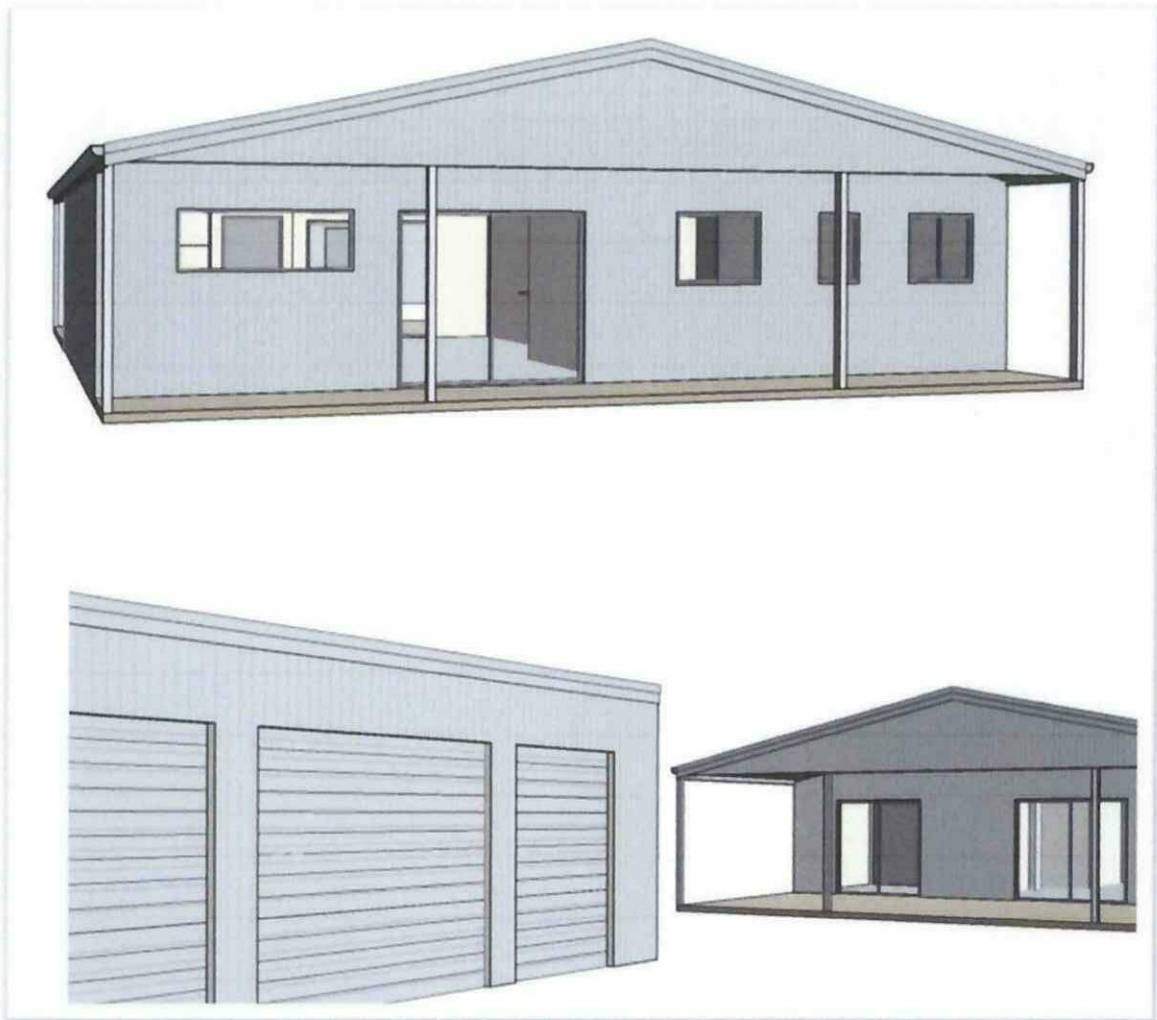


# STATEMENT OF ENVIRONMENTAL EFFECTS

For the  
**Construction of a Dwelling House, Shed & Greenhouse**  
at  
**Lot 100 & Lot 101 in DP 755433**  
**2424 Castlereagh Highway**  
**Gulgong, NSW 2852**



## DOCUMENT REGISTER

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## 1.0 INTRODUCTION

This Statement of Environmental Effects has been prepared under Section 4.12 of the Environmental Planning & Assessment Act (EP&A Act) to accompany a Development Application being lodged by Mr & Mrs Spano at Lot 100 & Lot 101 in DP 755433, 2424 Castlereagh Highway, Gulgong NSW 2852.

This development application seeks consent for the following:

- Construction of a 2 bedroom dwelling house, and
- Construction of an ancillary shed and greenhouse.

The following sections of this report describe the site and an analysis of the surrounding locality, details the proposed development, and provides an assessment of the proposal against the statutory and strategic planning framework as required under Section 4.15 of the EP&A Act and *Environmental Planning and Assessment Regulation 2000* (EP&A Regulation) and associated legislation.

The subject site is zoned *RU1 Primary Production* pursuant to Mid-Western Regional Local Environmental Plan 2012 (LEP). The proposed development is for a 'dwelling house' development, which is permissible with consent.

The proposal is considered to have planning merit and is recommended for approval.

## 2.0 SITE & CONTEXT

### 2.1 Site Description

The site consists of 2 Torrens Title lots, legally described as Lot 100 & Lot 101 in DP 755433, known as No. 2424 Castlereagh Highway, Gulgong, and is located within the Mid-Western Regional Council Local Government Area (LGA). Details of the land are shown in **Table 1** and **Figure 1** below:

Street No.	Lot	Road Frontage	Depth of Lot	Area	Use of land
2424	Lot 100 & Lot 101 in DP 755433	40.234m	70.4m	2832m <sup>2</sup>	Vacant – Undeveloped rural land

**Table 1 – Site Details**

The subject site is located on the eastern side of the Castlereagh Highway, opposite Shiraz Drive and approximately 3.8km south of the township of Gulgong, as shown in **Figures 1-5 & 7** and **Appendix A**.

