

July 2021



Statement of Environmental Effects

Lot 17 Saleyards Lane – Attached Dual Occupancy & Strata Subdivision

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PART A – PROPOSAL OVERVIEW

1 INTRODUCTION

Hibbard Homes has engaged O'Ryan Geospatial Pty Ltd to prepare a Statement of Environmental Effects (SEE) to describe and assess the permissibility of a proposed attached dual-occupancy and Strata Title subdivision against the relevant legislative, environmental, and planning requirements.

The development application (DA) seeks permission to erect an attached dual occupancy subject to a strata title subdivision such that each dwelling is located on a separate strata lot. The proposed dual occupancy is a brick building with sheet metal roofing. Each proposed dwelling includes three bedrooms and an attached dual-bay garage. The proposed strata title subdivision would result in two lots, each approximately 315m².

This report assesses the compatibility of the proposed development against the relevant environmental and planning frameworks by reviewing the proposed location and nature of the development. The report is structured into two parts:

- Part A – provides an overview of the subject site and the proposed development
- Part B – evaluates the proposed development against the environmental planning framework.

The subject site is identified as 46 Saleyards Lane Mudgee. The address is associated with one allotment: lot 17 in DP1267151. The site is located within a new residential development occurring on the northwest side of Mudgee and is located approximately 2.3km from Mudgee Post Office via Market Street, Bell Street and Saleyards Lane. The location of the subject site is shown below in Figure 1.

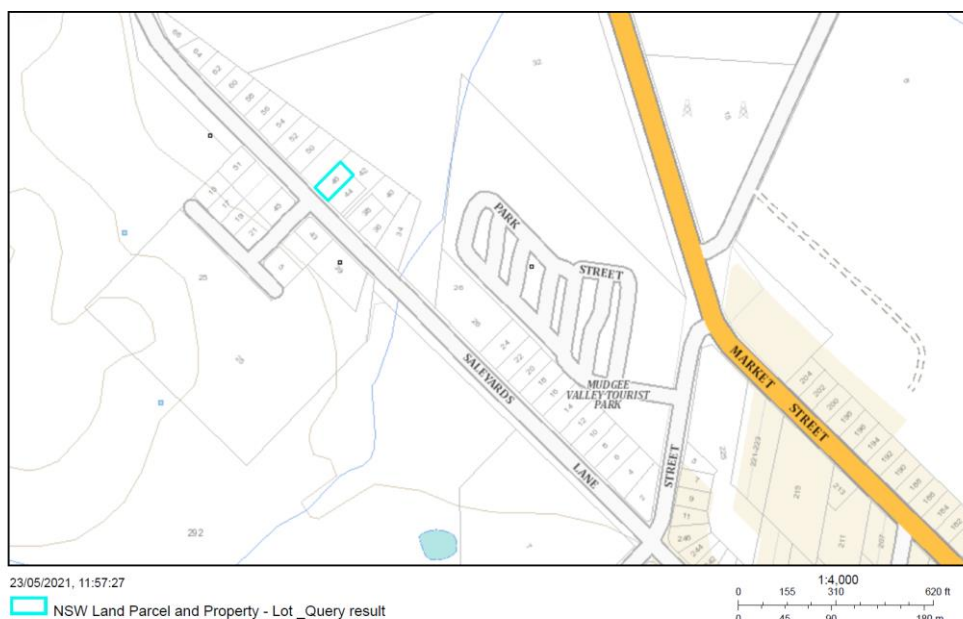


Figure 1 Location of Lot 17 Saleyards Lane (the subject site)

2 SITE OVERVIEW

The subject site of the development is identified as 46 Saleyards Lane, which is associated with Lot 17 in DP126715. The subject site is a vacant lot located within a relatively undeveloped residential area on the outskirts of Mudgee. The subject land is cleared of vegetation and is unconstrained by any significant environmental features. A 3m wide inter-allotment drainage system is to be located at the rear of the portion to direct overland flow to the drainage channel located to the east of the site. The subject site is shown in Figure 2



23/05/2021, 11:59:47

 NSW Land Parcel Property Theme - Lot - Lot
 NSW Land Parcel and Property - Lot_Query result

1:500
0 15 30 60 ft
0 5 10 20 m

Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community, © Department of Customer Service 2020

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Figure 2 Subject Site – Satellite Imagery

The subject site is a greenfield development site located in a developing area on the western outskirts of Mudgee. The surrounding lots are in the process of being developed for residential purposes. Services are located on Saleyards Lane and are accessible for the proposed development. The subject site has a northeast aspect with a slope of approximately 4%

The subject site is mapped as being of high terrestrial biodiversity on EPI maps; however, the site appears to be cleared of vegetation. The subject land is not associated with any critical habitats or ecological communities.

The site is a standard lot configuration with a frontage of approximately 18m on Saleyards Lane. Saleyards Lane is a sealed road of appropriate size and condition for the proposed development.

Site photos are shown below in Figure 3, Figure 4, Figure 5, and Figure 6

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IN SUPPORT OF A SUBDIVISION APPLICATION



Figure 3 Site Photo – Subject Site



Figure 4 Site Photo – Saleyards Lane – development occurring west of the site



Figure 5 Site Photo – Saleyards Lane – development occurring southeast of the site



Figure 6 Intersection of Saleyards Lane and Croake Way

3 PROPOSED DEVELOPMENT

The proposed development involves the erection of an attached dual-occupancy and subdivision of the site under the *Strata Schemes Development Act 2015* such that each dwelling is located on a separate strata title.

3.1 DUAL OCCUPANCY

The proposal seeks the approval of an attached dual occupancy. The building proposed is a single-storey brick exterior structure with a sheet metal roof. The dwellings are to be separated by a fire-rated internal wall. Each dwelling is a 3-bedroom unit with a separate kitchen, bathroom, living room, family room, kitchen and two-bay attached garage with internal access. Figure 7 depicts the floorplan of the proposed dual occupancy.

