

# STATEMENT OF ENVIRONMENTAL EFFECTS



**390 Yarrawonga Road, Yarrawonga**

**Dual Occupancy (attached)**

**17 July, 2023**

# Contents

- 1 Introduction** **3**
- 2 Site Analysis** **4**
  - 2.1 The Locality 4
  - 2.2 Site Description 4
  - 2.3 Existing Character and Context 5
  - 2.4 Surrounding Road Network 5
- 3 Details of the Proposal** **6**
- 4 Planning Controls** **7**
  - 4.1 Mid-Western Regional Local Environmental Plan (MWRLEP) 2012 7
    - 4.1.1 Zone Objectives 8
    - 4.1.2 Other LEP Provisions 9
  - 4.2 State Environmental Planning Policy (Resilience and Hazards) 2021 13
  - 4.3 Mid-Western Regional Development Control Plan 2013 14
- 5 Planning Assessment** **16**
  - 5.1 Assessment of Natural Environmental Impact – S4.15 (1)(b) 16
    - 5.1.1 Micro Climate Impacts 16
    - 5.1.2 Water & Air Quality Impacts 16
  - 5.2 Assessment of Built Environment Impacts – S4.15 (1)(b) 16
    - 5.2.1 Impact on the Areas Character 16
    - 5.2.2 Privacy, Views & Overshadowing Impacts 16
    - 5.2.3 Aural & Visual Privacy Impacts 16
    - 5.2.4 Environmentally Sustainable Development 17
  - 5.3 Assessment of the Site Suitability – 4.15(1)(c) 17
    - 5.3.1 Proximity to Service and Infrastructure 17
    - 5.3.2 Traffic, Parking & Access 17
    - 5.3.3 Hazards 17
  - 5.4 The Public Interest – 4.15(1)(e) 18
    - 5.4.1 Social and Economic Impact 18
    - 5.4.2 The Public Interest 18
- 6 Conclusion** **19**

# 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 dual occupancy (attached) at 390 Yarrowonga Road, Yarrowonga.

The objective of this proposal is to create a highly desirable and modern dual occupancy with an improved layout for the current 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
- OSSM Report.

# 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 approximately 25km north of Mudgee 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 eastern side of Yarrawonga Road and is known as 390 Yarrawonga Road, Yarrawonga or Lot 18 DP 253696.

The site is regular in shape, generally flat topography throughout and contains a total area of approximately 10.12ha with the front portion of the site cleared for general grazing.

Existing improvements on the site consist of a 2 bedroom dwelling, a farm shed, rainwater tank, post and wire fencing and a vehicular access.

## **2.3 Existing Character and Context**

The surrounding area is predominantly rural, characterised by similar sized rural lifestyle blocks within the Yarrawonga Estate and beyond.

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

## **2.4 Surrounding Road Network**

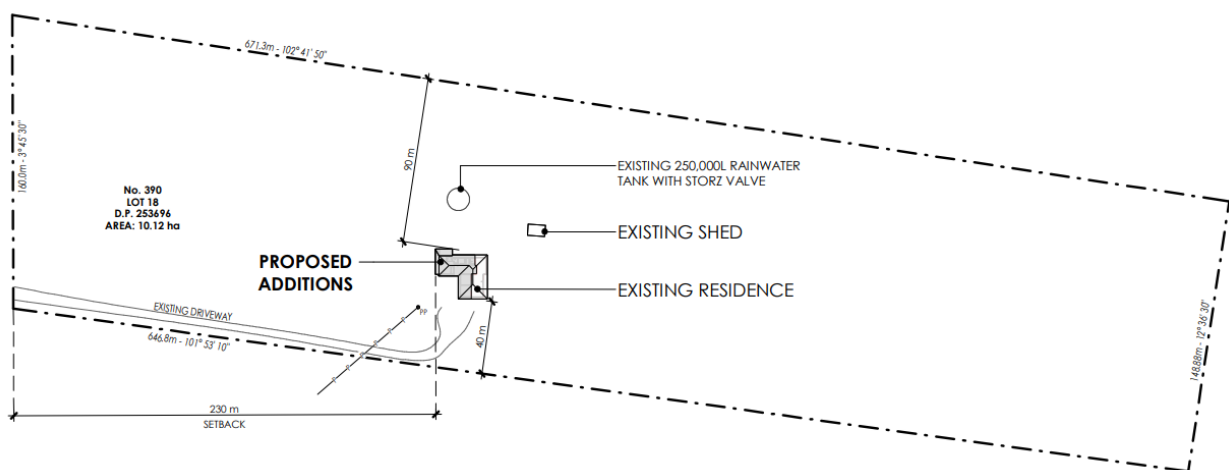
The site has frontage to Yarrawonga Road with vehicular access gained from same via an existing rural access. Yarrawonga Road is a two lane unsealed road that provides a connection to Mudhut Creek Road and Ulan Road, which is the predominant route utilised to transit to Mudgee. Yarrawonga Road is not identified as a Classified Road in accordance with the Roads Act 1993 with Mid-Western Regional Council identified as the roads authority, however, no new works within the road reserve are required to facilitate the development. Subsequently, no S138 application is necessary.