The site is undeveloped rural land with vegetative cover of grasses and groundcovers and weed species deciduous trees. The site appears to fall from the southwestern to northeastern corner. No vehicular access currently exists however the site benefits from a Section 138 Roads Act approval granting consent to a new bitumen sealed driveway to the land. Overhead powerlines traverse the site in a north to south direction along the western boundary.



**Figure 1 – Site Location**

Source: NSW Planning Portal Spatial Viewer



**Figure 2 – Lot boundaries - Site highlighted in red**  
Source: NSW Planning Portal Spatial Viewer



**Figure 3 – Aerial Photograph of the Site, approximate boundaries of subject land highlighted in red**  
Source: Google Maps Imagery ©2023 Airbus, CNES/Airbus, Maxar Technologies, Map data ©2023



**Figure 4 – Looking southeast toward site**  
Source: Google Maps ©2023 Google



**Figure 5 – Looking east directly toward site**  
Source: Google Maps ©2023 Google

## **2.2 Site Analysis**

### **Groundwater and Watercourses**

The site is not mapped in the Mid-Western Regional Council Local Environmental Plan 2012 (LEP) as being groundwater vulnerable.

A review of Hydro Line Spatial Data Mapping revealed that no watercourses traverse the site but Three Mile Creek is located just north of the site. The *Site and Soil Assessment for On-site Effluent Management System*, (refer to **Appendix F**) undertaken by Barnson has identified that the Three Mile Creek is located approximately 70m to the north of the site whilst a farm dam is located approximately 130m to the south-east and no groundwater bores were found to be located within 500m of the site.

### **Heritage & Archaeology**

The site does not contain a Heritage Item nor are there any Heritage Items within close proximity of the site. The site is not located within the Mid-Western Regional Council Conservation Area as mapped by the LEP.

An Aboriginal Heritage Information Management System (AHIMS) search (refer to **Appendix B**), dated 8 July 2023 did not find any record of Aboriginal Sites or Places on or within 200m of the site.



### Natural Hazards

The Section 10.7 Planning Certificate (Certificate No. PC1141/2023), confirms that the subject land is above the Probable Maximum Flood (PMF), as identified in the Mid-Western Regional Council - Mudgee Flood Study February 2021; or the Floodplain Risk Management Study and Floodplain Risk Management Plan for Kandos & Rylstone, and is not subject to flood related development controls.

The Section 10.7 Certificate, (Certificate No. PC1141/2023), confirms that the land is not bushfire prone land.

### Fauna & Flora

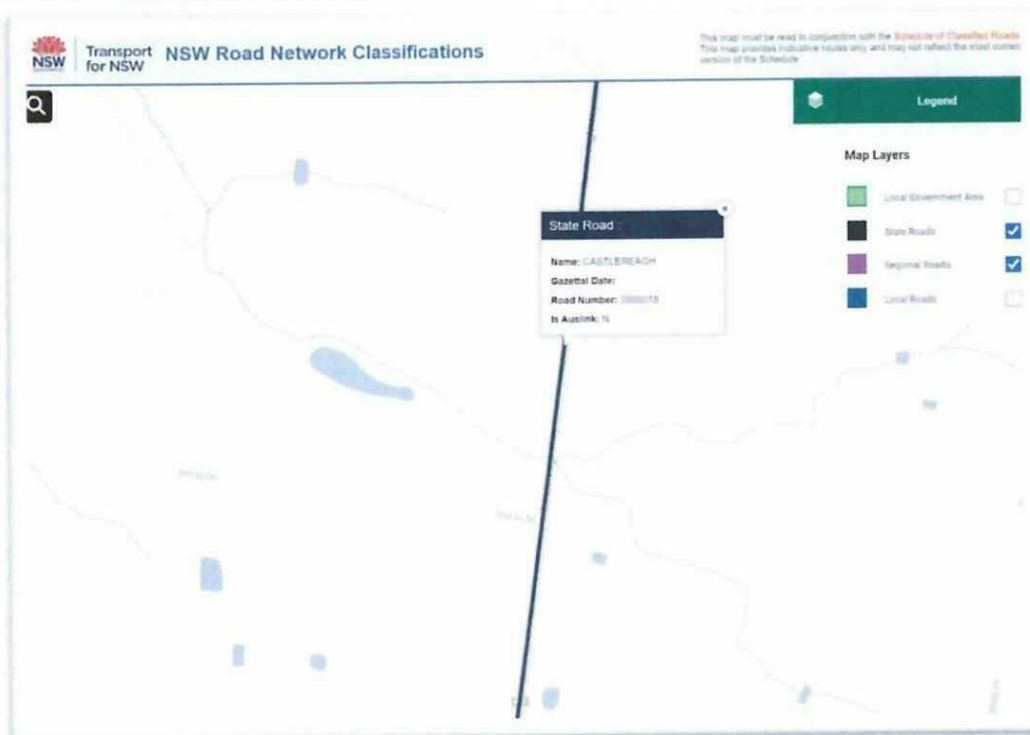
The site is undeveloped rural land with vegetative cover of grasses and groundcovers and weed species deciduous trees. Central Tablelands Local Land Services have positively identified the trees on the site as being *Robinia pseudoacacia*, refer to **Appendix D**. This tree is a known weed species and should be eradicated from the site.

### Soils

The *Site and Soil Assessment for On-Site Effluent Management System*, (refer to **Appendix F**) undertaken by Barnson has identified that the site has been mapped within the "Gulgong" Landscape Group with Non-calcic Brown Soils and Red Podzolic Soils common in the area. Boreholes confirmed Red and Brown Sandy Silty Clay Soils. Salinity potential for the site is classified as Low and no groundwater was encountered during the soil investigations.