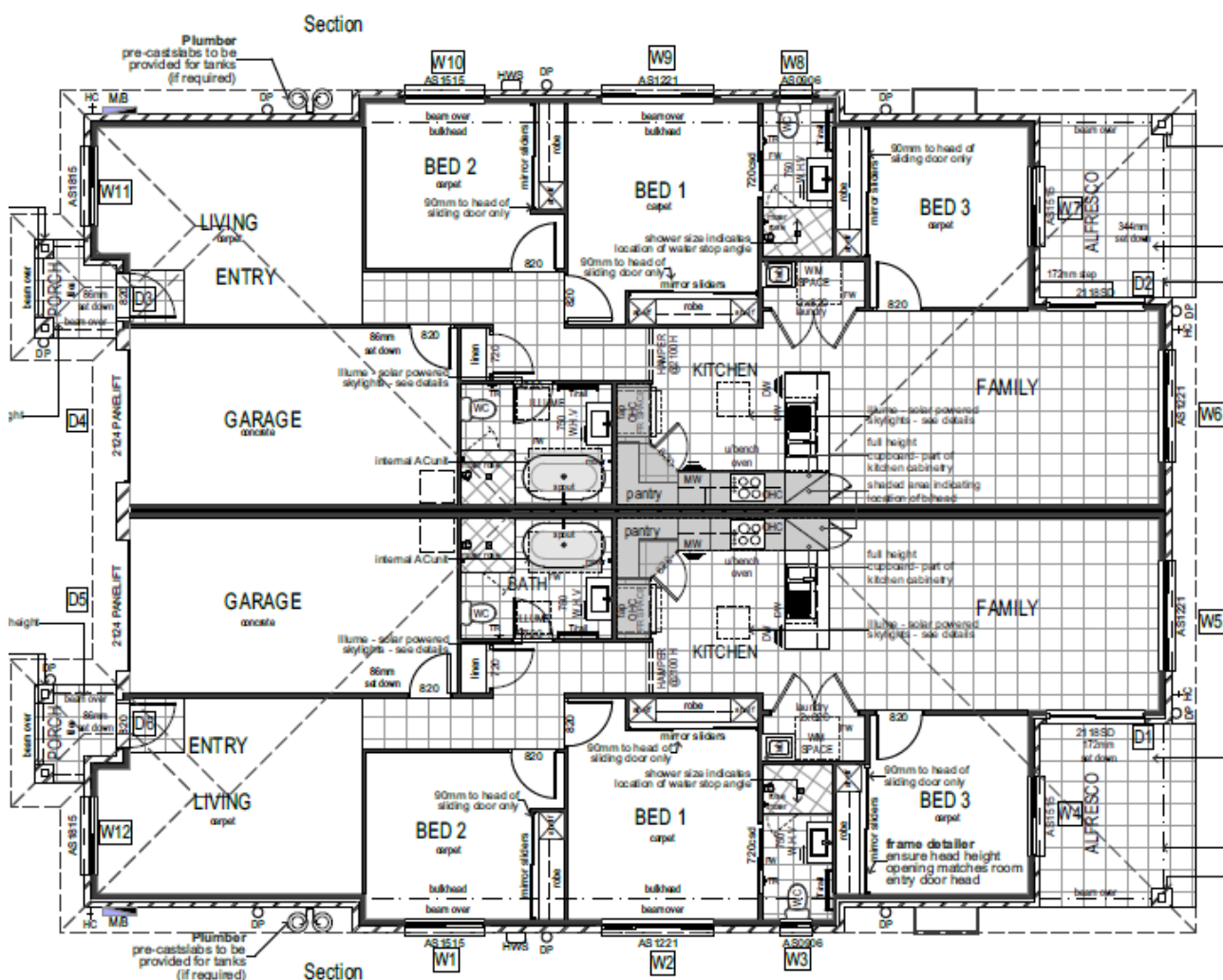


Figure 7 Excerpt of Dual Occupancy Floor Plan

Site details are provided in the plans prepared by Hibbard Homes Pty Ltd, attached as Appendix A. A summary of the key features of each unit is provided in Table 1.

Table 1 Summary of Key Site Features

| SITE AREA | UNIT 1 (m ²) | UNIT 2 (m ²) |
|------------------------------------|--------------------------|--------------------------|
| Lot size (post Strata Subdivision) | 314.84 | 315.26 |
| Total living space | 116.79 | 116.79 |
| Garage area | 20.87 | 20.87 |
| Alfresco | 8.06 | 8.06 |
| Porch | 2.40 | 2.41 |
| Total Site Coverage | 299.53 (47.57%) | |
| Total Landscaping | 291.87 (46.36%) | |
| Private Open Space | 207.70 | |

Figure 8 is a simplified excerpt of the dual occupancy plans depicting the proposed dwelling elevations.

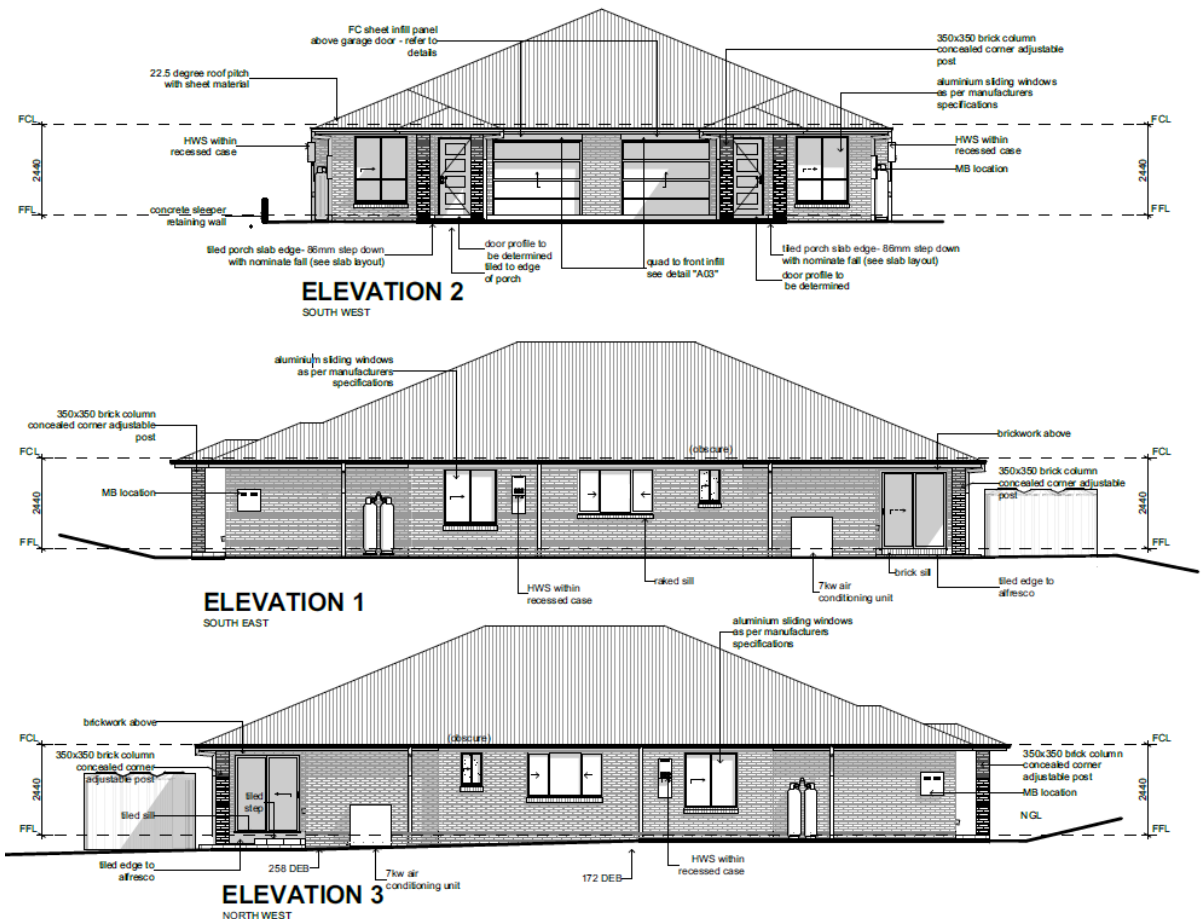


Figure 8 Dual Occupancy Elevations

3.2 STRATA TITLE SUBDIVISION

A strata plan or strata plan of subdivision defined by the *Strata Schemes Development Act 2015* is recognised as a form of subdivision in the *Environmental Planning and Assessment Act 1979* under clause 6.2. Per clause 9 of *Strata Schemes Development Act 2015*:

- 1) *The following land may be subdivided into lots, or lots and common property, by the registration of a plan as a strata plan—*
 - (a) *land including the whole of a building and consisting of one current plan lot or 2 or more contiguous current plan lots,*
 - (b) *land including part only of a building and consisting of one current plan lot or 2 or more current plan lots (whether contiguous or not).*

The proposed development would result in two contiguous plan lots of 314.8m² and 315.26m². The subdivision would result in each unit of the dual occupancy being located on a separate strata lot. Figure 9 depicts the proposed lot layout and development.

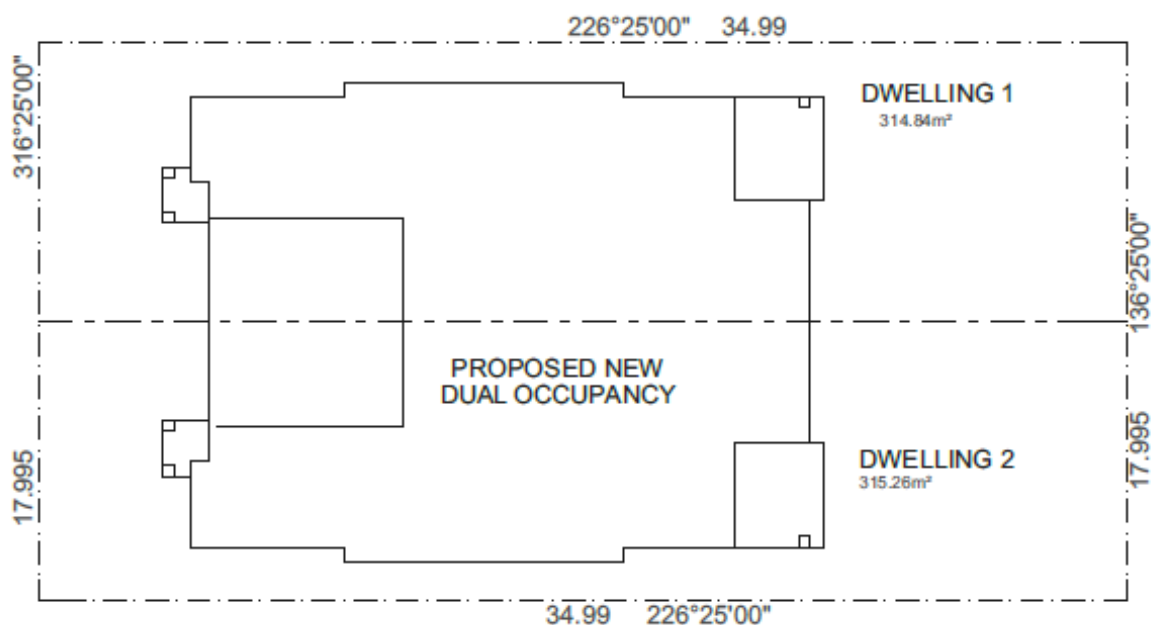


Figure 9 Proposed 1 into 2 lot Strata Title subdivision

3.3 SERVICING

The subject site is a vacant portion connected to reticulated water, sewer, electricity and NBN from Robertson Street. Additional services will be required for proposed lot 2. Details of the proposed servicing arrangements are outlined in Table 2.

