

# **DREW ROBERTS CONSULTING**

## **STATEMENT OF ENVIRONMENTAL EFFECTS**

### **Erection of a New Dwelling & Shed**

**CLIENT: SUNRAI DESIGNS**

**DATE: 28 FEBRUARY 2023**

**PROJECT: 2023/46**

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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 the erection of a new dwelling and shed at 25 Grevillea Grove, Rylstone.

The objective of this proposal is to create a highly desirable and modern dwelling with a superior layout for the future 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;
- BASIX Certificate;
- Bushfire Risk Assessment; and
- Site and Soil Assessment for OSSM purposes.

# 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 locality of Rylstone within an existing rural-residential estate approximately 3km south of the village of Rylstone 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 southern side of Grevillea Grove and is known as 25 Grevillea Grove, Rylstone or Lot 24 DP 1030119.

The site is regular in shape, has an undulating fall to the south and the west and contains a total area of 2.33ha, which is typical for residential properties in the area.

The site is currently vacant and fenced and contains one dam in the south-western corner of the site.

## **2.3 Existing Character and Context**

The surrounding area is predominantly low density residential, characterised by single dwellings on larger lots and smaller rural holdings.

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 frontage to Grevillea Grove with vehicular access proposed from same approximately halfway along the frontage of the site. Site distances are ample for the proposed access with approximately 160m gained to the west to the cul-de-sac and approximately 130m gained to the east. The speed limit is 60km/h.

Grevillea Grove is a two lane sealed road that connects through to Bylong Valley Road, which provides access to the north back to Rylstone. Grevillea Grove is not identified as a Classified Road in accordance with the Roads Act 1993 with MWRC the designated roads authority. A new driveway crossing is proposed that will involve works within the road reserve. A concurrent section 138 approval is sought in conjunction with the development application.



# 4 Planning Controls

Pursuant to section 4.15(1)(a) of the EP&A Act, this section will assess 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 R2 – Low Density Residential under Council’s MWRLEP 2012 (see Figure 3). *Dwelling houses* 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.

