to the provisions of the relevant Development Control Plan. The proposed development is not inconsistent with the objectives or controls within any DCP.

### **The Provisions of any Planning Agreement – 4.15(1)(a) (iiia)**

None applicable to this application.

### **The Provisions of the Regulations – 4.15(1)(a)(iv)**

None applicable to this application.

## Likely Impacts of the Development – 4.15(1)(b)

Likely Impacts	Assessment
<i>Context and Setting</i>	The proposal is appropriate for its location and with respect to adjoining land uses.
<i>Access, Transport and Traffic</i>	No adverse impact on the surrounding road network is expected.
<i>Public Domain</i>	The proposal would not result in any adverse impacts to the public domain.
<i>Utilities</i>	The proposal will be connected to existing services where available.
<i>Heritage</i>	None identified.
<i>Other Land Resources</i>	The proposed development would not alienate other uses within the site and would limit the demands on other lands.
<i>Water Quality</i>	Stormwater management will be to Council regulations and in accordance with commitments on the supplied BASIX Certificate.
<i>Soils</i>	The site is not identified as affected by Acid Sulfate Soils. Any measures to mitigate any risk from salinity can be adequately conditioned by Council.
<i>Air and Microclimate</i>	The proposal is expected to have a negligible impact on the existing air quality and microclimate.
<i>Ecological</i>	There are negligible ecological impacts anticipated.
<i>Waste</i>	Waste generated will be handled through existing waste collection and recycling services that are presently available, with additional services used on occasion.
<i>Energy</i>	The proposed development incorporates applicable energy efficient design features and complies with BASIX commitments.
<i>Noise and Vibration</i>	The proposal would not generate offensive noise or vibration.
<i>Natural Hazards</i>	The site is identified as Bushfire Prone land. Accordingly, a Bushfire Risk Assessment accompanies this DA and construction is to be in accordance with the relevant standards and BAL rating.
<i>Technological Hazards</i>	None exist in respect to this type of development.
<i>Safety, Security and Crime Prevention</i>	The development is designed and located to ensure safety and security would be maintained. The dwelling addresses the street frontage.
<i>Social Impact in Locality</i>	The proposal does not introduce a type of development or scale of development that would result in an adverse impact.
<i>Economic Impact in Locality</i>	No adverse economic impact expected, and the proposal would not impact future economic viability of the locality.
<i>Site Design and Internal Design</i>	Commensurate to existing built form and context of surrounding locality.
<i>Construction</i>	To Council and BCA requirements.
<i>Cumulative Impacts</i>	None are likely to result from this scale of development.

**Ecologically Sustainable Development**

The principles of ecologically sustainable development (ESD) have been considered in preparing this SEE. Schedule 2 of the Environmental Planning and Assessment Regulation 2000 note that ecologically sustainable development requires the effective integration of economic and environmental considerations in decision-making processes. The principles of ESD have been considered in the preparation of this SEE and development design. The proposed development is considered to be able to comply with the ESD objectives for the site.

**Suitability of the Site for Development– 4.15(1)(c)**

The subject site is considered suitable for the proposed development in this location. The SoEE has demonstrated in detail that the site is suitable for the proposed development and the proposed works to the dwelling has the following merits:

- The proposed development is permissible and will be consistent with the relevant zone objectives.
- The development will respect the existing and desired future character of the immediate and surrounding locality.
- There are no prohibitive constraints posed by the site or those adjacent.

**Submissions–4.15 (1)(d)**

All reasonable concerns raised in any submissions will be considered if deemed substantiated by Council.

**Public Interest–4.15(e)**

It is considered that the proposal will have no detrimental effect on the public interest, subject to appropriate conditions being proposed.

**6.0 Conclusion**

The application for development seeks assessment and consent under the provisions of section 4.15 of the Environmental Planning and Assessment Act 1979. The development is a permissible use of the land under the Newcastle Local Environmental Plan 2012 and displays compliance with the objectives and controls of the Newcastle Development Control Plan 2012.

It is therefore submitted to Council for favourable consideration, subject to conditions of consent.