Table 2 Servicing Arrangements

| Service | Proposed Arrangements |
|--------------------------------|--|
| Traffic and access | The development will include establishing a sealed driveway for access to each unit from Saleyards Lane. The traffic generated by the development is minimal, with two dwellings proposed. The condition and design of Saleyards Lane are appropriate for the proposed traffic increase. |
| Potable water supply | The units will connect to the Council water main located on Saleyards Lane sewerage, and electricity available from Saleyards Lane. |
| Effluent disposal | The units will connect to the Council sewer main located on Saleyards Lane |
| Waste disposal | Mid-Western Regional Council provides solid waste collection and management services for domestic waste. The proposed allotments are within the Mudgee kerbside collection for general waste, recycling, and food organics/garden organics (FOGO). |
| Drainage and stormwater | A proposed 3000L rainwater tank captures rainwater from a partial roof surface for onsite use. The remaining roof area, overflow from the rainwater tanks and the yard sumps drain into the inter-allotment drainage system located at the rear of the site. |
| Electricity | The site is connected to grid electricity infrastructure located on Saleyards Lane. |
| Telecommunications | The subject site is within the NBN fixed-line broadband access network. The technology used is NBN Fibre to the Node (FTTN). |

PART B - STATUTORY LEGISLATION COMPLIANCE

The NSW Planning system operates under the statutory requirements outlined by the Environmental Planning and Assessment Act 1979 (EP&A Act). This section of the report evaluates the proposed development against the relevant statutory obligations.

4 PART 1.7 – BIODIVERSITY CONSERVATION ACT & FISHERIES MANAGEMENT ACT

Part 1.7 of the EP&A act require the application of Part 7 of the *Biodiversity Conservation Act 2016* (BC Act) and Part 7A of the *Fisheries Management Act 1994* (FM Act). Part 7 of the BC Act requires consideration of whether the development or activity is “likely to significantly affect threatened species” defined by the Act under Part 7.2 as being:

- (1) *For the purposes of this Part, development or an activity is likely to significantly affect threatened species if—*
- (a) *it is likely to significantly affect threatened species or ecological communities, or their habitats, according to the test in section 7.3, or*
 - (b) *the development exceeds the biodiversity offsets scheme threshold if the biodiversity offsets scheme applies to the impacts of the development on biodiversity values, or*
 - (c) *it is carried out in a declared area of outstanding biodiversity value.*

The subject site is cleared of vegetation and no further clearing works are proposed. Examination of the biodiversity values map (BV Map) published by the NSW Office of Environment and Heritage does not indicate the presence of any high-value biodiversity land within the proposed subdivision. An excerpt of the BV Map is shown below in Figure 10.

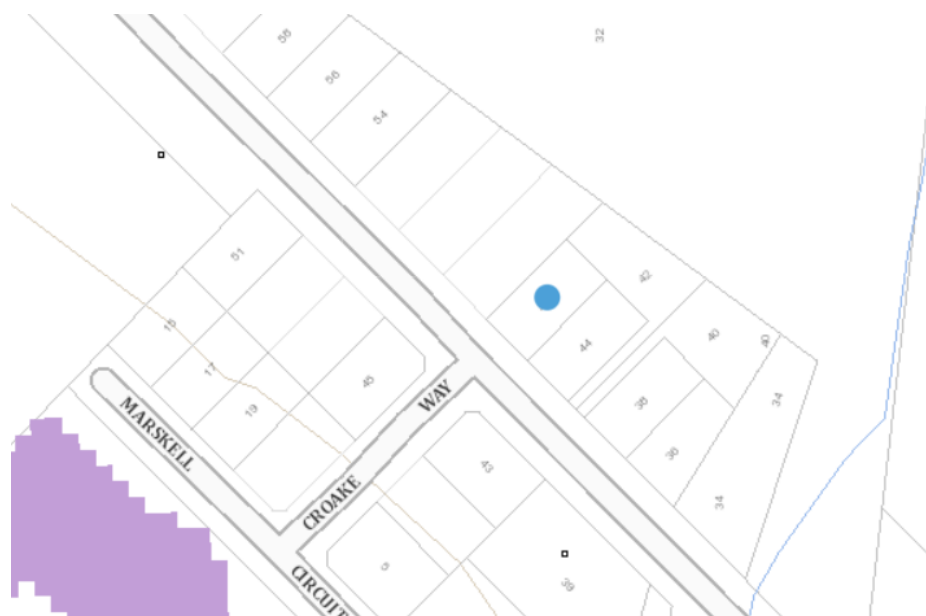


Figure 10 BV Map Excerpt

5 PART 4.46 INTEGRATED DEVELOPMENT

Part 4 Division 4.8 Section 4.46 of the EP&A Act describes what is considered to be “integrated development”. Table 3 below outlines the criteria that describe an integrated development.

Table 3 Integrated Development Checklist

| Act | Provision | Approval Description | Triggered? |
|--|-------------------------------|---|-------------------|
| <i>Coal Mine Subsidence Compensation Act 2017</i> | s22 | Works within a mine subsidence district | No |
| <i>Fisheries Management Act 1994</i> | s144 | Permit for aquaculture | No |
| | s201 | Permit to dredging | No |
| | S205 | Permit to damage or destroy marine vegetation on public land | No |
| | s219 | Permit for structures within waterways | No |
| <i>Heritage Act 1977</i> | s58 | Approval for works involving a state heritage item | No |
| <i>Mining Act 1992</i> | ss63, 64 | Grant of mining lease | No |
| <i>National Parks and Wildlife Act 1974</i> | s90 | Aboriginal Heritage impact permit | No |
| <i>Petroleum (Onshore) Act 1991</i> | s16 | Production lease | No |
| <i>Protection of the Environment Operations Act 1997</i> | ss43(a), 43(b), 47, 48 and 55 | Environmental protection license (EPL) for scheduled developments | No |
| | ss 3(d), 55 and 122 | Environmental Protection License (EPL) for non-scheduled activities | No |
| <i>Roads Act 1993</i> | s138 | Consent for works within a road reserve | No -see below |
| <i>Rural Fires Act 1997</i> | s100B | Bushfire protection approval | No |
| <i>Water Management Act 2000</i> | ss89, 90, 91 | Water management or activity approval (part 3 of chapter 3) | No |

Comment – Works within a public road reserve are proposed to establish new driveway access onto Saleyards Lane. Saleyards Lane is a local road maintained by Mid-Western Regional Council. Under Section 4.46 Clause 3, an S138 application made to Mid-Western Regional Council would not trigger integrated development:

(3) Development is not integrated development in respect of the consent required under section 138 of the Roads Act 1993 if, in order for the development to be carried out, it requires the development consent of a council and the approval of the same council

6 EP&A ACT PART 4.15 A – PLANNING

In determining a development application, the consent authority considers the relevant legislative matters under Section 4.15 of the Environmental Planning and Assessment Act 1976. This section considers the key legislative and planning issues per section 4.15(1)(a) of the Act. The clause specifies consideration of the following areas:

- (i) any environmental planning instrument, and
- (ii) any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Planning Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and
- (iii) any development control plan, and
- (iiia) any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, and
- (iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph),
- (v) (Repealed)

