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DEVELOPMENT APPLICATION REPORT

Statement of Environmental Effects

Site Address

15 Shearman Street, CAERLEON

Lot and DP

922//1274170

Client

Hibbard Homes

Local Government Area

**Mid-Western
Regional**

Proposed Development

Dual Occupancy with Torrens Titles Subdivision

Commissioned by

Hibbard Homes

Assessment Date

06/09/2023

Reference Number

23090058

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1 INTRODUCTION

This report has been prepared on behalf of Hibbard Homes, seeking consent to construct a dual occupancy with subsequent torrens title subdivision and ancillary site works on land known as 15 Shearman Street, Caerleon.

The subject site is in a newly established residential area with a single street frontages. The site is undeveloped, with a slope running across its length and has been cleared of significant vegetation.

The Statement of Environmental Effects includes an assessment of the proposed works in terms of the matters for consideration as listed under Section 4.15 of the Environmental Planning and Assessment Act 1979 and should be read in conjunction with information annexed to this report as outlined in the Table of Contents.

Specifically, the SEE includes the following information:

- Description of the site in its local and regional context;
- Identification of the proposed works;
- Assessment of the project against Council's controls and policies;
- Assessment of all environmental impacts of the project; and
- Identification of measures for minimising or managing the potential environmental impacts.

The subject site and the proposed development have the following key attributes:

Table 1 - Development Summary

Planning Matter	Proposed
Site Area (m ²)	862.20
Land Zoning	R1 – General Residential
Building Height	4.885 m
Front Setback	7.5 m
Building Envelope	Complies
Floor to Space Ratio (FSR)	0.27 : 1
Bushfire Prone	Bushfire Prone Land
Flood Prone	Not identified

The proposed development is permissible with consent within the R1 General Residential Zone. The proposal aligns with the principal development standards in the Mid-Western Regional Local Environmental Plan 2012 and complies with the relevant controls of the Mid-Western Regional Development Control Plan 2012.

Consideration has been given to the following articles of Legislation:

- Environmental Planning and Assessment Act 1979;
- Environmental Plan and Assessment Regulation 2021;
- Biodiversity Conservation Act 2016;
- Environment Protection and Biodiversity Conservation Act 1999;
- Roads Act 1993;
- Rural Fires Act 1997;
- NSW State Environmental Planning Policies.

Approval is sought for this development application from the consent authority, being Mid-Western Regional Shire Council, as per the provisions of Clause 4 and Section 80 of the Environmental Planning and Assessment Act 1979.

2 SITE CHARACTERISTICS

2.1 SITE DESCRIPTION

The site is identified legally as 922 in Deposited Plan 1274170, Parish of Mid-Western Regional and County of Rous. It is commonly known as 15 Shearman Street, Caerleon. The subject site has an area of 862.20 m².

Please refer to the below locality plan.