### Roads & Traffic

The site fronts the Castlereagh Highway, a State Classified Road – refer to **Figure 6**, to the west. No vehicular access currently exists however the site benefits from a Section 158 Roads Act 1993 approval granting consent to a new bitumen sealed driveway to the land, refer to **Appendix E**. The driveway is proposed to be located at the southwestern corner of the site.



**Figure 6 – Road Classification Map**  
Source: NSW Transport for NSW

### Services

The site has access to electricity supply with overhead powerlines traversing the site in a north to south direction along western boundary.

The site is not serviced by reticulated water supply or sewerage.

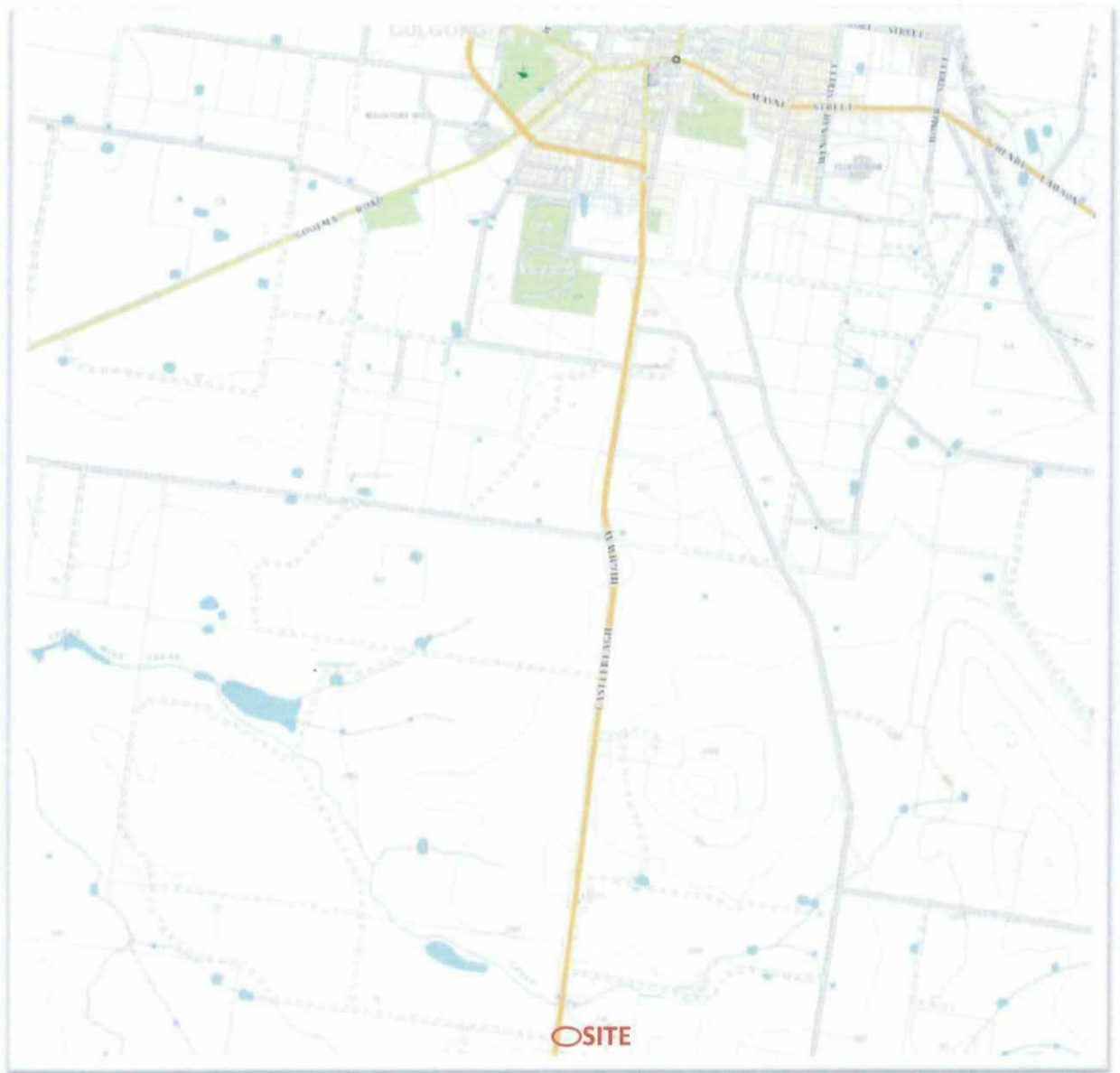
National Broadband Network is not available at this time to the site however nbn satellite technology is planned for the locality according to the NBN Co.

**Topography**

The site falls from the southwestern corner (front) to northeastern corner (rear).

### 2.3 Site Context

The site is located approximately 3.8km south of the edge of the Gulgong township, 4.5km south of the Gulgong town centre and 22km directly north-northwest of the Mudgee Town Centre. The site in the context of its wider surroundings can be seen in Figures 7 & 8.



**Figure 7 – Locality Map**

Source: Department of Finance and Services Spatial Information eXchange



**Figure 8 – Aerial Photo showing the site in the context of it's surroundings with the closest dwellings to the site circled in red.**  
Source: Google Maps Imagery ©2023 Airbus, CNES/Airbus, Maxar Technologies, Map data ©2023

## 3.0 PROPOSED DEVELOPMENT

### 3.1 Description of the Proposed Development

The proposed development includes the construction of a dwelling house, a shed and green house.