6.1 STATE ENVIRONMENTAL PLANNING POLICIES (SEPP)

State Environmental Planning Policies (SEPPs) are instruments under the EP&A Act that regulate development in a state-wide context. The applicable SEPPs for the subject site and proposed development have been identified and are explored below in Table 4:

Table 4 SEPP Evaluation

| State Environmental Planning Policy (SEPP) | Applicable? |
|---|------------------------------|
| State Environmental Planning Policy (Affordable Rental Housing) 2009 | No |
| State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 | No |
| State Environmental Planning Policy (Concurrences and Consents) 2018 | No |
| State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017 | No |
| State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 | No – see comment below table |
| State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 | No |
| State Environmental Planning Policy (Infrastructure) 2007 | No |
| State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007 | No |
| State Environmental Planning Policy (Primary Production and Rural Development) 2019 | No |

| State Environmental Planning Policy (SEPP) | Applicable? |
|---|------------------------------|
| State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017 | No |
| State Environmental Planning Policy No 21—Caravan Parks | No |
| State Environmental Planning Policy No 33—Hazardous and Offensive Development | No |
| State Environmental Planning Policy No 36—Manufactured Home Estates | No |
| State Environmental Planning Policy No 50—Canal Estate Development | No |
| State Environmental Planning Policy No 55—Remediation of Land | No – see comment below table |
| State Environmental Planning Policy No 64—Advertising and Signage | No |
| State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development | No |

SEPP (Exempt and Complying Development Codes) 2008

Provisions of the SEPP (Exempt and Complying Development Codes) 2008 have been considered. Certain subdivisions are exempt development (Subdivision 38 Subdivision 2.75 Specified development) however after consideration of the relevant provisions, the proposed subdivision does not meet development specified for this code. An exempt or complying development pathway is not sought at this time.

SEPP No 55—Remediation of Land

State Environmental Planning Policy 55 (SEPP 55) requires planning authorities to consider the potential for contamination at a site before planning decisions being made. Clause 7 requires Council to consider before determining a development application whether the site is contaminated and suitable for the proposal.

The subject land is a greenfield development site and is not associated with any historic contaminating activities. An examination of the NSW Environmental Protection Agency (NSW EPA) public register indicates that the site has not been used for a known contaminating activity.

6.2 LOCAL ENVIRONMENTAL PLAN

The subject land is located within the Mid-Western Regional Council LGA. The relevant sections of the *Mid-Western Regional Council Local Development Plan 2012* have been referenced in this report. The applicable LEP map sheets are identified as 006C.

6.2.1 Land Use Table

The subject land is zoned R1 General Residential under the Mid-Western Regional Local Environmental Plan 2012 (LEP) and is outside the Mudgee Heritage Conservation Zone. A dual occupancy and strata title subdivision is permitted with consent. Figure 11 shows an excerpt of the LEP Land Zoning Map – Sheet LZN_006C.

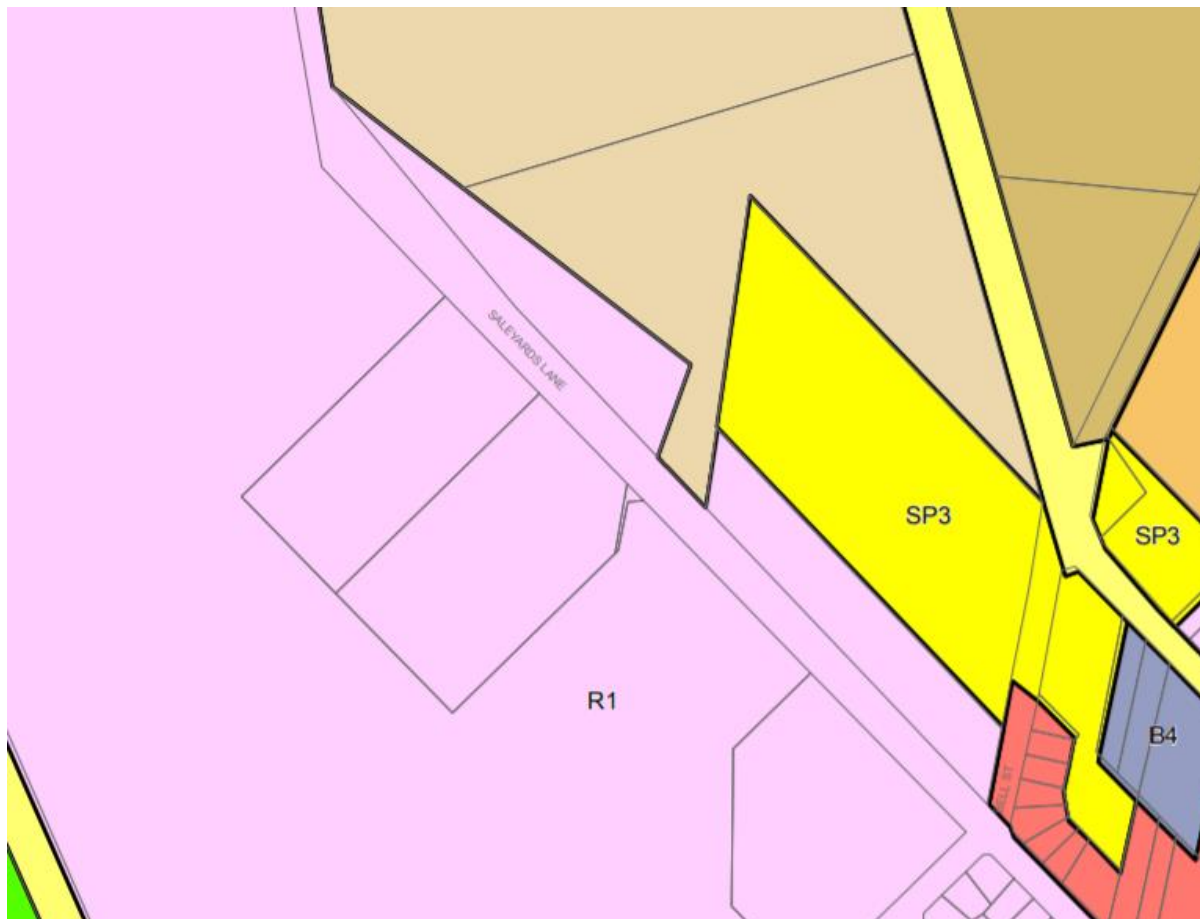


Figure 11 Land Zoning Map – Sheet LZN_006H Excerpt

The objectives of the R1 General Residential zone are:

- *To provide for the housing needs of the community.*
- *To provide for a variety of housing types and densities.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*

Comment – The establishment of a dual occupancy and a strata title subdivision is consistent with the objectives of the R1 General Residential Zone. The proposed development provides affordable housing opportunities to Mudgee residents and compliments the surrounding development by ensuring that varied housing arrangements and densities are available along Saleyards Lane.

6.2.2 Minimum Lot Size

The minimum lot size for the subject land is 450m² per the LEP Minimum Lot Size Map Sheet LSZ 006C. In this instance, the proposal includes the erection of a dual occupancy which, in order to achieve a higher housing density, is permitted under Clause 4.1A of the LEP:

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- (1) The objective of this clause is to achieve planned residential density in certain zones.*
- (2) This clause applies to the following land—*
 - (a) land within Zone R1 General Residential,*
 - (b) land within Zone R3 Medium Density Residential,*
 - (c) land in Rylstone or Kandos that is within Zone RU5 Village,*
 - (d) for the purposes of a manor house, any land that is within Zone RU5 Village.*
- (3) Despite any other provision of this plan, development consent may be granted to development on land to which this clause applies—*
 - (a) for the purposes of a dual occupancy (attached), if the area of the lot is equal to or greater than 600 square metres, or*
 - (b) for the purpose of a dual occupancy (detached), if the area of the lot is equal to or greater than 800 square metres*

Further, under LEP Clause 4.1B, development consent may be granted to the subdivision of a dual occupancy (attached) if each dwelling will be located on a separate lot 300m² or greater as a result of that subdivision:

- (1) This clause applies to the following land—*
 - (a) land within Zone R1 General Residential,*
 - (b) land within Zone R3 Medium Density Residential,*
 - (c) land in Rylstone or Kandos that is within Zone RU5 Village.*
- (2) Despite any other provision of this Plan, development consent may be granted to the subdivision of land to which this clause applies if—*
 - (a) multi dwelling housing or a dual occupancy is lawfully erected on the land, and*
 - (b) the area of each resulting lot will not be less than—*
 - (i) 300 square metres for a dual occupancy (attached) or multi dwelling housing, or*
 - (ii) 400 square metres for a dual occupancy (detached), and*
 - (c) only one dwelling will be located on each lot resulting from the subdivision.*
- (3) Development consent may be granted to a single development application for development to which this clause applies that is both of the following—*
 - (a) the subdivision of land into 2 or more lots,*
 - (b) the erection of a dual occupancy (attached), dual occupancy (detached) or multi dwelling housing on each lot resulting from the subdivision, if the size of each lot is equal to or greater than—*
 - (i) 300 square metres for a dual occupancy (attached) or multi dwelling housing, or*
 - (ii) 400 square metres for a dual occupancy (detached).*

In this instance, the applicant is pursuing a Strata Title subdivision. Section 4.1 of the *Mid-Western Regional Local Environmental Plan 2012* states:

- (1) The objectives of this clause are as follows—*
 - (a) to ensure that subdivision of land occurs in a manner that promotes suitable land uses and development,*
 - (b) to minimise any likely impact of subdivision and other development on the amenity of neighbouring properties,*
 - (c) to ensure that lot sizes and dimensions are able to accommodate development, consistent with relevant development controls,*
 - (d) to ensure that rural lands are not fragmented in a manner that threatens either their future use, or the use of neighbouring land, for agricultural production,*
 - (e) to ensure that subdivision does not have an inappropriate impact on the natural environment,*
 - (f) to maximise the economic potential of, and provide for more intensive, small lot agricultural uses in, areas that are able to access commercial quantities of irrigation water.*
- (2) This clause applies to a subdivision of any land shown on the Lot Size Map that requires development consent and that is carried out after the commencement of this Plan.*

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- (3) *The size of any lot resulting from a subdivision of land to which this clause applies is not to be less than the minimum size shown on the Lot Size Map in relation to that land.*
- (3A) *Despite subclause (3), if the consent authority is satisfied that each lot is, or will be serviced by a water reticulation system and sewerage system—*
- (a) *land identified as "Area A" on the Lot Size Map may be subdivided to create lots of at least 2,000 square metres, or*
 - (b) *land identified as "Area B" on the Lot Size Map may be subdivided to create lots of at least 4,000 square metres.*
- (3B) *Despite subclause (3), if the consent authority is satisfied that each lot is, or will be serviced by a water reticulation system, land identified as "Area D" on the Lot Size Map may be subdivided to create lots of at least 2 hectares.*
- (4) *This clause does not apply in relation to the subdivision of any land—*
- (a) *by the registration of a strata plan or strata plan of subdivision under the Strata Schemes Development Act 2015, or*
 - (b) *by any kind of subdivision under the Community Land Development Act 1989.*

Clause 4.1(4) states that the minimum lot size requirements required under Section 4.1 of the LEP do not apply to a subdivision that occurs by registration of a strata plan or strata plan of subdivision. In this instance, the proposed development is for a two-lot Strata Title Subdivision and the minimum lot size standard does not apply. For reference, the proposed lot sizes are 314.84m² and 315.26m², which would have been above the minimum 300m² prescribed by 4.1B of the LEP.

6.2.3 Salinity

Mudgee is associated with historic salinity issues. Clause 6.1 of the LEP outlines the considerations for development to ensure that land subject to salinity is managed to minimise and mitigate the impacts of the development on salinity and salinity processes. Before determining a development application, the consent authority must consider the impacts of the development on salinity processes and whether salinity is likely to impact the development. The proposed development would not result in any significant change to groundwater infiltration with rainwater captured by onsite rainwater tanks and is otherwise considered unlikely to contribute to salinity processes

6.2.4 Flood planning

The objectives of clause 6.2 are to minimise the flood risk to life and property associated with land use, allow development that is compatible with the lands flood hazard, and avoid significant impacts on flood behaviour and the environment. The subject land is not identified as being flood affected in the EPI mapping however is identified as being within the PMF flood identified by the Mudgee Local Creeks Flood Study 2008, see section 5.5 for additional details.

6.2.5 Earthworks

The objectives of clause 6.3 are to ensure that earthworks will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding landscape. Earthworks are required for the establishment of the building pad. Given the relatively minor (approx. 4%) slope of the site, the extent of cut/fill will be limited and will not change the original ground level by more than 1m. A concrete retaining wall will be installed on the west site boundary. Overland flows are not anticipated to be impacted due to the retaining wall.

6.2.6 Groundwater vulnerability

The objectives of clause 6.4 are to maintain the hydrological functions of critical groundwater systems and protect groundwater resources from depletion and contamination. This clause applies to land identified as "Groundwater Vulnerable" on the Groundwater Vulnerability Map. The subject property has been partially mapped as being groundwater vulnerable. No broad excavation or new bores are proposed as part of the subdivision. Given the negligible interactions with groundwater, the development is not likely to result in groundwater contamination, adversely impact potable water supply or harm groundwater-dependent ecosystems.

6.2.7 Terrestrial Biodiversity

The objective of clause 6.5 is to maintain terrestrial biodiversity by protecting native fauna and flora, protecting the ecological processes necessary for their continued existence, and encouraging the conservation and recovery of native flora and fauna. The subject land has not been mapped as having a high biodiversity value on the BV map; however, the site has been identified as having high or moderate biodiversity value on the LEP Sensitivity Biodiversity Map. Site inspections indicate that the subject land has been extensively cleared and no notable features of terrestrial biodiversity were present.

6.2.8 Essential services

The objectives of clause 6.9 are to ensure that services that are essential for the proposed development are available or that adequate arrangements have been made to make them available. Essential services include:

- (a) *the supply of water,*
- (b) *the supply of electricity,*
- (c) *the disposal and management of sewage,*
- (d) *stormwater drainage or onsite conservation,*
- (e) *suitable road access.*

Comment - Section 3.3 provides an overview of the proposed servicing arrangements.

6.3 PROPOSED INSTRUMENTS

No proposed instruments have been identified or considered in the preparation of this report.

6.4 DEVELOPMENT CONTROL PLAN (DCP)

Compliance with the requirements of the Mid-Western Regional Development Control Plan 2013 (DCP) is discussed. The relevant sections of the DCP for urban subdivisions and fast-track dual occupancy approvals have been referenced in the table below. Further comments are provided below each section of the table where a variation to the "deemed to satisfy" criteria or development standards occurs.

| Development Standard | Comment on Compliance |
|---|--|
| DCP 7.1 Urban Subdivision | |
| Lot Size | |
| <ul style="list-style-type: none"> ▪ All lots must have street frontage ▪ As slope increases, the minimum lot size required increases ▪ Development not permitted on slopes >20 degrees ▪ Battleaxe handles must be 4m wide | <p>Not applicable – the proposed subdivision is a two lot Strata Title Subdivision.</p> |
| Lot Design | |
| <ul style="list-style-type: none"> ▪ Infill development to provide good solar access while considering existing development orientation ▪ New release areas should orientate development to maximise solar access | <p>Complies – Proposed lots are of sufficient dimensions and orientation to provide good solar access to dwellings / private open space.</p> |
| <ul style="list-style-type: none"> ▪ Lots should be rectangular ▪ Corner lots should be larger to allow dual occupancies | <p>Complies – the proposed lots are rectangular</p> |
| Street Design and Layout | |
| <ul style="list-style-type: none"> ▪ Traffic impact statement required for 5 or more allotments ▪ Subdivision layout will need to detail the road hierarchy ▪ Pedestrian linkages required for cul-de-sac heads ▪ Maximum lots serviced by a cul-de-sac of 12 or 150m in length ▪ Subdivision should avoid excess backtracking | <p>Not applicable – less than 5 allotments are proposed. The development does not propose a road opening, modification, or closure.</p> |
| Cycleways and footpaths | |
| <ul style="list-style-type: none"> ▪ Cycleways and pedestrian networks encouraged in new subdivisions ▪ Ends of cul-de-sacs to include pedestrian access ▪ Developer to pay Council a contribution for cycleway and footpaths | <p>Not applicable – No road openings, modifications or closures are proposed.</p> |
| Open Space | |
| <ul style="list-style-type: none"> ▪ Subdivision >20 lots to be within 400m of passive open space ▪ Onsite detention basins doubling as open space to include raised area, shade trees and equipment | <p>Not applicable – total lot yield of one new lot (1 into 2 lot Strata Title).</p> |