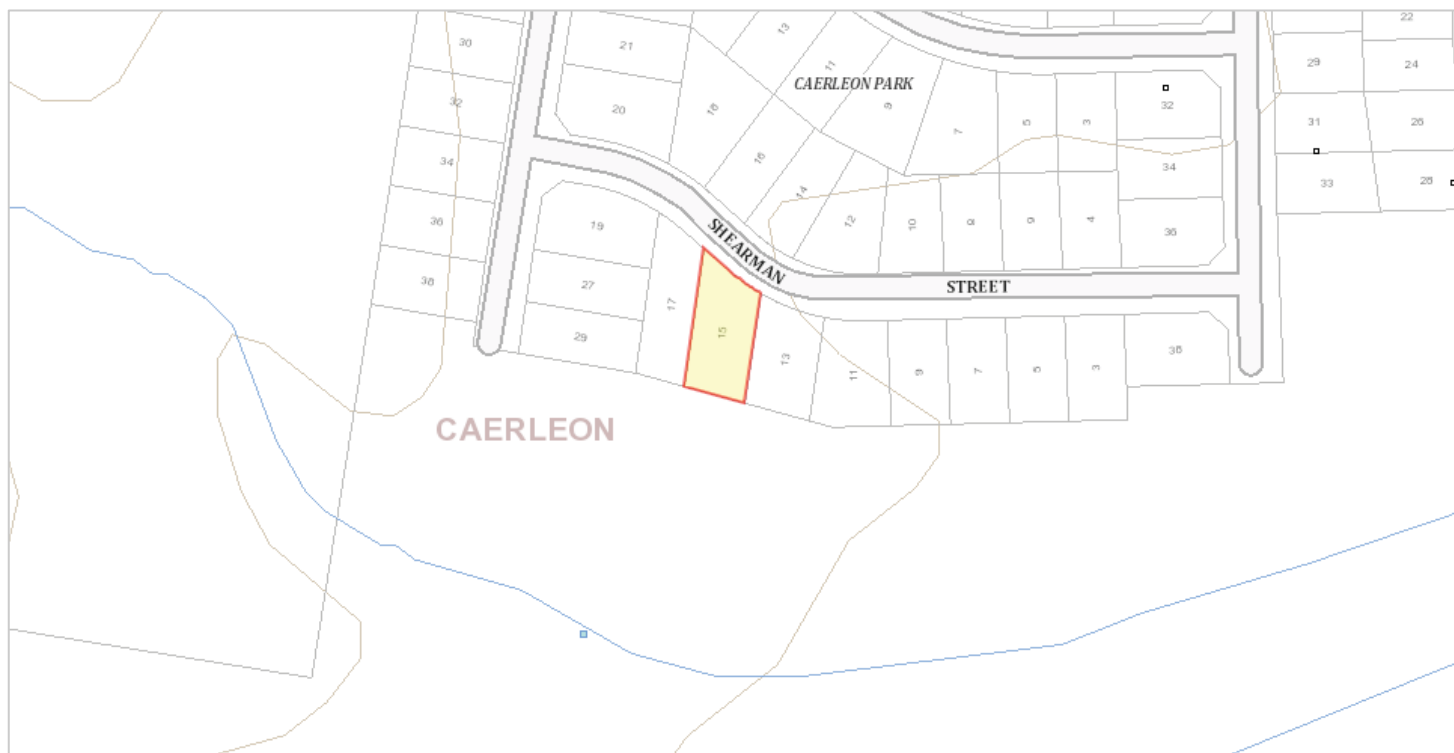


Figure 1 – Locality plan of subject site

The site is irregular in shape with a street frontage to Shearman Street to the north. The site has a total area of 862.20m². The site is sloped across its length and has been cleared of significant vegetation.

The subject site has easements along its northern property boundary. This is identified in the submitted plans and all works are clear of the easements.

The subject site has the following dimensions:

- Eastern boundary – 36.86m;
- Northern boundary – 24.00m;
- Western boundary – 46.285m; and
- Southern boundary – 21.105m.

2.2 SITE ANALYSIS

As required by the Mid-Western Regional Shire Council Development Control Plan, a site analysis has been prepared for the proposed development.

2.2.1 SITE AND DRAWING DESCRIPTION

The plans submitted as part of the development application clearly indicate the location of site boundaries, navigational bearings which include a north point, dimensions of the subject site, scale and date of the relevant drawings, noting any amendments and their dates.

2.2.2 SITE DETAILS

Sheet 1 of the submitted plans, shown in Figure 2 and which forms part of this development application, clearly identifies topographical elements with contours and levels identified at 250mm intervals.

The location of essential services such as reticulated water, Council sewer lines, electrical and telecommunication infrastructure are clearly identified on the aforementioned sheet.

