

# STATEMENT OF ENVIRONMENTAL EFFECTS

## BUILDING APPROVAL SOLUTIONS - 2022

*22 Mudgee Street, Rylstone NSW 2849 (BAXTER)  
Lot 15 DP 1136469 and Lot 16 DP 1136469  
Proposed Secondary Dwelling*

*Submitted to Mid-Western Regional Council*

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Prepared by:

Vince Di Bono for Building Approval Solutions,

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# 1.0 INTRODUCTION

## 1.0 Introduction

This Statement of Environmental Effects (SEE) is submitted to **MID-WESTERN REGIONAL COUNCIL** as part of a Development Application (DA) for the **PROPOSED SECONDARY DWELLING**. This SEE describes the site, its environs, the proposed development, and provides an assessment of the proposal in terms of the matters for consideration under Section 4.15 of the *Environmental Planning and Assessment Act 1979 (EP&A Act 1979)*. Within this report, references to 'the site' mean the land to which this DA relates.

### 1.1 SUBJECT SITE

The site of the proposed development is at **No. 22 Mudgee Street, Rylstone NSW** and can be legally identified as **Lot 15 & 16 in DP 1136469**.

### 1.2 DESCRIPTION OF THE PROPOSED

The DA seeks development consent for the construction of a secondary dwelling to the rear of the existing dwelling, toward the southeast corner of the site.

**Note: This Statement is to be read in conjunction with the submitted Plans set.**

### 1.3 APPLICABLE STATUTORY & NON-STATUTORY PLANS/POLICIES

**SEPP (Transport and Infrastructure) 2021**

**Mid-Western Regional Local Environmental Plan (LEP) 2012**

**Mid-Western Regional Development Control Plan (DCP) 2013**

## 2.0 SITE ANALYSIS

### 2.0 Site Analysis

#### 2.1 DESCRIPTION OF THE SUBJECT SITE

The site is commonly known as **No. 22 Mudgee Street, Rylstone**. The lot is rectangular in shape with frontage and vehicle access to Mudgee Street (see **FIGURE 1** below).



**FIGURE 1:** Aerial view of subject site showing the shape and orientation of the lot.

(Source: SIX Maps, NSW Government. Accessed 16.12.2022)

The site is located to the east of Mudgee Street approximately 46m north of the intersection with Dabee Street. The site is approximately 31m wide and an average of 55m deep for a total site area of 1602m<sup>2</sup>. The site presently accommodates a single storey dwelling house, detached garage, and four sheds. The subject land, or part of the subject land, of the site is below the Probable Maximum Flood (PMF) level as identified on the Planning Certificate obtained from Council. The land is also identified as “Groundwater Vulnerable” in Mid-Western Regional Council LEP Groundwater Vulnerability Map Sheet GRV\_009.

## 2.0 SITE ANALYSIS

### 2.2 ADJOINING LAND USE & LOCALITY CHARACTER

The site is located within a rural land use zone; the site and surrounding land is zoned RU5 Village with the exception of the adjoining land to the east, which is zoned SP2 Rail Infrastructure Facilities. Heavy rail infrastructure (rail lines) is situated approximately 25m east of the rear boundary of the site. Development in the immediate can be described as rural residential with single dwelling housing and ancillary development. The lots are relatively large with minimal site coverage, which retains the greater area of the lots for landscape open space (see **FIGURE 2** below). The landscaped area supports the growth of trees, shrubs, and grasses as well as contributing to the rural/bucolic character of the area. Lastly, in close proximity to the site is Rylstone Heritage Conservation Area (directly west of the site) and heritage item I29R (Railway Station to the southeast of the site).