Statement of Environmental Effects

Dual Occupancy and Two Lot Strata Subdivision

| Landscaping | |
|---|--|
| <ul style="list-style-type: none"> ▪ Landscaping plan to be provided detailing public domain treatment ▪ Land dedicated as a public reserve to be top soiled, levelled and turfed ▪ All new lots to establish 2 street trees per lot | Complies – landscaping details are provided in the accompanying plans. |
| Utility Services | |
| <ul style="list-style-type: none"> ▪ A servicing plan shall be submitted detailing electricity, reticulated sewer and water services, drainage, and telecommunications. ▪ Evidence of consultation to be submitted ▪ Dual occupancies are required to have dual services | Complies – servicing details are provided in this report or the accompanying plans. |
| <p><u>Comment</u></p> <p>The proposal appears to be consistent with the development standards outlined in section 7.2 Urban Subdivision.</p> | |
| DCP 5.3 Stormwater Management | |
| Development Category and Applicable Performance Targets and Sections: | Dual Occupancy: <ul style="list-style-type: none"> • BASIX (Requirement A) • Quality Management During Operation • Quality Management During Construction |
| Requirement A – BASIX certificate | Complies – BASIX commitments are provided on the plans prepared by Hibbard Homes (Appendix A) |
| Quality Management during operation | Not applicable – stormwater retention is specified in BASIX requirements |
| Quality management during construction. Table 3 sediment and erosion controls. | Complies – the proposed development will have a small-scale disturbance area. Details of the sediment and erosion control are provided in the plans prepared by Hibbard Homes (Appendix A) |
| <p><u>Comment</u></p> <p>The proposal appears to be consistent with the development standards outlined in section 5.3 Stormwater Management.</p> | |

| 2.2 Dual Occupancy "Deemed to Satisfy" Provisions | |
|---|---|
| Minimum lot size | |
| <ul style="list-style-type: none"> ▪ Detached attached occupancy 600m² minimum lot ▪ Prohibited in R2 Low-Density Residential | Complies – R1 General residential zone with 629.6m ² lot |
| Building setbacks | |
| <ul style="list-style-type: none"> ▪ Building Setback from the Street - Zones R1, R2 and R3 where lot size is less than 600m²: 4.5m, 5.5m to the garage ▪ Building Side/Rear setback - Zones R1, R2 and R3 where lot size is less than 600m²: 900mm | Complies – street setback of 4.9m, side setbacks of 1.29m, and rear setback of 10.18m |
| Building Height/Design | |
| <ul style="list-style-type: none"> ▪ Proposed buildings are single story ▪ The design is not a mirror or duplication for the two dwellings when fronting streets. | Complies – The proposed building is a single storey attached dual occupancy. |
| <ul style="list-style-type: none"> ▪ 75% of Internal living areas shall receive at least three hours effective of sunlight between the hours of 9.00 am and 3.00 pm on 21 June (Winter solstice). | Complies – Proposed dwelling floorplans position high traffic internal areas on the northern side of the building to achieve good solar access. |
| <ul style="list-style-type: none"> ▪ Both dwellings have direct street frontage, i.e., battle-axe arrangements are not permissible | Complies – the proposed dual-occupancy has direct frontage with Saleyards Lane. |
| <ul style="list-style-type: none"> ▪ A minimum separation of 3 metres between buildings | Not applicable – the proposal is for an attached dual occupancy |
| <ul style="list-style-type: none"> ▪ The garage door or carport does not exceed 45% of the front elevation ▪ All facades with street frontage contain windows ▪ Street frontage elevations contain a minimum of 5% openings | Complies – garage door <45% and both dwellings have a window and front door on the street frontage. |
| <ul style="list-style-type: none"> ▪ The building is not a transportable or relocated dwelling | Complies – the building is to be constructed onsite. |

Statement of Environmental Effects

Dual Occupancy and Two Lot Strata Subdivision

| Slope Cut and Fill | |
|---|--|
| <ul style="list-style-type: none"> ▪ The slope of the site does not exceed 15% | Complies – the site slope is approximately 4% |
| <ul style="list-style-type: none"> ▪ Cut is limited to 1m ▪ Fill is limited to 600mm and is made up of clean fill and is accompanied by a geotechnical assessment demonstrating compaction complies with Australian Standards. | Complies – minor cut and fill will be undertaken onsite for the building pad. Will not exceed 1m cut or 600mm fill. |
| <ul style="list-style-type: none"> ▪ Any cut and fill have been provided with retaining wall including drainage and is setback a minimum 300mm from the allotment boundary. ▪ Fill does not direct stormwater onto adjoining properties and drainage pits for overland flow paths have been provided. ▪ Cut/fill is clear of any water or sewer easements | Non-compliant – the proposal includes a 600mm max height retaining wall constructed using concrete sleepers and steel posts. The retaining wall will be located along the western site boundary. |
| Open Space | |
| <ul style="list-style-type: none"> ▪ Each dwelling provides a Principal Private Open Space <ul style="list-style-type: none"> ○ minimum of 80m² ○ minimum dimension of 5 metres ○ located on the Northern or Eastern side ○ direct access from main living areas ▪ 75% of Principal Private Open Space shall receive a minimum of 3 hours sunlight between 9.00 am and 3.00 pm on 21 June | Complies – Each dwelling has a fully fenced backyard. Each yard is of sufficient area, dimensions and has a northern aspect to maximise solar access. |
| <ul style="list-style-type: none"> ▪ If alfresco is to be counted as Principal Private Open Space, it must be: | Not Applicable |
| <ul style="list-style-type: none"> ▪ Where Principal Private Open Space is located within front set back: | Not Applicable |
| Site Coverage | |
| Maximum site coverage of 35% | Non-compliant – site coverage of 47.57% |
| Parking | |

Statement of Environmental Effects

Dual Occupancy and Two Lot Strata Subdivision

| | |
|--|---|
| <ul style="list-style-type: none"> ▪ Each dwelling has two car parks with a minimum of one being a garage for each. ▪ Parking and manoeuvring areas are hardstand ▪ Driveways are located a minimum of 6m from any intersection | <p>Complies – each dwelling has an attached dual-bay garage for parking. Driveways are sealed and have a good line of sight</p> <p>Non-compliant – Driveway is located in proximity to the intersection of Croake Way and Saleyards Lane. See comments below.</p> |
| <p>Utilities</p> | |
| <ul style="list-style-type: none"> ▪ Buildings are located clear of utility infrastructure ▪ The building is not located within an easement for the purpose of utility infrastructure ▪ Structures are to be located a minimum of 1500mm from the centre of water and sewer main ▪ Connection to reticulated network required if within 500m | <p>Complies – the proposed dual-occupancy will be connected to reticulated services available on Saleyards Lane. No construction is proposed over service infrastructure.</p> |
| <ul style="list-style-type: none"> ▪ All stormwater flows to a gravity system ▪ Buildings are not located in the path of overland flow | <p>Complies – the dual-occupancy will capture rainwater from a partial roof surface for onsite consumption. The remaining roof water, overflow from the rainwater tanks, and yard sumps are connected to a gravity-fed inter-allotment drainage system located along the site's northern boundary.</p> <p>The inter-allotment drainage system connects to the watercourse situated to the east of the subject site.</p> |
| <p>Fencing</p> | |
| <ul style="list-style-type: none"> ▪ 1.8m high fencing is provided between Principal Private open spaces ▪ Front fences are open panel, do not exceed 1.2 metres in height and are not of Colourbond material construction. ▪ Side fences located in front of the building line are open panel or a combination of open panel and masonry columns to match the front fence and do not exceed 1.2 metres in height. ▪ Side and rear fences do not exceed 1.8 metres in height once behind the building. | <p>Complies – 1.8m high Colourbond fencing is proposed behind the building line. No fencing is proposed in front of the building line.</p> |
| <ul style="list-style-type: none"> ▪ Dividing fences do not affect the flow of surface water with the possibility of causing flooding. | <p>Complies – yard sumps and a strip grate are used to direct drainage to the inter-allotment drainage system</p> |

Comment – Retaining Wall to be Setback a Minimum 300mm from the Allotment Boundary

Excavation works are proposed to prepare a suitable building pad for the development, requiring a retaining wall to be installed along the site boundary. The proposed retaining wall would be constructed using concrete sleepers and steel posts to a maximum height of 600mm. The development standard, requiring a minimum setback of 300mm from the allotment boundary, is intended to reduce impacts to the adjoining land users and prevent drainage issues. In this instance, the proposed design will have minimal impact on adjoining land users or impede overland flow. Yard sumps are proposed to ensure adequate drainage is achieved.