The proposed development will include the following components:

- Construction of a 2 bedroom dwelling, including:
  - Single storey dwelling with an overall area of 90m<sup>2</sup> and comprised of 2 x bedrooms, living and dining areas, kitchen, bathroom, WC and laundry.  
Construction: concrete slab (on natural ground), steel framing, colourbond cladding and colourbond roof sheeting.  
Attached to the dwelling will be a front verandah with an area of 14m<sup>2</sup> and timber deck alfresco area with an area of 52m<sup>2</sup>;  
Overall Dimensions = 12m wide x 13m deep x 3.979m high  
Area = 156m<sup>2</sup>
  - Solar panels to roof;
- Construction of a 6m wide x 8.4m long x 3.4m high shed (Area = 50.4m<sup>2</sup>), including a bathroom (3.3m<sup>2</sup>).  
Construction: concrete slab (on natural ground), steel framing, colourbond cladding and colourbond roof sheeting;
- Construction of a 9m wide x 15m long x 3.2m high greenhouse (Area = 153m<sup>2</sup>).  
Construction: concrete slab (some cut and fill required but is proposed to be contained under slab with deepened edge beams), steel framing, selected Laserlite polycarbonate wall and roof sheeting;
- Installation of 1 x 22,000L rainwater tank to rear/east of dwelling. 2 x 8000L tanks to the rear/east of Shed and 2 x 8000L tanks to the rear/east of Greenhouse;
- Retaining walls around greenhouse – 800mm in height at maximum.

Development Plans in **Appendix C** of this report.

## 4.0 PLANNING AND DESIGN FRAMEWORK

### 4.1 Biodiversity Conservation Act 2016

The site is not identified as being within an area of Outstanding Biodiversity Value, and the trees that are on the site have been identified as an environmental weed and are recommended to be eradicated. Clearing of ground covers and grasses will not exceed the biodiversity offsets scheme threshold.

Based on the criteria set out in Section 7.3 of the BC Act, it is considered that the proposed development is unlikely to significantly affect threatened species or ecological communities, or their habitats, as the land is disturbed and developed and is not known to contain threatened species. Ecological communities or constitute habitat of threatened species. The proposed development will not be a key threatening process and the land is not part, or in the vicinity, of any declared area of outstanding biodiversity value.

Based on these factors, it is considered that the proposed development is unlikely to significantly affect threatened species or ecological communities, or their habitats and therefore no further assessment is necessary under this Act.

### 4.2 Fisheries Management Act 1994

### 4.3 Environmental Planning & Assessment Act 1979

#### Objects of the Act (Section 1.3)

The objects of this Act are as follows:

- (a) to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources,
- (b) to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,
- (c) to promote the orderly and economic use and development of land,
- (d) to promote the delivery and maintenance of affordable housing,
- (e) to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats,
- (f) to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),
- (g) to promote good design and amenity of the built environment,
- (h) to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,
- (i) to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State,
- (j) to provide increased opportunity for community participation in environmental planning and assessment.

The proposed development is consistent with the Objects of the Act as it will contribute to much needed housing stock and has been designed to be consistent with the objectives and parameters of the local planning controls and environmental legislation and in return will support the social and economic wellbeing of the Mid-Western Regional Local Government Area.

#### **Evaluation (Section 4.15)**

Section 4.15 of the EP&A Act requires a consent authority to consider various matters in regard to the determination of a Development Application.

*(1) Matters for consideration—general In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application—*

*(a) the provisions of—*

- (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)*

*that apply to the land to which the development application relates,*

- (b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,*
- (c) the suitability of the site for the development,*
- (d) any submissions made in accordance with this Act or the regulations,*
- (e) the public interest.*

The proposed development has been designed with consideration of the above matters, as outlined in the following sections of this report.

## 5.0 ENVIRONMENTAL PLANNING INSTRUMENTS

### 5.1 State Environmental Planning Policies

State Environmental Planning Policy	Applicability
<p><b>SEPP (Sustainable Buildings) 2022</b></p>	<p>A BASIX Certificate (refer to <b>Appendix G</b>), has been submitted for the proposal, in accordance with Section 4.2(c) of the SEPP which demonstrates that the design of the new dwelling proposal (once operational) will comply with the water, thermal comfort and energy efficiency requirements of the policy.</p>
<p><b>SEPP (Resilience and Hazards) 2021</b></p>	<p>Chapter 4 requires consideration of land contamination. The site is located within a rural area, a desktop analysis, including a review of historical ariel imagery dating back to 1964 has not revealed any information about the past uses of the site beyond that of it's current rural grazing use, i.e. the site is not known to have been used for any potentially contaminating activity. Given the long-term continuous use of the land for rural grazing purposes, it is unlikely that the subject land is affected by contamination.</p> <p>Whilst the site is not known to be affected by any contamination it is acknowledged that there is potential for contamination to be discovered whilst undertaking works, should this arise work would cease immediately, and appropriate authorities notified in accordance with the relevant legislative requirements.</p>
<p><b>SEPP Transport &amp; Infrastructure</b></p> <p><i>2.119 Development with frontage to classified road</i></p> <p><i>(1) The objectives of this section are—</i></p> <p><i>(a) to ensure that new development does not compromise the effective and ongoing operation and function of classified roads, and</i></p> <p><i>(b) to prevent or reduce the potential impact of traffic noise and vehicle emission on development adjacent to classified roads.</i></p> <p><i>(2) The consent authority must not grant consent to development on land that has a frontage to a classified road unless it is satisfied that—</i></p> <p><i>(a) where practicable and safe, vehicular access to the land is provided by a road other than the classified road, and</i></p> <p><i>(b) the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development as a result of—</i></p>	<p><i>2(a)(b):</i> No vehicular access currently exists however the site already benefits from a Section 138 Roads Act 1993 approval granting consent to a new bitumen sealed driveway to the land, refer to <b>Appendix E</b>. The driveway is proposed to be located in the southwestern corner of the site.</p> <p>The proposed use of the land is for residential purposes only with the greenhouse and shed being utilised by the owners for their own domestic purposes, therefore the use will not generate the emission of smoke or dust. Given that the proposed dwelling has only 2 bedrooms the frequency and volume of vehicle movements in and out of the property will be low.</p> <p><i>2(c):</i> Given that the residential use would be sensitive to traffic noise and emissions consideration has been given to the <i>Development near rail corridors and busy roads – interim guideline, published by the NSW Dept of Planning</i> (the Guideline). Whilst not technically required to be considered by the SEPP <i>Planning Circular PS 21-018</i>, recommends it to provide useful guidance for other development, not covered by the specific Transport and Infrastructure SEPP sections, that may be impacted by, or may impact on busy roads.</p> <p>A screen test analysis has been undertaken in accordance with Figure 3.3(b) of the Guideline, <i>Screen test for single dwellings that are near a road with a speed limit of 100/110km/hr</i>, and</p>