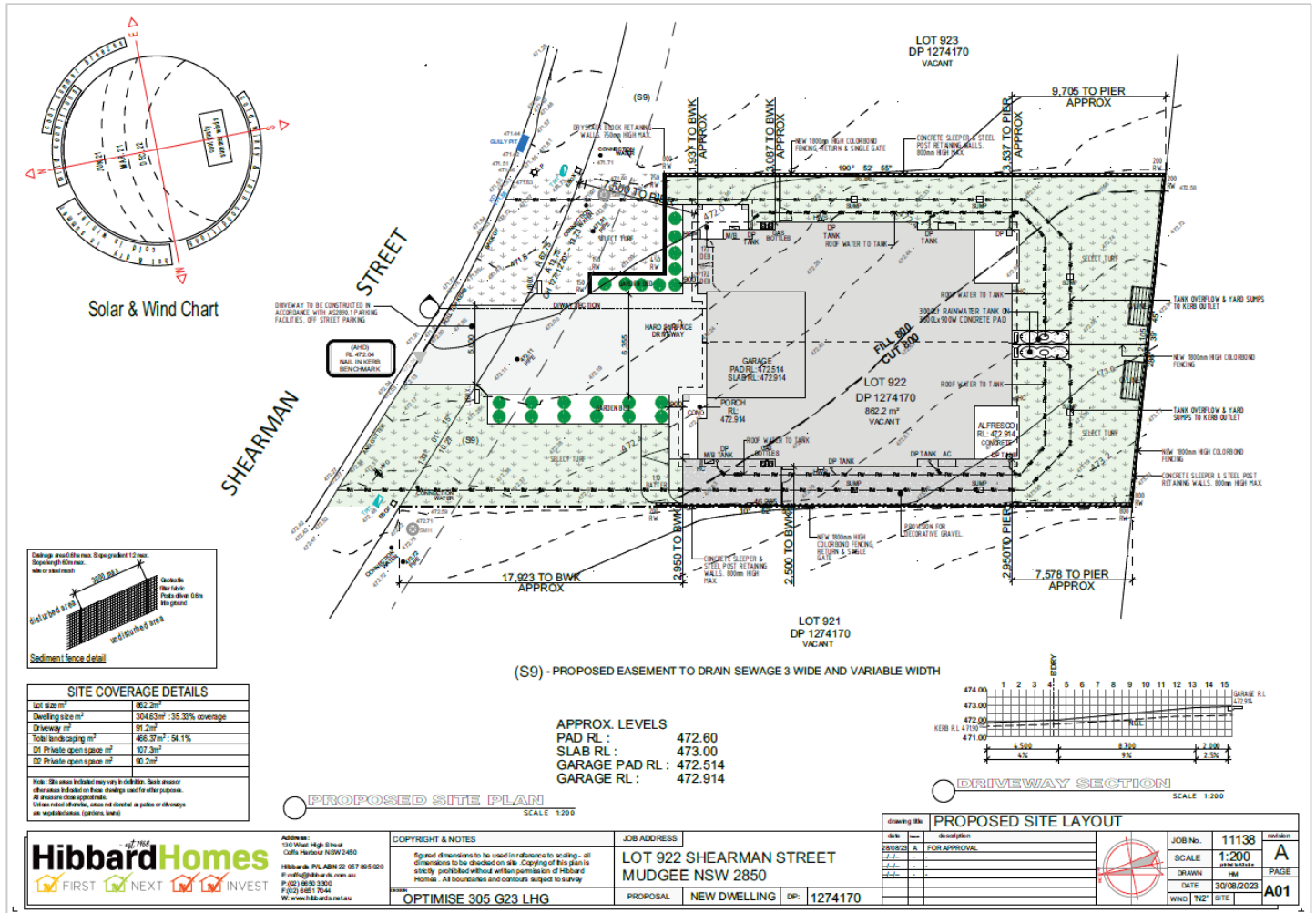


Figure 2 - Site analysis plan

The overland flow of stormwater is anticipated to follow the contours of the site under gravity. Sufficient stormwater control infrastructure will be installed on site consistent with the expectations for a residential dwelling with a similar slope of the subject site.

Stormwater will be contained within the site with no flows directed onto adjoining properties. Where possible stormwater will be collected on site or directed to the landscaped area to be absorbed on site.

Council's Acid Sulphate Planning Map does not identify the subject site as being potentially affected by Acid sulphate soils.

2.2.3 SITE CLIMATIC DETAILS

The orientation of the site including solar paths for summer and winter and the prevailing wind directions has been included in the submitted plans.

Heating and cooling loads and the influence of shading of the thermal comfort of the dwelling have been accurately modelled by an accredited NatHERS Assessor and the resultant certificate forms part of the submitted BASIX certificate.

2.2.4 SITE CONTEXT

The subject site is in a newly developed residential area. The property has a single street frontage to Shearman Street, which runs generally parallel to the northern most boundary.

Adjoining properties are undeveloped and as such adjacent buildings and existing fences are not identified in the submitted plans.

It is anticipated that once the proposed development will be consistent with the expectations for development in the area.

The height and location of the proposed development will not significantly diminish the public views to any heritage items, dominant landmarks or public buildings from public places.

The location and height of the proposed development are such that it is not anticipated to unnecessarily or unreasonably obscure views of major natural features such as the water, ridgelines or bushland from public places.

The building design is not considered to significantly impact public views or view corridors between buildings.

The subject site is identified as being Bushfire prone as per Council's records. A Bushfire Threat Assessment report will form part of the development application.

2.3 SURROUNDING LAND-USE

The land is situated within a newly established section of a residential subdivision. The greater surrounding area is characterised by a mix of single and multi-storey residential dwellings.

3 DESCRIPTION OF PROPOSAL

3.1 PROPOSED DEVELOPMENT

The proposed development seeks consent for the construction of a dual occupancy development with subsequent torrens-title subdivision.

3.1.1 DUAL OCCUPANCY

The proposed dual occupancy development is to include the construction of two (2) attached dwelling houses with attached garages and associated landscaping.

The dwellings are designed to cater for a wide range of residential living arrangements and will facilitate high levels of occupant amenity.

The proposed dwellings can be summarised as follows:

- Two attached dwelling houses;
- Attached garages
- Related site works and light infrastructure

Each dwelling has been configured in response to the topography of the land, as well as balancing access arrangements, landscaping and planning provisions.

The dwellings are designed with internal living areas that extend on to generous and functional private open space that exceed DCP requirements.

The location and orientation of the dwellings are designed to encourage casual separation through the staggering of the alignment of the dwellings, change in levels, use of landscaping, dividing fences and where necessary the application of privacy screening.

Each dwelling is designed within a landscaped setting and will contain private open space that is demarcated by fencing, landscaping and changes in level as detailed in the submitted architectural plans.

The proposed dwellings are located within the site in single storey forms that present to the street and contain pitched roof forms, lightweight cladding and high articulated facades. The dwellings will be finished in a range of light and more neutral, natural tones to provide an attractive residential setting that is integrated in to the existing streetscape.

3.1.2 TORRENS TITLE SUBDIVISION

The proposed torrens subdivision will divide the subject parent lot and create two (2) child lots. Each of the proposed lots will contain a dwelling with an attached garage. The proposed subdivision will result in two similarly sized lots with areas as indicated in Table 2. A draft subdivision plans is included in the architectural drawings provided in Appendix A.