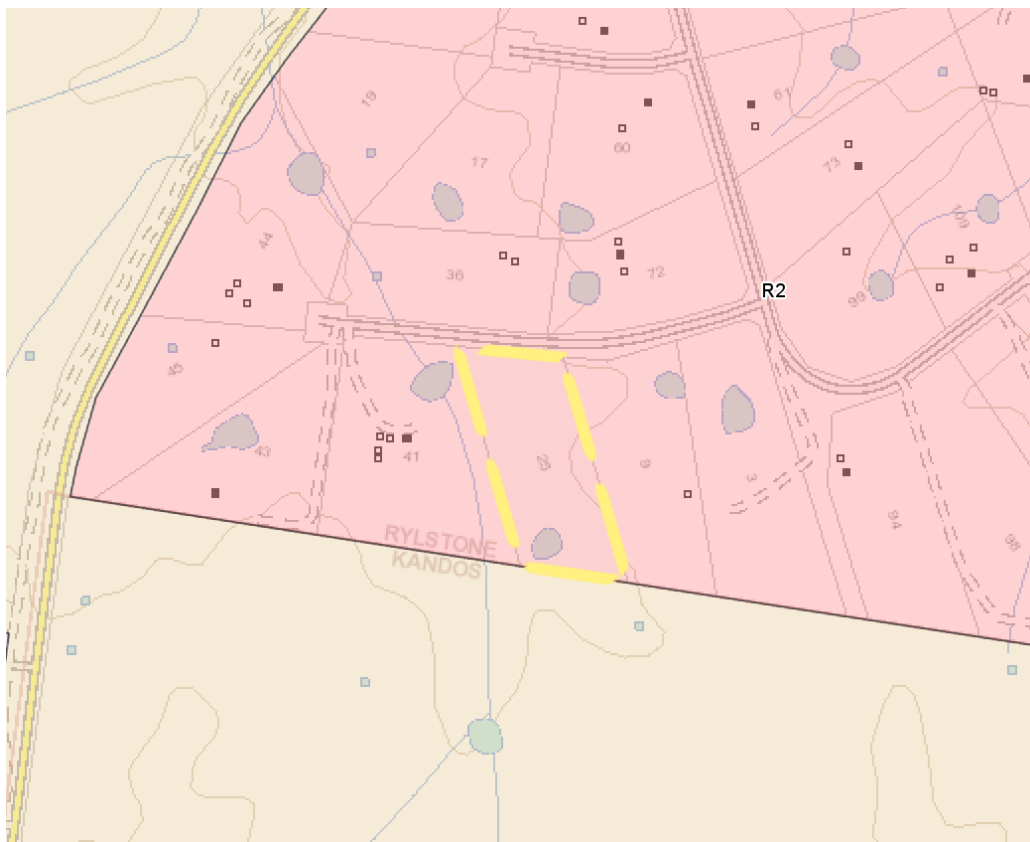


FIGURE 3: EXTRACT FROM ZONING PLAN  
(SOURCE: MID-WESTERN REGIONAL LEP 2012)

### 4.1.1 Zone Objectives

The relevant objectives for Zone R2 are stated:

1. *To provide for the housing needs of the community within a low density residential environment.*

**Comment:** The proposed dwelling and shed will allow for a residential use in the low density residential environment.

2. *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 new dwelling, 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 R2 Low Density Residential zone as detailed above. The proposal is intended to create a quality dwelling layout that is commensurate with the surrounding area.

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 : 2.33ha	
LEP Provisions	Complies / Comments
<b>6.1 Salinity</b>	The proposal does not involve any major physical works apart from standard footings for the dwelling and shed. Subsequently, no impacts related to salinity are expected. Any salinity related impacts are expected to be addressed with a condition of consent.
<b>6.4 Groundwater vulnerability</b>	The proposal does not involve any major physical works apart from standard footings for the structures. Subsequently, no impacts related to the groundwater table are reasonably expected.  An onsite effluent management system will be installed and a separate site and soil assessment has been prepared by Barnson Pty Ltd confirming that the site is capable of



	accommodating the system in accordance with the relevant requirements.
<b>6.9 Essential services</b>	All essential services associated with a rural-residential location are already available and connected to the site.  These are not expected to be affected by the proposal.

## 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 dwelling, 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><b>Building setbacks</b></p> <p>The deem to satisfy controls for a lot size of 2.33ha 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 less than 900m<sup>2</sup></td> <td>4.5m to building line 5.5m to the garage</td> <td>900mm</td> <td>0m for garages in laneways 2m to side boundary</td> </tr> <tr> <td>R1, R2 and R3 where Lot size is greater than 900m<sup>2</sup>, less than 2,000m<sup>2</sup></td> <td>6.5m to building line 7.5 to the garage</td> <td>900mm</td> <td>2m</td> </tr> <tr> <td>R2 where 2000m<sup>2</sup> to 1ha</td> <td>10m</td> <td>2.5m</td> <td>5m</td> </tr> </tbody> </table>	Zone	Street	Side/Rear	Secondary Frontage for Corner Lots *	R1, R2 and R3 where Lot size is less than 900m <sup>2</sup>	4.5m to building line 5.5m to the garage	900mm	0m for garages in laneways 2m to side boundary	R1, R2 and R3 where Lot size is greater than 900m <sup>2</sup> , less than 2,000m <sup>2</sup>	6.5m to building line 7.5 to the garage	900mm	2m	R2 where 2000m <sup>2</sup> to 1ha	10m	2.5m	5m	<p>Although the DCP does not specify setback controls for an R2 zoned site over 1ha in area the positioning of the dwelling and shed are considered appropriate in the context of the area and adjoining development.</p> <p>Northern street setback: 95m.</p> <p>Eastern side setback: 14m to the dwelling.</p> <p>Western side setback: 39.6m to the shed.</p> <p>Rear southern setback: 98m to the shed.</p>
Zone	Street	Side/Rear	Secondary Frontage for Corner Lots *														
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<p><b>Building height</b></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>Proposal is single storey with a maximum FFL of approximately 2.7m due to the placement of fill.</p> <p>However, the subject site has an area of 2.33ha with other properties in the immediate vicinity also of a similar size. The application of a maximum floor level is not considered relevant in this instance with impacts associated with privacy and visual amenity to other properties not generally related to floor height in rural/residential areas due to the separation between dwellings.</p> <p>It should be noted that the nearest dwelling to the proposed dwelling site is approximately 110m to the west and will have limited views</p>																