It should be noted that the proposal is for alterations and additions to the existing dwelling to create two separate dwellings. Subsequently, no significant additional vehicular movements result from the proposal and it is therefore unreasonable and unnecessary to necessitate any upgrades to the existing access to the road.

# 3 Details of the Proposal

It is proposed to undertake the following works upon the existing dwelling:

- Remove several walls, windows and doors throughout the dwelling to facilitate an upgrade and reconfiguration including an extended open plan living/kitchen area, media room, 3 bedrooms, double garage and alfresco areas; and
- Erection of an attached dwelling to create a dual occupancy (attached). The new dwelling will contain 2 bedrooms, an open plan kitchen/living area, shared laundry, single garage and alfresco areas.



**FIGURE 2: SITE LAYOUT (SUNRAI DESIGNS)**

The proposal will result in an improved layout and functionality of the existing dwelling whilst also facilitating a modern additional dwelling with a shared alfresco area to cater for modern family dynamics. The development overall will continue to present as a single storey single dwelling with appropriate responses to the surrounding area.

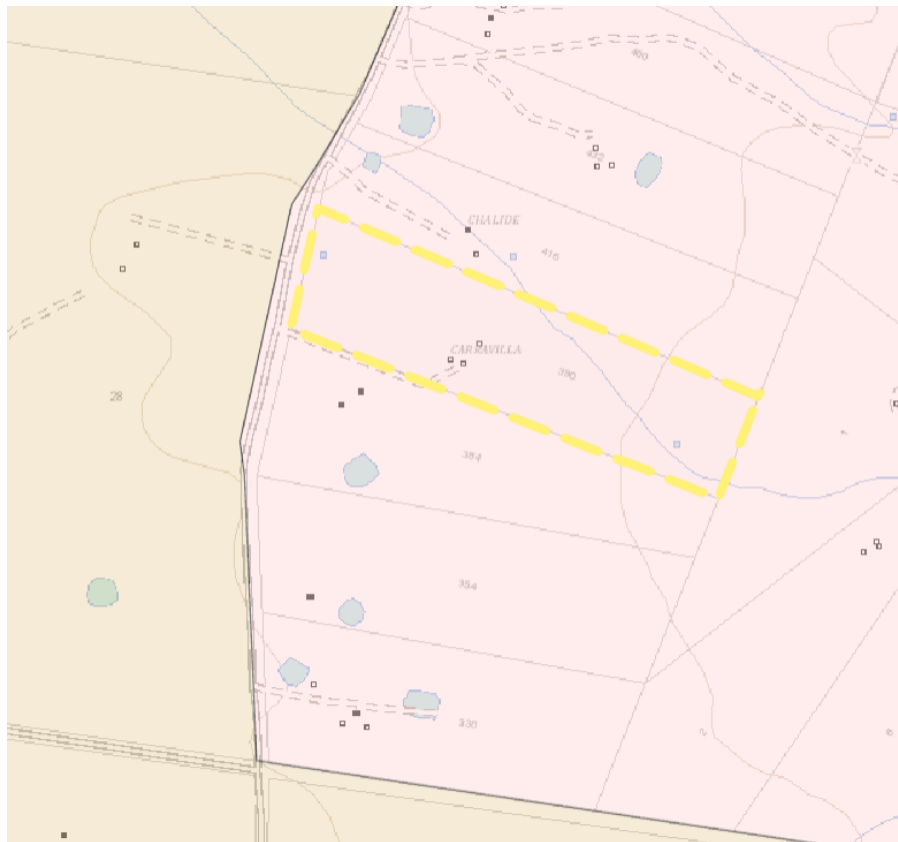
# 4 Planning Controls

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 R5 – Large Lot Residential under Council's MWRLEP 2012 (see Figure 3). *Dual occupancies* are permissible with consent in the zone 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 R5 are stated:

1. *To provide residential housing in a rural setting while preserving, and minimising impacts on, environmentally sensitive locations and scenic quality.*

**Comment:** The proposed dual occupancy will allow the site to continue benefiting from a residential use in a rural area, with the dwellings to remain in the same position as the existing dwelling. Subsequently no impact of substance on the scenic quality and environmental attributes of the surrounding area will result

2. *To ensure that large residential lots do not hinder the proper and orderly development of urban areas in the future.*

**Comment:** The proposal is for a dual occupancy, which will have no impact upon any of the surrounding urban areas.

3. *To ensure that development in the area does not unreasonably increase the demand for public services or public facilities.*

**Comment:** The proposal is for a dual occupancy, that is creating one additional dwelling upon the property. Accordingly, no undue increase in demand for public services or facilities beyond the forecasts of Council are expected.

4. *To minimise conflict between land uses within this zone and land uses within adjoining zones.*

**Comment:** Surrounding land consists of RU1 Primary Production and R5 Large Lot Residential and the proposed dual occupancy will not result in any additional land use conflict.

In our opinion the proposal is consistent with the relevant objectives of the R5 Large Lot Residential zone as detailed above. The proposal is intended to create an improved dwelling layout creation of one additional dwelling only.

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 : 10.12 ha	
LEP Provisions	Complies / Comments
<b>Clause 4.2A Erection of dwelling houses and dual occupancies on land in certain zones</b>	
<p>(1) The objectives of this clause are as follows—</p> <p>(a) to minimise unplanned rural residential development,</p> <p>(b) to enable the replacement of lawfully erected dwelling houses in rural and environmental protection zones,</p> <p>(c) to control rural residential density affected by historical subdivision patterns in Zone R5 Large Lot Residential.</p>	<p>The dual occupancy is for one additional dwelling and will not contribute to any unplanned rural residential development.</p> <p>N/A. Proposal is for alterations and additions to the existing dwelling.</p> <p>N/A. The site is existing, resulting from a historical subdivision, however no further subdivision is proposed.</p>
<p>(2) This clause applies to land in the following zones—</p> <p>(a) Zone RU1 Primary Production,</p> <p>(b) Zone RU4 Primary Production Small Lots,</p> <p>(c) Zone RU5 Village,</p> <p>(d) Zone R5 Large Lot Residential,</p> <p>(e) Zone E3 Environmental Management.</p>	<p>The land is zoned R5 Large Lot Residential..</p>
<p>(3) Development consent must not be granted for the erection of a dwelling house or dual occupancy on land in a zone to which this clause applies, and on which no dwelling house or dual occupancy has been erected, unless the land—</p> <p>(a) is a lot that is at least the minimum lot size shown on the Lot Size Map in relation to that land, or</p> <p>(b) is a lot or holding that existed before this Plan commenced and on which the erection of a dwelling house or dual occupancy was permissible immediately before that commencement, or</p> <p>(c) is a lot resulting from a subdivision for which development consent (or equivalent) was granted before this Plan commenced and on which the erection of a dwelling house or dual</p>	<p>The proposal is for the erection of dual occupancy.</p> <p>No. Minimum lot size is 12ha. The property has a size of approximately 10.12ha.</p> <p>Yes. The property existed before MWRLEP 2012 and a dwelling was permissible prior to this LEP.</p> <p>Yes. Property was created with development consent from a subdivision for the purposes of a dwelling house. Refer to historical subdivision consent.</p>