Table 2 - Torrens Subdivision

Proposed Lot Number	Proposed Lot Area (m ²)
1	417.80
2	444.80

3.2 SITE ACCESS AND TRAFFIC GENERATION

Vehicular access to the site is via driveways from Shearman Street. The subject land allows for vehicular parking for a car within each of the proposed attached garages. There are additional car spaces within the proposed driveway in a stacked arrangement for visitor use.

This additional space in the driveway will allow for cars to be parked wholly within the subject site.

3.3 SITE SERVICES

The site has access to all necessary essential services including water, sewer, electricity and telecommunications.

Applications under the relevant legislation will be lodged with Council or another regulator for connections to these services.

3.4 TREE PROTECTION

The subject site has been cleared of significant vegetation. Street trees are present adjacent to the subject site and will be protected as per Council requirements.

3.5 LANDSCAPING

It is intended to landscape the subject site once the construction phase has completed. A landscaping plan has been provided and will form part of the Development Application.

Additional landscaping will be planted around the buildings during and after construction. This landscaping will further improve the amenity of the area whilst also lessening any possible visual impact from the proposed development.

In excess of 25% of the site has been allocated for landscaping with greater than 75% of that area containing pervious surface coverings.

3.6 EARTHWORKS AND RETAINING WALLS

The proposed development is to include earthworks and excavation consistent with the expectations for a site scrape and levelling. The proposed development includes minor retaining walls along the eastern, southern and western property boundaries. These are depicted in the submitted plans.

3.7 DEMOLITION

No demolition is proposed as the subject site is vacant and unimproved.

3.8 WASTE MANAGEMENT

The proposed development will be serviced via the Mid-Western Regional Shire Council's three bin system through kerbside collection. A waste management plan has been prepared and will form part of the development application detailing waste minimisation procedures during construction of the buildings and the operational use of the site.

4 ENVIRONMENTAL IMPACTS AND ISSUES

4.1 WATER QUALITY

Stormwater is to be managed on the site so as to:

- Reduce stormwater flows and impact during and after construction
- Integrate the stormwater infrastructure into the built environment.

To achieve these objectives run-off from the roofed areas will be directed to Council's stormwater system. Overland flows and surcharges will be collected and directed to the stormwater system. All other stormwater will be directed to landscaped areas to assist in onsite stormwater retention.

4.2 TRAFFIC

It is anticipated that traffic levels generated from the development both during and after construction will be consistent with the reasonable expectations for such a development in a residential area. These are not considered to be significant.

4.3 ACID SULPHATE

The subject land is not identified in Council's Acid Sulphate Soils maps as being potentially affected by Acid sulphate soils.

4.4 VEGETATION

The site has been cleared of significant vegetation. Landscaping is proposed as part of the development and will be commenced at the conclusion of any site works.

4.5 CONTAMINATION

The proposal involves the construction of attached dwelling houses on a site that has been disturbed previously. Having regard to the circumstances of the proposal, it is considered that contamination is not likely to be an issue for the proposed development.

4.6 FLOODING

The site is not identified as being flood prone according to Council's mapping.

4.7 SOCIAL AND ECONOMIC CONSIDERATIONS

The proposed development is not anticipated to generate any adverse social or economic impacts. Given the residential character and minor nature of the proposal, a social impact assessment is not considered necessary.

4.8 BUSHFIRE PRONE LAND

The subject site is identified as being potentially bushfire prone by Council's mapping. A Bushfire Threat Assessment report will form part of the Development Application. It is anticipated that the proposed development will be able to satisfy the acceptable solution provisions of Planning for Bushfire Protection.

5 STATUTORY AND POLICY PLANNING

5.1 LOCAL ENVIRONMENTAL PLAN

The Mid-Western Regional Local Environmental Plan 2012 is the identified LEP applying to the property. The subject site is zoned R3 – Medium Density Residential under the provisions of the Mid-Western Regional LEP.