	across to the new dwelling as a result of the shed location.
<p><b>Site coverage</b></p> <p>The deem to satisfy control is:</p> <p>Deem to satisfy is 35% site coverage</p>	Readily complies.
<p><b>Solar access</b></p> <p>The deem to satisfy control is:</p> <p>Deem to satisfy 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>All living/dining spaces and each bedroom receive direct northern light with windows on the northern orientation. The roof form allows for clearstory glazing for the rooms that are not positioned on the north.</p> <p>In addition to this there is a direct access to the northern yard from three bedrooms and the dining space and to the south beyond the footprint of the dwelling for occupants to readily utilise.</p>
<p><b>Privacy</b></p> <p>The deem to satisfy control is:</p> <p>Deem to satisfy Dwellings must be single storey and have a finished floor level less than 1,000 mm above the natural ground level.</p>	<p>Refer to the comments above regarding height.</p> <p>The nature of the surrounding area affords residents and adjoining residences ample privacy.</p>
<p><b>Parking</b></p> <p>The deem to satisfy control is:</p> <p>Deem to Satisfy Two (2) spaces per dwelling</p>	Two secure spaces provided on site within the shed.
<p><b>Landscaping</b></p> <p>The DCP requires landscaping of a quality nature, low maintenance and positioned to improve energy losses and gains to the dwelling.</p>	The proposal will allow for suitable landscaping throughout the site commensurate with a rural residential locality.
<p><b>Open space</b></p> <p>The deem to satisfy control is:</p> <p>Deem to satisfy Private open space to be on the northern or eastern side of dwelling with direct access to living areas. Area to be 80m<sup>2</sup> with a minimum dimension of 5 metres.</p>	The rear deck and area beyond provide ample area within the immediate curtilage of the dwelling to provide for passive recreational opportunities.
<p><b>Corner lots</b></p> <p>The DCP requires the development to address both street frontages and not incorporate utility windows into a street elevation.</p>	N/A. Site not a corner lot.

<p><b>Fencing</b></p> <p>The deem to satisfy control is:</p> <div style="background-color: #e0f2f7; padding: 5px; border: 1px solid #ccc;"> <p style="text-align: center; margin: 0;"><b>Deem to Satisfy</b></p> <p style="margin: 0;">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> </div>	<p>N/A. Existing.</p>
<p><b>Infrastructure</b></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>No infrastructure is proposed within the front setback area of the site.</p> <p>Garbage bins will be stored in the shed.</p>
<p><b>Garages, outbuildings</b></p> <p>The DCP identifies several controls relating to garages and outbuildings including floor area and height.</p>	<p>The controls allow for a maximum area of 150m<sup>2</sup> and no height limit.</p> <p>The shed is proposed with an area of 192m<sup>2</sup> and a height of 4.9m, which is typical for the surrounding area.</p> <p>Refer to comments at the end of this table regarding the non-compliance.</p>
<p><b>Development near ridgelines</b></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><b>Slopes</b></p> <p>The deem to satisfy controls are:</p> <div style="background-color: #e0f2f7; padding: 5px; border: 1px solid #ccc;"> <p style="text-align: center; margin: 0;"><b>Deem to Satisfy</b></p> <ul style="list-style-type: none"> <li>Cut is to be limited to 1,000 mm.</li> <li>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.</li> <li>Any cut and/or fill must be provided with retaining walls, drainage and must be setback a minimum of 300 mm from any boundary.</li> <li>Fill must not direct stormwater onto adjoining properties and drainage pits for overland flow paths are to be provided.</li> <li>Cut and fill is not permitted within water or sewer easements</li> </ul> </div>	<p>It is proposed that a building pad be cut and filled to RL 616.5. This will result in a maximum cut of 1.5m and a maximum fill of 2.5m. No retaining walls are proposed as the cut and fill will be battered to natural ground to allow for revegetation and softening of the landscape. All cut and fill will be greater than 3m to any boundary.</p> <p>The land size is readily capable of managing cut and fill of this size and ensuring that no stormwater will be directed to adjoining properties. Due to the location and orientation of the earthworks any stormwater is expected to be naturally discharged across the site in a pre-development manner.</p>
<p><b>Access</b></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>The proposal includes a driveway and suitable access onto Grevillea Grove for all vehicle types.</p>