(i) the design of the vehicular access to the land, or

(ii) the emission of smoke or dust from the development, or

(iii) the nature, volume or frequency of vehicles using the classified road to gain access to the land, and

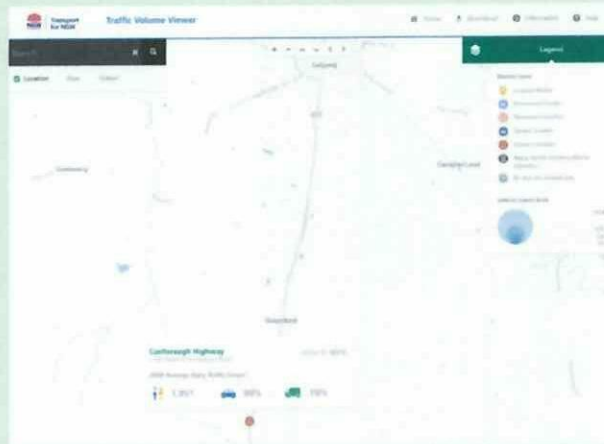
(c) the development is of a type that is not sensitive to traffic noise or vehicle emissions, or is appropriately located and designed, or includes measures, to ameliorate potential traffic noise or vehicle emissions within the site of the development arising from the adjacent classified road.

subsequently it has been determined that it is likely that the dwelling would fall within a *Category 1 Area*. The Guideline identifies Category 1 areas as those likely to have low road traffic noise with Category 6 areas having the highest road traffic noise. Each category refers to a set of standard construction methods and building materials for each key element of a building with the aim of achieving an acceptable internal performance criteria for noise.

#### Screen Test Analysis:

Distance to road from proposed dwelling: 39m approximately to front verandah of the dwelling.

Traffic Volume of Castlereagh Highway in this locality: The Transport for NSW Traffic Volume Viewer indicates approximately 1951 vehicles on average per day on the section of road near the site:



#### Screen Test Analysis:

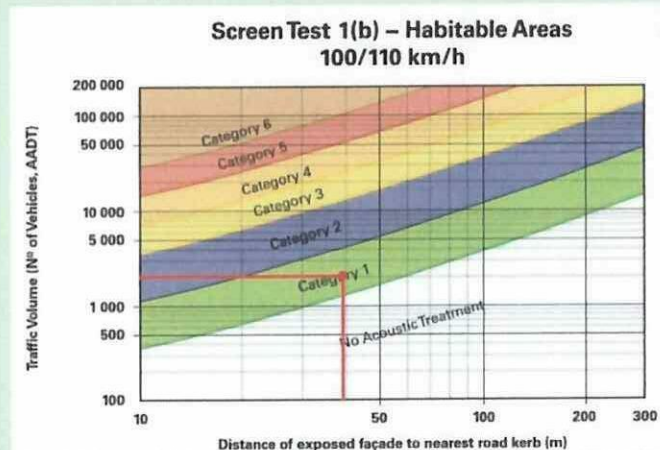










Figure 3.3(b): Screens tests for habitable areas of single/dual occupancy dwellings (if any exposed façade is direct line-of-sight)

The screentest determined that Category 1 Construction Requirements (Appendix C of the Guidelines) would be applicable:

**Assessment of Proposal against Category 1 Construction requirements:**

Category No.	Building Element	Standard Constructions	sample
1	Windows/Sliding Doors	Operable with minimum 4mm minimum glass and standard weather seals	
	Frontage Façade	<b>Timber Frame or Cladding:</b> 60mm fibre cement sheathing or weatherboards or plank cladding externally, 50mm steel or aluminium or 50mm metal stud, 100mm standard plasterboard internally	
		<b>Brick Veneer:</b> 1 100mm brick, 90mm timber stud or 90mm metal stud, minimum 50mm clearance between masonry and stud frame, 100mm standard plasterboard internally	
		<b>Double Brick Cavity:</b> 2 leaves of 100mm brickwork separated by 50mm gap	
	Roof	Finished concrete or terracotta tile or metal sheet roof with sarking, 100mm plasterboard ceiling fixed to ceiling joists, R1.5 insulation batts in roof cavity	
	Entry Door	50mm solid core timber door fitted with full perimeter acoustic seals	
	Floor	1 layer of 100mm structural fibre boards, timber joist on piers  Concrete slab floor on ground	 

**Window/Sliding Doors:** ✓ Complies - All windows and doors to be double glazed.

**Frontage Façade:** ✗ Non-compliant with deemed to satisfy provisions however an alternative solution is proposed to attenuate the road noise.

The dwelling is proposed to be constructed with a metal frame and colourbond wall sheeting as such the deemed to satisfy frontage façade construction standard isn't met as fibre cement sheeting, weatherboards or plank cladding are not proposed. As an alternative to compensate, it is proposed that all walls, not only the front façade, will be lined with sarking, 10mm gyprock and fully insulated with R2.0 Bradford Gold Hi-Performance wall insulation batts, these insulation batts are higher density than standard insulation batts which in combination with the double glazed windows and doors in the front façade will attenuate the road noise within the dwelling.