<p>occupancy would have been permissible if the plan of subdivision had been registered before that commencement, or</p> <p>(d) is an existing holding that is not within Zone R5 Large Lot Residential, or</p> <p>(e) would have been a lot or a holding referred to in paragraphs (a)–(d) had it not been affected by—</p> <p>(i) a minor realignment of its boundaries that did not create an additional lot, or</p> <p>(ii) a subdivision creating or widening a public road or public reserve or for another public purpose, or</p> <p>(f) is, in the case of land within 500 metres of land within Zone RU5 Village, a lot that has an area of at least 5 hectares, that has a sealed road frontage and that is connected to the sealed road network, or</p> <p>(g) is a holding within Zone R5 Large Lot Residential that has an area of at least 5 hectares, that has all weather access, including all weather vehicular access, to which adequate services provided by public utility undertakings are available and that is suitable for the on-site disposal of domestic wastewater, or</p> <p>(h) is a former holding, or</p> <p>(i) is a former rural lot that has an area of at least 40 hectares.</p>	<p>N/A. Zone R5.</p> <p>N/A. No changes made.</p> <p>N/A. Property not within 500m of RU5 zone.</p> <p>Yes. This clause is also applicable and could be utilised to confirm compliance with 4.2A.</p> <p>N/A.</p> <p>N/A.</p>
<p>(4) Development consent may be granted for the erection of a dwelling house or dual occupancy on land to which this clause applies if there is a lawfully erected dwelling house on the land and the dwelling house to be erected is intended only to replace the existing dwelling house.</p>	<p>N/A. Proposal is for a dual occupancy.</p>
<p><b>Clause 5.16 Subdivision of, or dwellings on, land in certain rural, residential or environmental protection zones</b></p>	
<p>(1) The objective of this clause is to minimise potential land use conflict between existing and proposed development on land in the rural, residential or conservation zones concerned (particularly between residential land uses and other rural land uses).</p>	<p>No land use conflict exists between the existing dwelling and any surrounding properties or land uses. The proposal is for a dual occupancy to create one additional dwelling, which will therefore not create any notable change to the existing context and landuse interactions.</p>
<p>(2) This clause applies to land in the following zones—</p>	<p>Yes. Zone R5.</p>

<ul style="list-style-type: none"> <li>(a) Zone RU1 Primary Production,</li> <li>(b) Zone RU2 Rural Landscape,</li> <li>(c) Zone RU3 Forestry,</li> <li>(d) Zone RU4 Primary Production Small Lots,</li> <li>(e) Zone RU6 Transition,</li> <li>(f) Zone R5 Large Lot Residential,</li> <li>(g) Zone C2 Environmental Conservation,</li> <li>(h) Zone C3 Environmental Management,</li> <li>(i) Zone C4 Environmental Living.</li> </ul>	
<p>(3) A consent authority must take into account the matters specified in subclause (4) in determining whether to grant development consent to development on land to which this clause applies for either of the following purposes—</p> <ul style="list-style-type: none"> <li>(a) subdivision of land proposed to be used for the purposes of a dwelling,</li> <li>(b) erection of a dwelling.</li> </ul>	<p>Refer to subclause (4) comments below.</p>
<p>(4) The following matters are to be taken into account—</p> <ul style="list-style-type: none"> <li>(a) the existing uses and approved uses of land in the vicinity of the development,</li> <li>(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,</li> <li>(c) whether or not the development is likely to be incompatible with a use referred to in paragraph (a) or (b),</li> <li>(d) any measures proposed by the applicant to avoid or minimise any incompatibility referred to in paragraph (c).</li> </ul>	<p>The immediate surrounding area consists of other large lot residential parcels used predominantly for grazing and lifestyle blocks. No impact is existing or anticipated.</p> <p>Proposal is for a dual occupancy to create one additional dwelling only. Accordingly, no impact is expected beyond the existing context.</p> <p>N/A. No impacts identified.</p> <p>N/A. No impacts identified.</p>
<p><b>6.1 Salinity</b></p>	<p>The proposal does not involve any major physical works apart from standard footings for the building. Subsequently, no impacts related to salinity are expected. Any salinity related impacts are expected to be addressed with a condition of consent.</p>
<p><b>6.4 Groundwater vulnerability</b></p>	<p>The site is identified as groundwater vulnerable within the MWRLEP 2012 mapping.</p> <p>An OSSM report prepared by Macquarie Geotech has been prepared for the proposal and lodged with the development</p>