Comment – Maximum Site Coverage of 35%

The proposed development has a site coverage of 47.57%, with the "deemed to satisfy" criteria of the DCP citing 35% site coverage. The DCP discretionary standards have an equivalent standard of 50% site coverage and require consideration of stormwater infrastructure capacity and visual bulk that the greater coverage of the site may influence. The proposed development incorporates rainwater capture for onsite reuse and otherwise disposes of stormwater using an inter-allotment drainage system. The dual occupancy design incorporates articulation elements and landscaping to reduce visual bulk. In this instance, the design demonstrates that the 50% site coverage development standard is appropriate.

Comment – Driveways to be a Minimum of 6m from any Intersection

The driveway access of the proposed dual occupancy is located opposite the intersection of Croake Way and Saleyards Lane. Figure 12 depicts the approximate location of the development access in relation to the intersection. The DCP "deemed to satisfy" standards cite a minimum distance of 6m from any intersection. The DCP discretionary standards do not include a directly equivalent development standard however cites the need for a practical, all-weather, and safe driveway access. Specifically, the access must provide suitable pedestrian and vehicle traffic visibility to ensure that the access can be safely used.

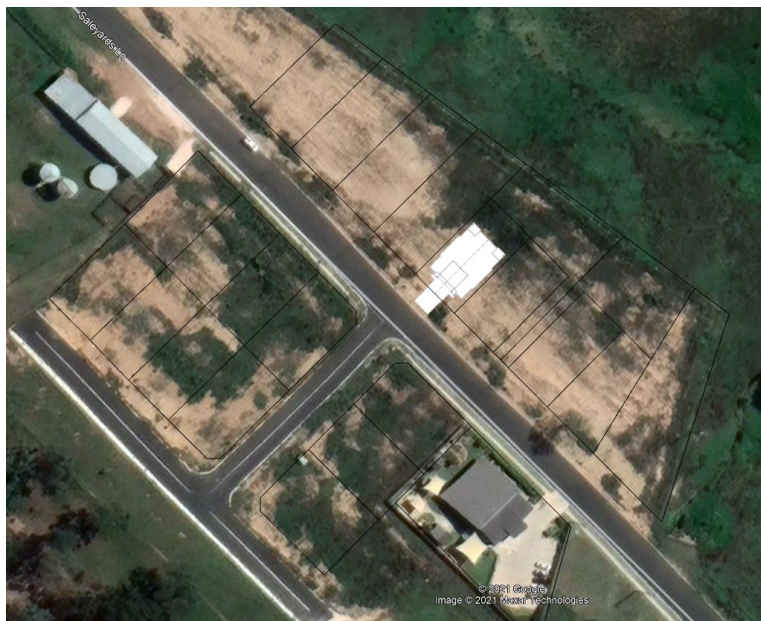


Figure 12 Approximate location of Proposed Dwelling and Driveway Access in Relationship to the Intersection of Croake Way and Saleyards Lane

The proposed driveway access is located opposite the T-intersection of Croake Way and Saleyards Lane. Vehicles entering the driveway can use the access as usual however vehicles would need to give way to traffic on Croake Way upon exiting the lot. The speed limit is 50km/hr and the slope/aspect of Saleyards Lane and Croake Way is conducive to a good line of sight of vehicle and pedestrian traffic. Croake Way / Marskeil Circuit currently only service six residential lots however future expansion is feasible. Given that vehicles entering the driveway have the right of way at the intersection and that vehicles exiting the driveway have good visibility and can wait for safe opportunities to exit the site, the proposed design demonstrates compliance with the DCP discretionary standards.

6.5 SECTION 7.4 - PLANNING AGREEMENTS

No draft or existing volunteer planning agreements have been made or are proposed for the subject site or development.

6.6 OTHER REGULATIONS

No other regulations have been identified or are described in this report.

7 EP&A ACT PART 4.15 (B) – ENVIRONMENTAL

In determining a development application, the consent authority considers the relevant environmental impacts of the development under Section 4.15 of the Environmental Planning and Assessment Act 1976. This section considers the likely impact of the proposed development on the built and natural environments as well as the social and economic impacts within the locality per section 4.15(1)(b) of the Act and section 5.4 of the Mid-Western Regional Council Development Control Plan 2013.

7.1 AIR QUALITY

The proposed development is not associated with any ongoing polluting activities that are likely to impact air quality or the microclimate. Exposed soils during the construction process present a minimal dust emission risk. Evaluation of the risk indicates that no sensitive receptors are located in the proximity of the subject site and the disturbance area is minimal (maximum disturbance of approx. 300m²). The potential for dust generation can be managed onsite during the construction process.

7.2 SOIL AND SURFACE WATER

The proposed development is not associated with a potentially polluting activity likely to affect water quality or lead to soil contamination. The proposed development has a moderate-sized disturbance area of approximately 300m². The accompanying plans indicate the sediment and erosion controls to be used during construction, including sediment fencing downstream of the disturbance area. The upstream overland flow diverted is by stormwater infrastructure located on Saleyards Lane, which is immediately before the disturbance area. The negligible catchment area, low slope gradient, and size of the disturbance area indicate that the proposed sediment and erosion control measures are adequate.

7.3 GROUNDWATER

The subject land is identified as being "Groundwater Vulnerable" on the Groundwater Vulnerability Map. The proposed development does not include any activities likely to result in contamination of the groundwater systems. No potentially contaminating activities are proposed at the site, earthworks are minimal (scraping for building pad) and no septic systems are proposed. The proposed development does not include groundwater extraction for potable or agricultural purposes. Given the negligible interactions with groundwater, the development is not likely to result in groundwater contamination, adversely impacting potable water supply or harming groundwater-dependent ecosystems.

7.4 BIODIVERSITY

The subject site has been reviewed for sensitive ecological receptors. The subject site is not associated with high biodiversity value as published by the OEH on the BV map however is identified as being of terrestrial biodiversity as published by Mid-Western Regional Council on the Sensitivity Biodiversity Map. Site inspections indicate that the land has been extensively cleared and remanent site vegetation is negligible. Given no further clearing is proposed and the lack of sensitive ecological features or environments, the development is considered to have a low ecological impact.

7.5 NATURAL HAZARDS

The subject land is not mapped as being bushfire prone land or subject to soil subsidence or instability. The EPI flood maps do not identify the subject as being flood-affected. The review of Catchment A of the Mudgee Local Creeks Floodplain Risk Management Study and Plan 2008 indicates that the subject site is within the Probable Maximum Flood (PMF) event. An excerpt of the flood study for the site is shown in Figure 13.