Furthermore, the dwelling has been designed so that bedrooms do not adjoin the front façade of the dwelling but rather have been located to the rear, with windows also placed in the rear elevation and not sides to further mitigate noise impacts to the most

sensitive areas of the dwelling. All boundaries of the property are proposed to be extensively landscaped to further assist in mitigating noise and vehicle emission impacts.

Roof: ✓ Complies. The roof is construction is compliant with the roof being constructed of metal sheeting and lined with R3.5 insulation batts and ceiling lined with 10mm gyprock plasterboard.

Entry Door: ✓ Complies - Double glazed sliding door proposed (Note: Double Glazing is an acceptable construction standard for windows and doors even at Category 5 level).

Floor: ✓ Complies - Concrete Slab on ground

As such it is considered that the dwelling has been designed to include measures that will ameliorate potential traffic noise and vehicle emissions impacts and ensure adequate amenity for residents is provided without impact to the operation of the Castlereagh Highway.

## 5.2 Mid-Western Regional Local Environmental Plan 2012

The *Mid-Western Regional Local Environmental Plan (LEP) 2012* is the primary environmental planning instrument applying to the site and the proposed development.

The following table assesses the compliance of the proposed development with other relevant clauses in the LEP:

Mid-Western Regional Local Environmental Plan 2012	
Clauses	Comment
<p><b>2.3 Zone objectives and Land Use Table</b></p> <p>(1) The Land Use Table at the end of this Part specifies for each zone—</p> <p>(a) the objectives for development, and</p> <p>(b) development that may be carried out without development consent, and</p> <p>(c) development that may be carried out only with development consent, and</p> <p>(d) development that is prohibited.</p>	<p>The site is zoned RU1 primary Production under the LEP. The objectives of the RU1 zone are as follows:</p> <ul style="list-style-type: none"> <li>• <i>To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.</i></li> <li>• <i>To encourage diversity in primary industry enterprises and systems appropriate for the area.</i></li> <li>• <i>To minimise the fragmentation and alienation of resource lands.</i></li> <li>• <i>To minimise conflict between land uses within this zone and land uses within adjoining zones.</i></li> </ul>

Clauses	Comment
<p>(2) The consent authority must have regard to the objectives for development in a zone when determining a development application in respect of land within the zone.</p>	<ul style="list-style-type: none"> <li>• <i>To maintain the visual amenity and landscape quality of Mid-Western Regional by preserving the area's open rural landscapes and environmental and cultural heritage values.</i></li> <li>• <i>To promote the unique rural character of Mid-Western Regional and facilitate a variety of tourist land uses.</i></li> </ul> <p>The proposed development is defined as a <i>Dwelling House</i>, with the proposed shed and greenhouse being ancillary residential development, and is permitted with consent in the RU1 zone.</p> <p>The proposed development is supportive of the objectives of the zone:</p> <ul style="list-style-type: none"> <li>- The development does not require subdivision of existing lots/agricultural land to facilitate it, rather the site is an existing holding which has had the same lot configuration for a very long period of time, being historical parish parcels, and therefore the proposed development will not cause resource lands to be fragmented or alienated.</li> <li>- The site is located adjacent to the road and therefore at the outer edge of surrounding rural land minimising the developments potential to impact on / be impacted by the surrounding rural land.</li> <li>- The proposed development is compatible with and complementary to the visual amenity and landscape quality the locality:             <ul style="list-style-type: none"> <li>○ The location of the proposed development is consistent with the pattern of residential developments just north and south of the site that are also located with frontage to the Castlereagh Highway, refer to Figures 9-9(c).</li> </ul> <p>Furthermore, the site is located on the outskirts of Gulgong being only approximately 3.8km from the edge of the Gulgong township and upon the approach to the town dwellings become more prominent in the landscape.</p> <ul style="list-style-type: none"> <li>○ Buildings have been designed to be complementary and visually unobtrusive in the landscape by being consistent with scale, construction materials and design of dwellings and farm buildings in the locality.</li> <li>○ The boundaries of the site are proposed to be provided with landscaping to screen and buffer the development from the road and from surrounding rural land.</li> </ul> </li> </ul>

Clauses	Comment
<p><b>4.2A Erection of dwelling houses and dual occupancies on land in certain zones</b></p> <p><i>(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—</i></p> <p><i>(a) is a lot that is at least the minimum lot size shown on the Lot Size Map in relation to that land, or</i></p> <p><i>(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</i></p> <p><i>(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 occupancy would have been permissible if the plan of subdivision had been registered before that commencement, or</i></p> <p><i>(d) is an existing holding that is not within Zone R5 Large Lot Residential, or</i></p> <p><i>(e) would have been a lot or a holding referred to in paragraphs (a)–(d) had it not been affected by—</i></p> <p><i>(i) a minor realignment of its boundaries that did not create an additional lot, or</i></p> <p><i>(ii) a subdivision creating or widening a public road or public reserve or for another public purpose, or</i></p> <p><i>(f) is, in the case of land within 500 metres of land within Zone RUS 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</i></p> <p><i>(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</i></p>	<p>Verbal confirmation has been received from Mid-Western Regional Council, that the subject land is an existing holding and does benefit from a dwelling entitlement.</p>