	<p>application. The report identified the site as suitable for the disposal of effluent with the following comment observed within the report:</p> <p><i>“We advise that the disposal of domestic effluent on-site is feasible for the subject site within the recommended disposal envelope indicated on the attached site plan using a sub-surface irrigation system with an aerated wastewater treatment system (AWTS) for primary and secondary treatment.”</i></p> <p>The report confirms that a suitable area is available for the disposal of sewage and grey water that will not impact upon the groundwater ecosystem or hydrological function of the site.</p> <p>Accordingly, the proposal is considered to satisfy the objectives of this clause.</p>
<p><b>6.5 Terrestrial biodiversity</b></p>	
<p>(1) The objective of this clause is to maintain terrestrial biodiversity by—</p> <p>(a) protecting native fauna and flora, and  (b) protecting the ecological processes necessary for their continued existence, and  (c) encouraging the conservation and recovery of native fauna and flora and their habitats.</p>	<p>No trees are proposed to be removed or pruned in conjunction with the dual occupancy. Subsequently, no significant impact with regards to flora/fauna or ecological processes that they are dependent upon are expected as a result of the proposed development.</p>
<p>(2) This clause applies to land identified as “Moderate Biodiversity Sensitivity” or “High Biodiversity Sensitivity” on the Sensitivity Biodiversity Map.</p>	<p>Parts of the site along the road frontage only are identified as “High Biodiversity Sensitivity” in accordance with Council’s LEP mapping.</p>
<p>(3) Before determining a development application for development on land to which this clause applies, the consent authority must consider—</p> <p>(a) whether the development is likely to have—</p> <p>(i) any adverse impact on the condition, ecological value and significance of the fauna and flora on the land, and  (ii) any adverse impact on the importance of the vegetation on the land to the habitat and survival of native fauna, and  (iii) any potential to fragment, disturb or diminish the biodiversity structure, function and composition of the land, and  (iv) any adverse impact on the habitat elements providing connectivity on the land, and</p>	<p>No trees are proposed to be removed or pruned in conjunction with the dual occupancy. Subsequently, no significant impact with regards to flora/fauna or ecological processes that they are dependent upon are expected as a result of the proposed development.</p> <p>No measures to minimise any impacts with regards to the proposal are therefore not considered necessary.</p>

(b) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.	
<p>(4) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that—</p> <p>(a) the development is designed, sited and will be managed to avoid any significant adverse environmental impact, or</p> <p>(b) if that impact cannot be reasonably avoided by adopting feasible alternatives—the development is designed, sited and will be managed to minimise that impact, or</p> <p>(c) if that impact cannot be minimised—the development will be managed to mitigate that impact.</p>	<p>No trees are proposed to be removed or pruned in conjunction with the dual occupancy. Subsequently, no significant impact with regards to flora/fauna or ecological processes that they are dependent upon are expected as a result of the proposed development.</p> <p>No alternatives to the current design are considered necessary in achieving a better outcome.</p>
<b>6.9 Essential services</b>	<p>All essential services associated with a rural location are already available and connected to the existing dwelling.</p> <p>These are not expected to be affected by the proposal.</p>

## 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. It should be noted that the property is considered too small to have historically been used for any agricultural pursuits.

## 4.3 Mid-Western Regional Development Control Plan 2013

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

Part 5.4 ‘*Environmental Controls*’ contains some relevant provisions including protection of aboriginal archaeology, riparian lines and vegetation management. The proposal generally satisfies these provisions, which are also discussed in various sections throughout this report. No significant impact with respect to the local ecology or groundwater is expected as a result of the proposal.

Part 6.1 ‘*Dwellings in Rural Areas*’ contains specific controls relating to the proposal and the relevant sections, as they relate to a dwelling addition only, are addressed in the table below.

TABLE 2: PROJECT COMPLIANCE – Mid-Western Regional DCP	
Relevant sections applicable to this proposal.	
DCP Provisions	Complies / Comments
<p><b>Primary Production Small Lots</b></p> <p>This clause prescribes controls relating to dwellings in the RU4 zone and the undertaking of intensive plant agriculture.</p>	N/A. Site not within RU4 zone.