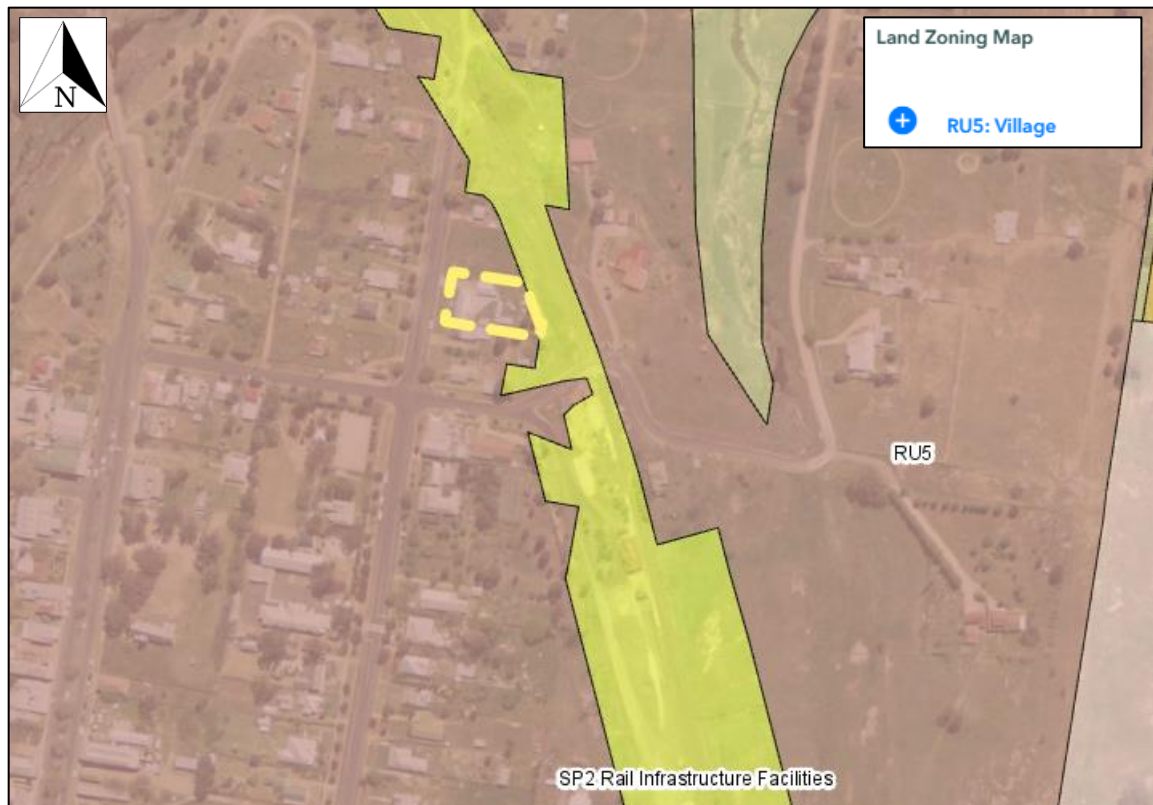
**FIGURE 2:** Aerial view of land surrounding the subject site (highlighted in yellow with red border).

(Source: SIX Maps, NSW Government. Accessed 28.10.2022)

## 2.0 SITE ANALYSIS

### 2.3 ZONING

#### ZONING MAP



**FIGURE 3:** Land Zoning Map extracted from NSW Government’s *ePlanning Spatial Viewer* shows the site in zone RU5 Village – site identified by yellow border.  
(Source: ePlanning Spatial Viewer, NSW Government. Accessed 16.12.2022)

The site is within **Zone RU5 Village**. The proposed development is permitted with consent in the zone by virtue of not being listed as either ‘Permitted Without Consent’ or ‘Prohibited’ and is complimentary to the objectives of said zone:

#### **RU5 Village**

##### **1 Objectives of zone**

- To provide for a range of land uses, services and facilities that are associated with a rural village.
- To promote development that is sustainable in terms of the capacity of infrastructure within villages.

## 2.0 SITE ANALYSIS

### 2 Permitted without consent

Environmental protection works; Home-based child care; Home businesses; Home occupations; Roads; Water reticulation systems

### 3 Permitted with consent

Bee keeping; Centre-based child care facilities; Community facilities; Dwelling houses; Neighbourhood shops; Oyster aquaculture; Places of public worship; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Respite day care centres; Schools; Tank-based aquaculture; **Any other development not specified in item 2 or 4**

### 4 Prohibited

Advertising structures; Agriculture; Air transport facilities; Airstrips; Animal boarding or training establishments; Biosolids treatment facilities; Boat building and repair facilities; Cellar door premises; Correctional centres; Crematoria; Extractive industries; Farm buildings; Farm stay accommodation; Forestry; Hazardous storage establishments; Heavy industries; Jetties; Livestock processing industries; Local distribution premises; Offensive storage establishments; Open cut mining; Rural workers' dwellings; Sawmill or log processing works; Sex services premises; Stock and sale yards; Waste disposal facilities; Waste or resource transfer stations; Water recreation structures

## 3.0 MATTERS FOR CONSIDERATION

### 3.0 Matters for Consideration

This chapter contains the assessment of the environmental effects of the proposed development as required under Section 4.15 of the *EP&A Act 1979*. In determining a development application, the consent authority must take in to account a range of matters relevant to the development including: the provisions of Environmental Planning Instruments (EPIs); impacts to the built and natural environment; social and economic impacts of the development; the suitability of the site; and whether there are to be any considerations relating to Public Interest.