<p><b>Relocated dwellings</b></p> <p>Dwellings proposed to be re-sited must be of a suitable standard both aesthetically and structurally.</p>	<p>N/A. No relocated dwelling to be utilised.</p>
<p><b>Adaptability</b></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>
<p><b>Design principles</b></p> <p>The DCP lists 11 broad design principles to be considered when undertaking residential development.</p>	<p>The proposal is considered to achieve all of the relevant design principles as discussed throughout this report.</p>

### **Shed Size Variation**

The proposal results in a variation to the ‘deemed to satisfy’ control regarding the size of sheds. A floor area of 192m<sup>2</sup> is being proposed, which includes an open form awning section of 72m<sup>2</sup> and an enclosed section of 120m<sup>2</sup>.

The DCP notes that a variation can be considered where there are circumstances to support the proposal and the objectives of the relevant standard are still achieved. This is discussed below and concludes that the objectives and intent of the control are readily achieved and that support can be given by the consent authority.

The objectives of the ‘outbuilding’ standards for this circumstance are as follows:

- a) Outbuildings must not negatively affect the amenity of the streetscape or adjoining properties. The following standards apply for urban areas.*

**Comment:** The shed is still considered compatible with the desired streetscape with the setback of 100m being in line with other buildings along Grevillea Grove on both sides and is also afforded a generous setback of 40m to the nearest side boundary to the west.

The dwelling does not incorporate an attached garage, with the shed to be utilised for both parking of domestic vehicles and parking/storage of landscape machinery that is necessary for a lot size of 2.33ha. Subsequently, the shed size is considered necessary and would be expected for a property of this size that greatly exceeds the expected lot size typically seen in the R2 zone that is observed throughout the rest of the Mid-Western LGA.

The partial open form, height of 4.9m to the ridge and 3.6m to the eave and dark colour proposed (monument colorbond) assist with limiting any visual impacts to an acceptable level that will have no significant impact upon the surrounding area, including the larger rural holding to the south.

It should be noted that there are numerous examples of similar buildings of a similar size in the immediate locality that have set a precedent for the Acacia Drive Estate.

Please note that the proposal is only seeking variation to one DCP development standard, which is considered appropriate on balance.

# 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 a mix of single dwellings in a low density residential environment and also a rural context. The proposal will not impact this character as discussed throughout this report.

### 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 standard rural-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 Grevillea Grove. As the site has been created, electricity, internet 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 only. It is expected that the current road network is capable of continuing to support the minimal traffic movements.

### **5.3.3 Hazards**

The site is identified as bushfire prone in accordance with Council's bushfire prone land mapping. The proposal includes a separate bushfire risk assessment that confirms minimal impact with no construction requirements necessary. Accordingly, the provisions of the document '*Planning for Bushfire Protection 2019*' are considered generally satisfied.

## **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 R2 Low Density 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 a modern dwelling and shed that will sit comfortably within the low density residential area with no impact upon the streetscape or surrounding area. The proposal is generally compliant with the provisions of the MWRDCP 2013, with the shed size considered reasonable for the circumstances of the site and on balance with all other considerations.

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