<p><b>Dwellings on rural lots within the former Rylstone LGA</b></p> <p>This clause provides additional controls regarding lot size for dwellings within the former Rylstone LGA.</p>	<p>N/A. Site not within the former Rylstone LGA.</p>																
<p><b>Services</b></p> <p>This clause prescribes additional servicing requirements for land within proximity to the R1 and R2 zones.</p>	<p>N/A. There is no R1 or R2 zone within 500m of the property.</p>																
<p><b>Dwellings adjacent to village zones</b></p> <p>This clause prescribes additional servicing requirements for land within proximity to the RU5 zone.</p>	<p>N/A. Property not within proximity to the RU5 zone.</p>																
<p><b>Building setbacks</b></p> <table border="1" data-bbox="228 898 792 1035"> <thead> <tr> <th>Zone</th> <th>Street</th> <th>Side/Rear</th> <th>Secondary Frontage for Corner Lots *</th> </tr> </thead> <tbody> <tr> <td>R5 Less than or equal to 5ha. in area</td> <td>30m</td> <td>20m</td> <td>15m</td> </tr> <tr> <td>RU1, RU4 and R5 Greater than 5ha. in area</td> <td>60m</td> <td>20m</td> <td>15m</td> </tr> <tr> <td>RU5</td> <td>7.5m</td> <td>BCA</td> <td>3m</td> </tr> </tbody> </table> <ul data-bbox="228 1052 792 1129" style="list-style-type: none"> <li>• Where the lot is located a Classified Road such as Ulan or Cope Road the front setback is 100m and side and rear setback is 20 metres.</li> <li>• Where the lot is located on the State Highway the front setback is 200 m and the side setback is 20 metres.</li> </ul>	Zone	Street	Side/Rear	Secondary Frontage for Corner Lots *	R5 Less than or equal to 5ha. in area	30m	20m	15m	RU1, RU4 and R5 Greater than 5ha. in area	60m	20m	15m	RU5	7.5m	BCA	3m	<p>The proposed dual occupancy will be setback 230m from the western Yarrowonga Road frontage and 90m and 40m from the northern and southern side setbacks respectively.</p>
Zone	Street	Side/Rear	Secondary Frontage for Corner Lots *														
R5 Less than or equal to 5ha. in area	30m	20m	15m														
RU1, RU4 and R5 Greater than 5ha. in area	60m	20m	15m														
RU5	7.5m	BCA	3m														
<p><b>Out-buildings and farm buildings</b></p> <p>This clause prescribes floor area controls for farm buildings and the like.</p>	<p>N/A. All farm buildings are existing and no changes to these are proposed.</p>																

# 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 as discussed previously.

## 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 on larger and smaller rural allotments. The proposal will not impact this character as it is simply the creation of one additional dwelling creating a dual occupancy, which will present as one dwelling from the surrounding areas.

### 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 rural 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 Yarrawonga Road. As the site already contains an existing dwelling, electricity 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 one additional dwelling only. It is expected that the current road network is capable of continuing to support the minimal traffic movements.

Refer to the previous comments in Section 2.4 where the existing access is discussed and justification provided to demonstrate that no upgrade works are warranted.

### **5.3.3 Hazards**

The site is identified as bushfire prone in accordance with Council's bushfire prone mapping. The threat primarily derives from native vegetation to the east on the site at a distance of >20m from the proposal.

A Bushfire Risk Assessment has been prepared in accordance with the document 'Planning for Bushfire Protection 2019' by Bushfire Planning & Design and accompanies this development application. The report generally concludes:

*“There is sufficient space within the site to provide an asset protection zone (APZ). A 20m APZ is required (and achieved) between the proposed building and any un-managed vegetation to the east. The land to the east is managed for at least 20m which is sufficient to achieve the nominated BAL-ratings and defendable space. The proposed APZ does not encroach into any biodiversity affected vegetation as the vegetation in that area has already been cleared.*

*The proposed works are assessed as BAL-29 as indicated in Figure A and as specified in AS3959 (2018) the Australian Standard for the Construction of Buildings in a Bushfire Prone Area.*

*Access to the site via the public road system is suitable for emergency response vehicles. RFS do not require site access.*

*Tank water is provided. No Additional water is required for fire fighting*

*The project can comply with the construction requirements of AS3959 (2018) and the performance requirements of the BCA. The objectives and performance requirements of PBP (2019) are also achieved.”*

The proposal is not identified as a ‘*special fire protection purpose*’ pursuant to the Rural Fires Act 1997, being a dual occupancy. Subsequently, no concurrence in the form of a ‘*bushfire safety authority*’ will be required to be obtained for the development pursuant to 100B of the Rural Fires Act 1997.

It is expected Council will incorporate the recommendations of the Bushfire Risk Assessment into the development consent.

## **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, rural lifestyle opportunities 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 R5 Large Lot 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 an updated and modern dwelling together with an additional dwelling incorporated into the one building with shared facilities, that continues to be positioned in the current location in order to continue to integrate with the other uses and improvements on the site.

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