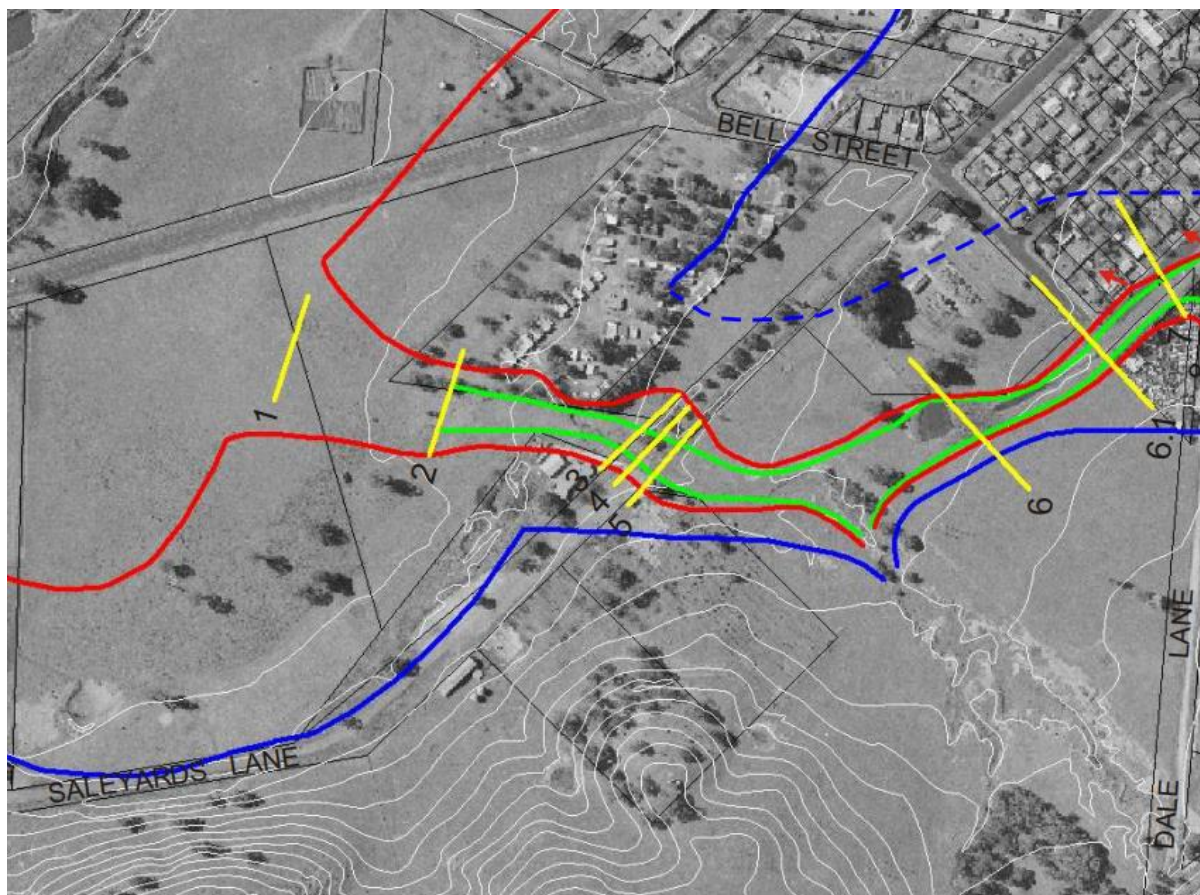


Figure 13 Flood Study Excerpt - Catchment C

The Mid-Western Regional DCP 2013 indicates that the proposed development, being within the PMF but above the 1-in-100-year flood event, is of low flood risk. Appendix A of the DCP has been referenced for residential development in a low flood risk category, which requires:

- *Habitable floor levels to be equal to or greater than the 100-year ARI flood (plus freeboard)*
- *All structures to have flood compatible building components below or at the 100 Year ARI flood level (plus freeboard)*

The proposed dual occupancy is to have a finished floor level above the 1-in-100-year flood event and no further consideration of the dwelling design or materials is required by the DCP.

7.6 TRAFFIC

The subject site will have access to Saleyards Lane, Mudgee. The traffic generated by the development is minimal, with two dwellings proposed. The condition and design of Saleyards Lane are appropriate for the proposed traffic increase.

Saleyards Lane and Croake Way is the closest intersection. The site has good visibility upon entering and exiting, which is appropriate for the speed zone of 50km/hr. As established in the DCP evaluation, the driveway access is suitable for the proposed use.

7.7 HERITAGE

The subject site is not located within the Mudgee Heritage Conservation zone and neither the subject site nor adjoining developments are listed as an item of local or state heritage significance.

The Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales has been referenced. Per section 1, *do you need to use this due diligence code?* The development is required to apply the Code of Practice outlined in Section 8:

| Section 8 Assessment | Evaluation |
|--|---|
| 1. Will the activity disturb the ground surface | Approximately 300m ² will be disturbed during construction |
| 2a. Search the AHIMS Database | An AHIMS basic search was conducted in August 2021 with a buffer of 200m for lot 17 in DP1267151 Aboriginal Sites or Places were found. |
| 2b. Activities in the areas where landscape features indicate the presence of aboriginal objects | The site is located within 200m of waters/drainage channel; however, the surrounding area has already been disturbed. |

After completing steps 2a and 2b, it is reasonable to conclude that there are no known Aboriginal objects or a low probability of objects occurring in the proposed activity area and the subdivision can proceed with caution without applying for an AHIP. Appendix B (attached) shows the AHIMS Basic Search results.

7.8 NOISE AND VIBRATION

The proposed use will not generate significant noise or vibrations and is not expected to impact neighbouring properties. Minor noise is anticipated during construction, but the risk can be managed during construction and by applying suitable construction hours.

7.9 VISUAL AMENITY AND PRIVACY

The subject site is not associated with a visually sensitive landscape feature such as a ridgeline and is not mapped as being visually sensitive land on the Visually Sensitive Land EPI Map Sheet CL1_006C. The proposal is consistent with the surrounding land use, minimal difference between the existing ground level and finished floor level of the building is proposed and the development complies with the DCP boundary offsets. The dual occupancy applies suitable building articulation to mitigate amenity impacts due to visual bulk.

7.10 SOLAR ACCESS

The subject lot has a northeast orientation that provides good solar access for the dual occupancy. The proposed design orientates high traffic living areas towards the northerly aspect to maximise solar access. The private open space is of suitable dimensions and orientation to provide good solar access.

7.11 SOCIO-ECONOMIC BENEFITS

The provision of housing is likely to provide some ongoing social and economic benefits by providing affordable housing opportunities to Mudgee residents. The site is otherwise unlikely to have significant socio-economic implications.

8 EP&A ACT PART 4.15 (C) SITE SUITABILITY

The suitability of the site has been considered in the context of the site location, surrounding development, proposed use and potential environmental impacts per section 4.15(c) of the EP&A Act.

8.1 ZONING AND PERMISSIBILITY OF THE PROPOSAL

The proposed dual occupancy is permitted with consent in the zone and is consistent with the zone's objectives and surrounding use of the land. The hazards due to flooding have been assessed, and the development is within the low flood risk category. The proposed design is consistent with the DCP requirements.

8.2 SIZE AND SHAPE OF THE LAND

The subject site is suitable for a dual occupancy. The size of the lot is appropriate for the proposed design and the northeast aspect provide high traffic living areas and the private open space of each dwelling with good solar access.

8.3 COMPATIBILITY WITH ADJOINING DEVELOPMENT

The proposal is in line with the surrounding land use, being residential development. The proposal does not create additional interactions with neighbouring lots, and no land-use conflicts have been identified. No cumulative impacts have been identified that are likely to impact the subject site or any adjoining development.

9 EP&A ACT PART 4.15(D) & (E) – PUBLIC INTEREST

The Environmental Planning and Assessment Act 1976 requires the consent authority to consider the interests of the public under sections 4.15 (d) and (e). Any submissions made in accordance with the EP&A Act or Regulations and received during the notification period for the development would be required to be considered by Council in assessing the application. The proposal is unlikely to have broader public implementations and generally acts in the public's interest by providing opportunities for residential housing.

10 CONCLUSION

This Statement of Environmental Effects assesses the impact of the proposed development and, where relevant, provides supporting information that outlines how the proposal will achieve consistency with the zone's objectives and how environmental impacts, if any, will be mitigated. It is recommended that the proposed attached dual occupancy and strata subdivision be approved on the following basis:

- The proposal is considered acceptable in terms of the provisions of Section 4.15 of the *Environmental Planning and Assessment Act 1979*
- The proposal is permitted with consent and is consistent with the land use objectives of the R1 General Residential zone
- The proposal complies with the relevant provisions of the *Mid-Western Regional Local Environmental Plan 2012* and the *Mid-Western Regional Development Control Plan 2013*
- The proposed development would not conflict with adjoining land uses and is generally considered suitable for the subject site and its surroundings.

Overall, the development meets the standards expected for the location and proposed use. Under the *Environmental Planning and Assessment Act 1979*, further environmental assessment is not warranted. Mid-Western Regional Council can assess and determine this application based on this document and supporting plans.