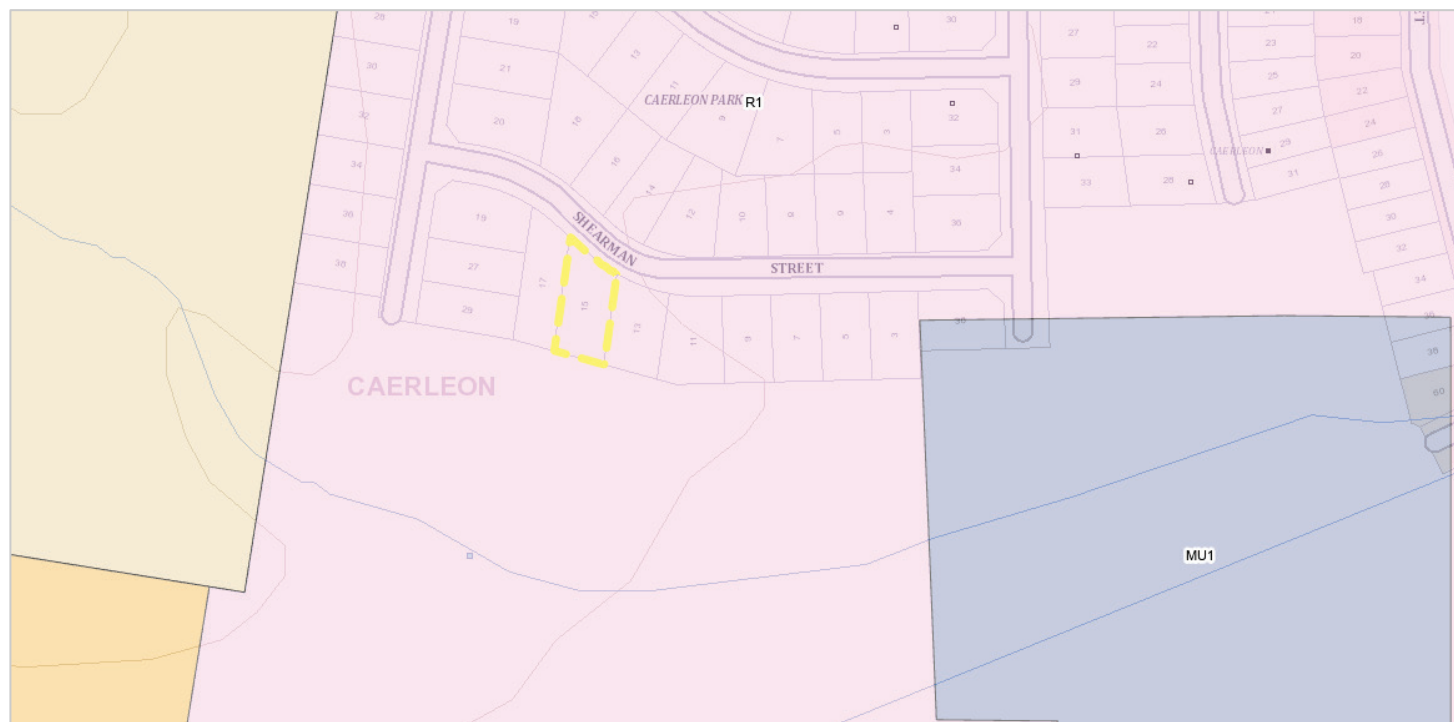


Figure 3 - Mid-Western Regional LEP Zoning

The objectives for the zone R3 are as follows:

- 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.

The proposed development involves the construction of two attached dwelling houses with appurtenant garages in a dual occupancy development. This is permissible with consent under the R1 land zoning.

The proposal is consistent with the objectives of the zone as it will facilitate the provision of additional housing to meet the needs of the community within a range of residential density dwelling types. The dwellings offer excellent amenity and are designed and configured within the existing streetscape to ensure they are compatible with the character and desired future character of the area.

Clause 2.6 allows for subdivision of parent sites provided that development consent is granted and that the subdivision will not result in a secondary dwelling being situated on a separate lot to its appurtenant main dwelling. The proposed development seeks development consent from Council and there is no secondary dwelling existing, nor proposed as part of the proposed development.

Clause 4.1 provides that consent cannot be granted for a subdivision, where the resultant child lots will not be consistent with the minimum lot area specified in the Lot Size Map. An exception from the minimum lot sizes is granted under clause 4.1B – *Exceptions to minimum lot sizes for certain residential development*, where the development is to result in a dual occupancy and the area of each resulting lot will not be less than 300m² for an attached dual occupancy. The proposed development is for an attached dual occupancy and the resultant lots are to be greater than 300m², as such is consistent with the Design Control.

Clause 4.3 provides that consent must not be granted for the erection of a building which exceeds the maximum height shown for the land on the Height of Buildings Map. The subject site is identified in Council's mapping as having a maximum building height of 8.5 metres.