Mid-Western Regional Local Environmental Plan 2012

Clauses	Comment
<p><i>utility undertakings are available and that is suitable for the on-site disposal of domestic wastewater, or</i></p> <p><i>(h) is a former holding, or</i></p> <p><i>(i) is a former rural lot that has an area of at least 40 hectares.</i></p>	
<p><b>4.3 Height of buildings</b></p>	<p>The LEP does not prescribe a maximum building height for the subject site.</p>
<p><b>6.1 Salinity</b></p>	<p>The <i>Site and Soil Assessment for On-Site Effluent Management System</i>, (refer to <b>Appendix F</b>) undertaken by Barnson has identified that the salinity potential for the site is classified as 'Low' and no groundwater was encountered during the soil investigation.</p> <p>As such it is not likely that the proposed development will cause or be impacted by salinity.</p>
<p><b>6.4 Groundwater vulnerability</b></p>	<p>The subject site is not mapped as being Groundwater Vulnerable under the LEP Groundwater Vulnerability Map.</p>
<p><b>6.5 Terrestrial biodiversity</b></p>	<p>The subject site is not mapped as having biodiversity sensitivity under the LEP Sensitive Biodiversity Map.</p>
<p><b>6.9 Essential services</b></p> <p>Development consent must not be granted to development unless the consent authority is satisfied that any of the following services that are essential for the proposed development are available or that adequate arrangements have been made to make them available when required—</p> <ul style="list-style-type: none"> <li>(a) the supply of water,</li> <li>(b) the supply of electricity,</li> <li>(c) the disposal and management of sewage,</li> <li>(d) stormwater drainage or on-site conservation,</li> <li>(e) suitable road access.</li> </ul>	<p>The proposed development will be serviced by all essential services including electricity, telecommunications, water and on-site sewerage management.</p> <p>Rainwater tanks with a collective volume of 54,000L are proposed to service the dwelling with water.</p> <p>Electricity is available to the site with overhead powerlines traversing in a north south direction through the front of the site.</p> <p>An on-site sewerage management system is proposed to service the site with the <i>Site and Soil Assessment for On-Site Effluent Management System</i> report confirming that there is adequate area on the site to accommodate the system and its required disposal area, (refer to <b>Appendix F</b>).</p> <p>Roofwater from all buildings will be collected and conveyed to the rainwater tanks.</p> <p>No vehicular access currently exists however the site benefits from a Section 138 Roads Act 1993 approval granting consent to a new bitumen sealed driveway to the land, refer to <b>Appendix E</b>. The driveway is proposed to be located in the southwestern corner of the site.</p>
<p><b>6.10 Visually sensitive land near Mudgee</b></p>	<p>The subject site is not mapped as being visually sensitive land under the LEP Visually Sensitive Land Map.</p>

**5.3 Draft Environmental Planning Instruments**

No draft Environmental Planning Instruments are known to be applicable to the subject site or development.

## 6.0 LOCAL PLANNING CONTROLS

### 6.1 Mid-Western Regional Council Development Control Plan 2013

#### Introduction

Mid-Western Regional Council Development Control Plan 2013 (DCP) outlines the detailed requirements for development in the LGA. Each of the sections of the DCP relevant to the proposed development are addressed below:

#### Part 5.1 Car Parking

DCP REQUIREMENT	PROPOSED	COMPLIANCE
<b>Development Controls</b>		
Dwellings: 2 spaces per dwelling – 1 space to be a garage, 1 space may be provided in a stacked arrangement in front of the garage provided that the space is contained wholly within the site.	Adequate area is available on-site within the shed and behind the building line for 2 cars.	✓

#### Part 5.3 Stormwater Management

DCP REQUIREMENT	PROPOSED	COMPLIANCE								
<b>Development Controls</b>										
<p>Performance Targets:</p> <p><small>PERFORMANCE TARGETS</small></p> <p><small>Table 1 Development Categories, Performance Targets &amp; Relevant references</small></p> <table border="1"> <thead> <tr> <th>Development Category</th> <th>Performance Target(s)</th> <th>Requirements (refer below)</th> <th>Section in the Technical Guidelines – Appendix B1</th> </tr> </thead> <tbody> <tr> <td>Single dwelling and Dual occupancy development</td> <td>                     I. BASIX                      II. Quantity Management During Operation                      III. Quality Management During construction                 </td> <td>A</td> <td>II</td> </tr> </tbody> </table>	Development Category	Performance Target(s)	Requirements (refer below)	Section in the Technical Guidelines – Appendix B1	Single dwelling and Dual occupancy development	I. BASIX II. Quantity Management During Operation III. Quality Management During construction	A	II	A BASIX Certificate for the proposed development has been submitted in support of the application in accordance with the requirements of this section, refer to <b>Appendix G</b> .	✓
Development Category	Performance Target(s)	Requirements (refer below)	Section in the Technical Guidelines – Appendix B1							
Single dwelling and Dual occupancy development	I. BASIX II. Quantity Management During Operation III. Quality Management During construction	A	II							

#### Part 5.4 Environmental Controls

DCP REQUIREMENT	PROPOSED	COMPLIANCE
<b>Development Controls</b>		
Protection of Aboriginal Archaeological Items	An Aboriginal Heritage Information Management System (AHIMS) search, dated 8 July 2023, (refer <b>Appendix B</b> ) has not found any record of Aboriginal Sites or Places on the site or in the surrounding locality. Should any aboriginal relics be discovered during development activities, those activities will stop with the appropriate regulatory authority notified of the discovery.	✓



DCP REQUIREMENT	PROPOSED	COMPLIANCE
Riparian and drainage line Environments	A review of Hydro Line Spatial Data Mapping revealed that no watercourses traverse the site however Three Mile Creek is located just north of the site. The <i>Site and Soil Assessment for On-site Effluent Management System</i> , (refer to <b>Appendix F</b> ) undertaken by Barnson has identified that the Three Mile Creek is located approximately 70m to the north of the site (with a farm dam also located approximately 130m to the south-east) and no groundwater bores were found to be located within 500m of the site as such there is adequate separation from the development site and no Activity Approval is required in this instance.	✓
Pollution and Waste Management	An on-site sewerage management system is proposed to service the site with the <i>Site and Soil Assessment for On-Site Effluent Management System</i> report confirming that there is adequate area on the site to accommodate the system and its required disposal area, (refer to Appendix F).	✓