#### 3.1 RELEVANT STRATEGIC AND STATUTORY PLANS AND POLICIES

##### Summary of compliance

##### ***State Environmental Planning Policy (Transport and Infrastructure) 2021***

##### ***2.100 Impact of rail noise or vibration on non-rail development***

*(1) This section applies to development for any of the following purposes that is on land in or adjacent to a rail corridor and that the consent authority considers is likely to be adversely affected by rail noise or vibration—*

- (a) residential accommodation,*
- (b) a place of public worship,*
- (c) a hospital,*
- (d) an educational establishment or centre-based child care facility.*

*(2) Before determining a development application for development to which this section applies, the consent authority must take into consideration any guidelines that are issued by the Planning Secretary for the purposes of this section and published in the Gazette.*

*(3) If the development is for the purposes of residential accommodation, the consent authority must not grant consent to the development unless it is satisfied that appropriate measures will be taken to ensure that the following LAeq levels are not exceeded—*

- (a) in any bedroom in the residential accommodation—35 dB(A) at any time between 10.00 pm and 7.00 am,*
- (b) anywhere else in the residential accommodation (other than a garage, kitchen, bathroom or hallway)—40 dB(A) at any time.*

**Comment:** Noted



## 3.0 MATTERS FOR CONSIDERATION

**Table 1 – Compliance with *Mid-Western Regional Local Environmental Plan 2012***

| <i>Requirements/Applicable Clause</i>  | <i>Comments/Proposed</i>  |
|--|---|
| <b>Part 4 Principal development standards</b>  |   |
| <b>4.3 Height of buildings</b><br><br>(2) The height of a building on any land is not to exceed the maximum height shown for the land on the <b>Height of Buildings Map – Maximum 8.5m</b> . | <p>Compliant</p> <p>The proposed works will not cause any building or structure on the site to exceed the maximum building height of 8.5m.</p> <p>The vertical distance from existing ground level (EGL) to the highest point of the proposed will be 4.03m (4034mm).</p>   |
| <b>Part 5 Miscellaneous provisions</b>   |   |
| <b>5.10 Heritage conservation</b>  | <p>As noted above, the site is within close proximity to Rylstone Heritage Conservation Area (directly west of the site) and heritage item I29R (Railway Station to the southeast of the site).</p> <p>The proposed development will be to the rear of the site and for the most part obscured from any views from the street.</p>  |
| <b>5.21 Flood Planning</b>   | <p>As identified on the Planning Certificate obtained from Council, the subject land or part of the subject land is below the extent of the PMF and within the Low Flood Risk Precinct (per <i>Floodplain Risk Management Study and Floodplain Risk: Management Plan for Kandos &amp; Rylstone</i>, Mid-Western Regional Council, February 2017).</p> <p>The proposed dwelling will have a minimum floor level of RL579.80m AHD for habitable areas of the proposed dwelling. Secondly, all structures located below the sub floor frame to be constructed with flood-compatible building components.</p> |

## 3.0 MATTERS FOR CONSIDERATION

|  |  |
|--|--|
| <b>Part 6 Additional local provisions</b>  |  |
| <b>6.3 Earthworks</b>  | No significant ground modification is proposed.  |
| <b>6.4 Groundwater vulnerability</b>   | The development is designed, sited and will be managed to avoid any significant adverse environmental impact. The proposed is not a use or activity that is likely to have an adverse impact on Groundwater.   |
| <b>6.9 Essential services</b><br><br>Development consent must not be granted to development unless the consent authority is satisfied that any of the following services that are essential for the proposed development are available or that adequate arrangements have been made to make them available when required—<br>(a) the supply of water,<br>(b) the supply of electricity,<br>(c) the disposal and management of sewage,<br>(d) stormwater drainage or on-site conservation,<br>(e) suitable road access. | Compliant<br><br>All services that are essential for the secondary dwelling are available or adequate arrangements have been made to make them available when required.<br><br>The proposed secondary dwelling will utilise existing utility connections and vehicle access. |

**Table 2 – Compliance with *Mid-Western Regional Development Control Plan 2013***

| <i>Requirements/Applicable Controls</i> | <i>Comments/Proposed</i>  |
|---|---|
| <b>PART 5 DEVELOPMENT STANDARDS</b>     |   |
| <b>5.1 CAR PARKING</b>                  | Compliant<br><br>The proposed secondary dwelling will utilise the parking areas of the existing dwelling – i.e. detached garage area for covered parking (can accommodate 4 cars) and space forward of the garage as stacked parking (which can also accommodate 4 cars). |
| <b>5.2 FLOODING</b>                     | Please refer to <i>5.21 Flood Planning</i> of LEP Compliance Table.   |

## 3.0 MATTERS FOR CONSIDERATION

### 5.3 STORMWATER MANAGEMENT

The proposed downpipes will be connected to the existing stormwater system.