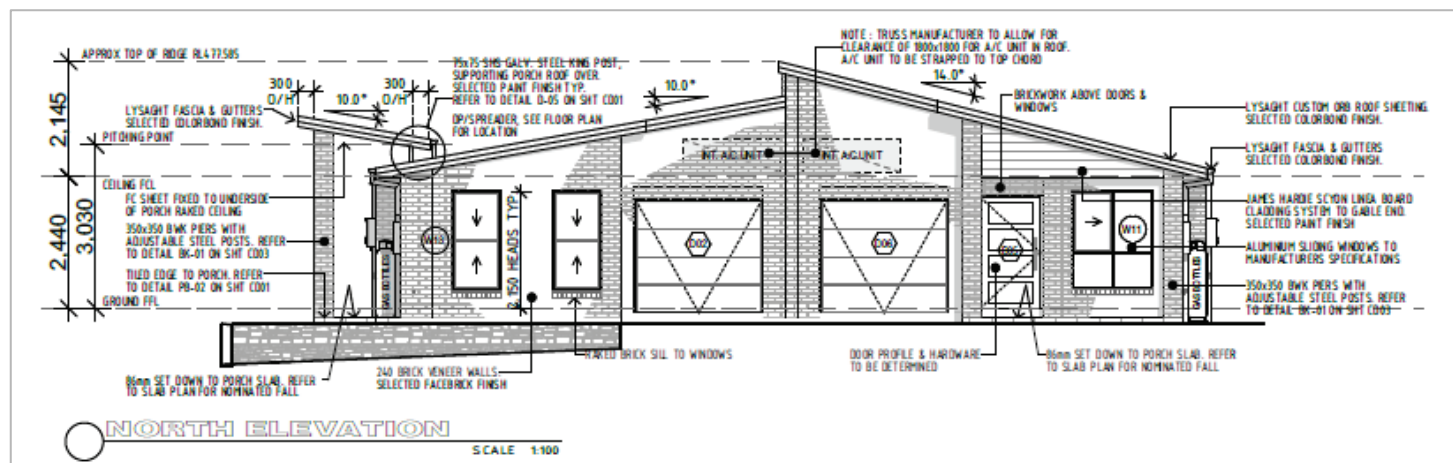


Figure 4 - Maximum Building Height

The Mid-Western Regional LEP defines building height as follows:

building height (or height of building) means—

- (a) *in relation to the height of a building in metres—the vertical distance from ground level (existing) to the highest point of the building, or*
- (b) *in relation to the RL of a building—the vertical distance from the Australian Height Datum to the highest point of the building, including plant and lift overruns, but excluding communication devices, antennae, satellite dishes, masts, flagpoles, chimneys, flues and the like.*

Based on the above definition the proposed development has a maximum building height of 4.885 metres. The submitted plans identify the reduced levels of the building ridge line, natural ground level and other associated features.

The proposed development is consistent with the Design Control.

Clause 4.4 provides that consent must not be granted for the erection of a development where the proposed gross floor area to site area ratio, exceeds the allowable FSR defined in the FSR map for the subject site.

The subject site is identified as having an allowable FSR of 0.5:1. The subject site has an area of 862.20 m². The proposed development has a Gross Floor Area, as per the calculation specifications in the Mid-Western Regional LEP, of 230.50 m². This is a ratio of 0.27 : 1.

This is consistent with the Design Control.

5.2 MID-WESTERN REGIONAL SHIRE DEVELOPMENT CONTROL PLAN 2013

5.2.1 PART 2 – FAST TRACK DEVELOPOMENT APPLICATIONS

PART 2.2 – DUAL OCCUPANCY DEVELOPMENT “DEEMED TO SATISFY” PROVISIONS

DEVELOPMENT CONTROLS

MINIMUM LOT SIZE

The subject site has an area of 862.20m². The proposed development is for an attached dual occupancy. The proposed development is considered to be consistent with the development control.

BUILDING SETBACKS

The subject site is less than 900m² in area and there for requires the below setbacks.

Aspect	Required Setback (m)	Comment
Front	4.5 to house 5.5 to garage	7.5 metres to the house. This is consistent with the design control.
Side and Rear	0.9	2.5m setback to the western boundary, 3.087m setback to the eastern boundary and 7.578m setback to the southern boundary. This is consistent with the design control.
Secondary frontage	2	Not applicable

BUILDING HEIGHT

The proposed development is for a single storey dwelling and the finished floor level is less than one metre above the natural ground level. The maximum height of the FFL above NGL is along the eastern edge of the proposed development and this is 0.92m. This is consistent with the design control.

DESIGN

The proposed designs are not mirror reversed or duplicated designs. The proposed development has been designed to provide architectural merit and articulation in the design, presenting a positive aesthetic impact to the existing and anticipated streetscape.

The proposed buildings have been orientated to the north, utilising passive solar design techniques to maximise solar access during winter and minimise heating during summer months.

The main indoor and outdoor living areas and main glazing areas of the two dwellings are orientated to the west and east to ensure that they make best use of the passive solar access and will receive at least three hours of direct sunlight between 0900 and 1500 on 21st June.

The proposed dwellings are fully attached with no discernible separation between the two dwellings. The proposed dwellings have a direct street frontage, with driveways accessing the street directly.

The front facades of the dwellings enjoy windows and doors which make up a minimum of 5%. The garage doors do not make up greater than 45% of the front façade of either dwelling.

The proposed development is considered to be consistent with the design control.

SLOPE AND CUT AND FILL

The subject site has a slope of less than 15 degrees. The proposed cut and fill is consistent with the design control. Any cut and fill is contained within retaining walls and is well setback from property boundaries. The fill is not anticipated to direct the overland flow of water on to adjoining properties. The proposed development is consistent with the design control.

OPEN SPACE

It is intended to landscape the subject site once the construction phase has completed. A landscaping plan has been provided and will form part of the Development Application.

Additional landscaping will be planted around the buildings during and after construction. This landscaping will further improve the amenity of the area whilst also lessening any possible visual impact from the proposed development.

In excess of 25% of the site has been allocated for landscaping with greater than 75% of that area containing pervious surface coverings.

An area consistent with the provisions for private open space has been provided as part of the proposed development. The private open space is to be predominantly flat, located at ground level, accessible directly from a living area, and where practical located on the northern side of the dwelling.

It is considered that the proposed development is consistent with the design controls.

SITE COVERAGE

The proposed development is to occupy 304.63m², with a total site area of 862.20m² this equates to 35.33% coverage. This is consistent with the design control.

PARKING

The proposed development will provide two carparking spaces for each dwelling with one space in each of the garages. It is considered that it is generally consistent with the Design Control.

UTILITIES

The proposed development is located clear of all identified easements and infrastructure. The site has access to all necessary essential services including water, sewer, electricity and telecommunications.

Applications under the relevant legislation will be lodged with Council or another regulator for connections to these services.

FENCING

Fencing is to be provided as per the requirements of the Design Control.

HERITAGE

The subject site is not identified as being a heritage item or as being located adjoining a heritage item. The proposed development is considered to be consistent with the development control.

5.2.2 PART 3 – DISCRETIONARY DEVELOPMENT

PART 3.1 – RESIDENTIAL DEVELOPMENT IN URBAN AREAS (SINGLE DWELLINGS AND DUAL-OCCUPANCIES)

DEVELOPMENT CONTROLS

BUILDING SETBACKS

The proposed garage is setback greater than 5.5 metres from the front property boundary. The proposed development is compatible with the existing and anticipated streetscape. The subject site is less than 900m² in area and therefore requires the below setbacks.

Aspect	Required Setback (m)	Comment
Front	4.5 to house 5.5 to garage	7.5 metres to the house. This is consistent with the design control.
Side and Rear	0.9	2.5m setback to the western boundary, 3.087m setback to the eastern boundary and 7.578m setback to the southern boundary. This is consistent with the design control.
Secondary frontage	2	Not applicable

BUILDING HEIGHT

It is not anticipated that the proposed development will provide overlooking opportunities or overshadowing of adjoining properties.

The proposed development is for a single storey dwelling and the finished floor level is less than one metre above the natural ground level. The maximum height of the FFL above NGL is along the eastern edge of the proposed development and this is 0.92m. This is consistent with the design control.

SITE COVERAGE

The proposed development is to occupy 304.63m², with a total site area of 862.20m² this equates to 35.33% coverage. This is consistent with the design control. The bulk and scale of the proposed development is consistent with the expectations for a residential development in the area.

SOLAR ACCESS

The proposed buildings have been orientated to the north, utilising passive solar design techniques to maximise solar access during winter and minimise heating during summer months.

The main indoor and outdoor living areas and main glazing areas of the two dwellings are orientated to the west and east to ensure that they make best use of the passive solar access and will receive at least three hours of direct sunlight between 0900 and 1500 on 21st June.

Given the site orientation, adequate space is provided for potential future solar energy collectors to be located on the roof.

It is considered that the proposed development is consistent with the design control.

PRIVACY

The buildings have been designed and orientated so as to achieve the separation distances needed to prevent over-looking in to private open space. Furthermore the separation distances between dwellings and windows on adjoining properties and the proposed development are considered adequate to prevent direct visual connection. The proposal is considered to be consistent with this control.

A 1.8 metre high fence is to be proposed to be constructed between the two dwellings which is anticipated to be consistent with the requirement for privacy screening between the two dwellings and their appurtenant rear yards.

The setbacks of the proposed development from front, side and rear boundary is considered sufficient to satisfy the requirements for Acoustic Privacy.

PARKING

The proposed development will provide two carparking spaces for each dwelling with one space in each of the garages. Parking areas and driveway access is functional in design allowing for easy access to and egress from the site. Vehicles entering and exiting the site are anticipated to be readily visible to approaching vehicles and pedestrians. It is considered that it is generally consistent with the Design Control.

LANDSCAPING

It is intended to landscape the subject site once the construction phase has completed. A landscaping plan has been provided and will form part of the Development Application.

Additional landscaping will be planted around the buildings during and after construction. This landscaping will further improve the amenity of the area whilst also lessening any possible visual impact from the proposed development.

In excess of 25% of the site has been allocated for landscaping with greater than 75% of that area containing pervious surface coverings.

OPEN SPACE

An area consistent with the provisions for private open space has been provided as part of the proposed development. The private open space is to be predominantly flat, located at ground level, accessible directly from a living area, and where practical located on the northern side of the dwelling.

It is considered that the proposed development is consistent with the design controls.

CORNER LOTS

The subject site is not a corner lot.

FENCING

Fencing is to be provided as per the requirements of the Design Control.

INFRASTRUCTURE

Light infrastructure for the proposed development is located to the rear of the property. Garbage storage areas are to be located behind the building line and are identified in the submitted plans.

GARAGES, OUTBUILDINGS

No outbuildings are proposed as part of the proposed development.

DEVELOPMENT NEAR RIDGELINES

The subject site is not located near a ridge line.

SLOPES

The subject site has a slope of less than 15 degrees. The proposed cut and fill is consistent with the design control. Any cut and fill is contained within retaining walls and is well setback from property boundaries. The fill is not anticipated to direct the overland flow of water on to adjoining properties. The proposed development is consistent with the design control.

ACCESS

All weather access to the site consistent with the Design Control is to be provided.

RELOCATED DWELLINGS

No relocated dwellings are proposed to be used as part of the development.

ADAPTABILITY

Not relevant to the proposed development.