### 5.4 ENVIRONMENTAL CONTROLS



Source: Site Plan, Sheet 02 of Plans Set.

The proposed development includes the removal of one tree to the rear of the property.

## PART 6 DEVELOPMENT IN RURAL AREAS

### 6.1 DWELLINGS

#### Services

Services Where the dwelling will be erected on a lot that is within 500m of an R1 General Residential or R2 Low Density Residential zone, it must:

- ❖ Be on a lot with have sealed road frontage and be connected to the sealed road network; and
- ❖ connect to the reticulated water and sewer infrastructure.

#### Building Setbacks

| Zone | Street | Side/Rear |
|------|--------|-----------|
| RUS  | 7.5m   | BCA       |

Compliant

The proposed will utilise existing utility connections and road access provisions.

Compliant

The proposed development will be setback as from site boundaries as follows:

- The proposed secondary dwelling will be set back from southern side boundary by 1.50m (1500mm).

## 3.0 MATTERS FOR CONSIDERATION

### 3.7.2.2 External walls of Class 1 buildings

An *external wall* of a Class 1 building, and any openings in that wall, must comply with 3.7.2.4 if the wall is less than—

- (a) 900 mm from an allotment boundary other than the boundary adjoining a road alignment or other public space; or
- (b) 1.8 m from another building on the same allotment other than a Class 10 building associated with the Class 1 building or a detached part of the same Class 1 building.

*Source:* NCC,  
<https://ncc.abcb.gov.au/editions/2019-a1/ncc-2019-volume-two-amendment-1/part-37-fire-safety/part-372-fire-separation>, accessed 15.12.2022.

- The proposed is setback from northern side boundary by a minimum of 19.26m (19261mm).
- The proposed is set back from the eastern rear boundary by a minimum of 11.51m (11510mm).

### 3.2 CONTEXT AND SETTING

The proposed development is compatible with the context and setting. The proposed is residential accommodation to be located behind the front building line, to the rear of the site.

### 3.3 ACCESS TRAFFIC & UTILITIES

The proposed development will utilise the existing vehicle and utility access provisions.

### 3.4 ENVIRONMENTAL IMPACTS

The proposed development is minor, low-impact development. No detrimental impacts to the surrounding land or adjoining residential development are envisaged from the proposed obtaining approval.

### 3.5 FLORA AND FAUNA IMPACTS

The proposed development includes the removal of one tree at the rear of the property. No additional impacts to flora and fauna are envisaged.

### 3.6 NATURAL & TECHNOLOGICAL HAZARDS

A preliminary assessment of the available information has not identified any additional hazards beyond Flood Risk and Groundwater Vulnerability discussed in the LEP Compliance Table above.

## 3.0 MATTERS FOR CONSIDERATION

### 3.7 WASTE MANAGEMENT

All construction waste will be managed per *Waste Management Plan* submitted.

### 3.8 SOCIAL & ECONOMIC IMPACTS

The proposed development is expected to be the source of social and economic uplift for the site and adjoining properties. The proposed is not expected to be the source of any undesired social or economic impacts for the locality.

### 3.9 ACOUSTIC IMPACTS

The proposed development will not generate any significant or unreasonable acoustic impacts for the existing development on the site or adjoining properties.

### 3.10 HERITAGE IMPACTS

A preliminary assessment of the site has not identified any considerations for the proposed development pertaining to natural or cultural heritage; the site is not identified as land on which a heritage item can be found or within a heritage conservation area.

### 3.11 PUBLIC INTEREST

The proposed development is considered to be in the public interest as it contributes to housing stock and provides a viable housing opportunity for people at different life stages.

## 4.0 CONCLUSION

### 4.0 Conclusion

This Statement of Environmental Effects (SEE) is submitted to **MID-WESTERN REGIONAL COUNCIL** in the belief that consent be granted for the **PROPOSED SECONDARY DWELLING**.

The development is permissible under the zoning as specified in the relevant planning instruments and successfully achieves the desired outcomes and objectives. At all stages the development appears compliant with the performance criteria specified. Specifically, the proposed development has been assessed against **Mid-Western Regional Local Environmental Plan 2012** and **Mid-Western Regional Development Control Plan 2013**.

The proposed development, if approved, will form an exemplary figure in the area for the holistic and thorough application of planning principles, implemented through the consideration and application of Council's development controls.