DESIGN PRINCIPLES

The proposed designs are not mirror reversed or duplicated designs. The proposed development has been designed to provide architectural merit and articulation in the design, presenting a positive aesthetic impact to the existing and anticipated streetscape.

The proposed design is sympathetic to the anticipated streetscape and is a well proportioned building form. The density of the proposed development is contended to be appropriate for the surrounding area with adequate access to public transport, community facilities and environmental quality.

The proposed design presents an open frontage allowing for passive surveillance with clear sightlines between public and private spaces, effective lighting and landscaping that prevents opportunities for concealment.

The proposed development is considered to be consistent with the design control.

5.3 REGIONAL ENVIRONMENTAL PLANS

No Regional Environmental Plans are identified as relevant to the proposed development.

5.4 STATE ENVIRONMENTAL PLANNING POLICIES

5.4.1 SEPP (BIODIVERSITY AND CONSERVATION) 2021

Chapter 3 – Koala Habitat Protection 2020

This SEPP is not applicable to the subject site due to the subject site being less than one hectare in area.

The subject site is not identified in Council's spatial data as being affected by Koala Habitat mapping.

The proposed Development is considered satisfactory for conditional approval as the development will have no adverse impact on koalas or koala habitat.

Chapter 4 – Koala Habitat 2021

The subject site is not identified as being potential Koala Habitat. The proposed development is considered to be consistent with the Design Control.

5.4.2 SEPP (RESILIENCE AND HAZARDS) 2021

Chapter 2 – Coastal Management

The subject site does not fall within coastal zone as identified under the SEPP.

Chapter 3 – Hazardous and Offensive Development

The proposed development and site are not identified as being affected by this chapter.

Chapter 4 – Remediation of Land

This chapter provides that Council must not consent to the carrying out of any development, unless, it has considered whether the land is contaminated and if so, it must be satisfied that the land is suitable, in its contaminated state or after required remediation, for the purpose for which the development is to be carried out.

The land has previously been used for residential purposes and the proposed development is not anticipated to alter this. Residential use, in this instance, is considered to be a non-contaminating land use associated with development consent.

The subject site has a long history of being used for residential purposes only. The building to be converted was approved as a residential dwelling and has not been used for any potentially contaminating agricultural purposes. Accordingly, no further investigations are considered necessary or warranted.

5.4.3 BUILDING SUSTAINABILITY INDEX: BASIX

The proposed development is for construction of a dwelling house. Under the requirements of the SEPP and the Environmental Planning and Assessment Regulation 2000, a BASIX certificate is required for this development.

A BASIX certificate for this proposed development has been prepared in accordance with the legislation and will be submitted as part of the development application. Additionally, the submitted plans have been notated to include a BASIX schedule of commitments and the required features have been included in the plans. It is considered that the requirements of the SEPP have been satisfied.

5.4.4 SEPP (EXEMPT AND COMPLYING DEVELOPMENT CODES)

The proposed development is not consistent with the requirements for exempt and complying Development.

5.4.5 SEPP (RESOURCES AND ENERGY)

Not considered relevant to the proposed development.

5.4.6 SEPP (TRANSPORT AND INFRASTRUCTURE) 2021

The proposed development is not proposed by a public authority, nor on state owned land. Additionally, it is not anticipated that the proposed development will be impacted by overhead powerlines. The proposed development is not for a childcare or educational establishment. There is no major infrastructure proposed. Accordingly, it is considered that the proposed development is consistent with the requirements of the Design Control.

5.5 NSW STATE LEGISLATION

5.5.1 NSW BIODIVERSITY CONSERVATION ACT 2016

The Biodiversity Offsets Scheme Threshold is a test used to determine when it is necessary to engage an accredited assessor to apply the Biodiversity Assessment Method to assess the impacts of a Proposed Development.

The Biodiversity Conservation Regulation 2017 sets out threshold levels for when the Biodiversity Offsets Scheme will be triggered. The threshold has three elements:

1. whether the amount of native vegetation being cleared exceeds a threshold area set out below;
2. whether the impacts occur on an area mapped on the Biodiversity Values map published by the Minister for the Environment;
3. whether the impacts exceed the Threatened species “test of significance” threshold.

If clearing and other impacts exceed the identified trigger, the Biodiversity Offset Scheme applies to the proposed development including biodiversity impacts as per the provisions of Clause 6.1 the Biodiversity Regulation 2017.

No vegetation clearing is proposed and therefore clearing on the site is below the clearing threshold. Based on the likely extent of native vegetation removal the Biodiversity Assessment Method will not need to be applied and the Threatened species “test of significance” threshold is not exceeded.

6 CONCLUSION

The proposed development represents a logical, well-designed development of residential land and expresses the highest quality of building design standards corresponding with Council's controls and requirements.

The proposed development is permissible with consent within the zone and is consistent with the zone objectives and the provisions of the Mid-Western Regional Shire Development Control Plan 2013.

The proposal is generally consistent with the relevant planning provisions and surrounding developments.

This report demonstrates that the proposal is reasonable and appropriate having regard to the circumstances of the proposal and it is therefore requested that consent is granted for the application.