**Part 6 Development in Rural Areas**  
**6.1 Dwellings**

DCP REQUIREMENT	PROPOSED	COMPLIANCE						
<b>Building Setbacks</b>								
<b>Deemed to Satisfy Standards</b>								
Building Setbacks	<p><u>Front setback</u></p> <p>Dwelling = 38.999m</p> <p>Greenhouse = 58m</p> <p><u>Side Setbacks</u></p> <p>Dwelling:</p> <p>2.274m-2.5m to southern boundary</p> <p>25.96m to northern boundary</p> <p>Shed &amp; Greenhouse:</p> <p>1.2m</p> <p><u>Rear Setbacks</u></p> <p>Dwelling = 18.4m</p> <p>Shed &amp; Greenhouse = 3m</p>	<p>✗ see below:</p> <p>Given that the proposed development does not meet the deemed to satisfy standards in relation to setbacks an assessment and justification for a departure in this instance has been provided below.</p>						
<table border="1"> <thead> <tr> <th>Zone</th> <th>Street – State Highway Frontage</th> <th>Side/Rear - State Highway Frontage</th> </tr> </thead> <tbody> <tr> <td>RU1</td> <td>200m</td> <td>20m</td> </tr> </tbody> </table>	Zone	Street – State Highway Frontage	Side/Rear - State Highway Frontage	RU1	200m	20m		
Zone	Street – State Highway Frontage	Side/Rear - State Highway Frontage						
RU1	200m	20m						

**Justification – Non-compliance with Setback Standards**

The objectives of the Setback Development Standard are not stipulated however it is assumed that the primary reasons for the control are:

DCP REQUIREMENT	PROPOSED	COMPLIANCE
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- i. To provide adequate separation from the road to ensure that the amenity of the residential use is maintained, e.g. noise impact mitigation, and
- ii. To maintain the visual amenity of the rural locality.

Compliance with these development standards are physically unable to be achieved in this instance given that the land has a total area of only 2832m<sup>2</sup>, with a frontage of 40.234m and a depth of 70.4m. However, despite this the development has been specifically designed to maximise separation from the road and from side boundaries and has been designed to ensure the development will have adequate residential amenity and be complementary to the rural surrounds for example:

- To guarantee appropriate residential amenity will be maintained for the residents the dwelling will be constructed utilising measures to minimise noise transmission into the dwelling in accordance with *The Development near rail corridors and busy roads – interim guideline, Category 1* construction standards, including walls and ceiling to be fully insulated, double glazing of windows and doors, floor to be concrete slab on ground etc.
- The dwelling has been designed to locate bedrooms to the rear of the house to maximise separation from the road and minimise noise impacts.
- Bedroom windows have been located to the rear of the dwelling – no windows to bedrooms on side walls.
- The boundaries of the site are proposed to be provided with landscaping to screen and buffer the development from the road and from surrounding rural land.
- The location of the proposed development is consistent with the pattern of residential developments just north and south of the site that are also located with frontage to the Castlereagh Highway, refer to Figures 9-9(c).

Furthermore, the site is located on the outskirts of Gulgong being only approximately 3.8km from the edge of the Gulgong township and upon the approach to the town dwellings become more prominent in the landscape.

- The location, design, height, size, scale and materials of the proposed buildings are also consistent with those already in the surrounding area. R

Refer to **Figures 9-9(c)** below:



**Figure 9 – Aerial Photograph of the site showing properties north and south of the site located within close proximity to the road and the presence of farm buildings and dwellings across the wider landscape:**

Source: Google Maps Imagery ©2023 Airbus, CNES/Airbus, Maxar Technologies, Map data ©2023



**Figures 9(a) & 9(b) Dwelling and sheds approximately 400m south of the site with front setbacks of approximately 50m and 30m**

DCP REQUIREMENT	PROPOSED	COMPLIANCE
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Figure 9(c) Dwelling and sheds approximately 500m north of the site with front setback of approximately 7m – 35m .

**DCP ASSESSMENT CONCLUSION:**

Whilst the proposed development does not meet the DCPs Deemed to Satisfy Standards for setbacks, an assessment of the proposed development against the Standards has revealed that the proposed development is still capable of achieving suitable residential amenity for the occupiers and will not cause any significant adverse impact on neighbouring properties or the visual amenity of the wider landscape and therefore in this instance the proposed locations of the buildings are considered reasonable and justifiable especially given the physical constraints of the site.

The proposed development is compliant with the remainder of the DCPs applicable Deemed to Satisfy Standards.

Therefore, the above assessment has demonstrated that by satisfying the Deemed to Satisfy Standards, in combination with, a justification that demonstrates the setback variation is reasonable and appropriate in this instance, the proposed development achieves compliance with the Aims of the Mid-Western Regional Council Development Control Plan.

## 7.0 PLANNING AGREEMENTS

No Planning Agreements are applicable.

## 8.0 ANY MATTERS PRESCRIBED BY THE REGULATIONS

For the purposes of Section 4.15(1)(a)(iv) of the EP&A Act, Clause 61 of the EP&A Regulations specifies the additional matters a consent authority must take into consideration when determining a DA. In this instance no additional matters are required to be considered.

## 9.0 ANY LIKELY IMPACTS OF THE DEVELOPMENT

A review of other environmental factors associated with the proposed development and the measures required to mitigate any adverse impacts to the environment is provided below.

### **Context & Setting**

The site is located within a rural locality and the proposed development is considered to be appropriate in this instance given the form and pattern of development in the surrounding area and the modest and sensitive design of the proposed development. The development has been designed to be modest in scale and to capture design elements of the architecture typical in the rural setting. This complementary design will minimise visual impact and as such the proposed development is not considered to have any detrimental effect on the rural setting.

### **Access, Transport & Traffic**

No vehicular access currently exists however the site already benefits from a Section 138 Roads Act 1993 approval granting consent to a new bitumen sealed driveway to the land, refer to **Appendix E**. The driveway is proposed to be located in the southwestern corner of the site.

The proposed use of the land is for residential purposes only with the greenhouse and shed being utilised by the owners for their own domestic purposes, therefore the use will not generate the emission of smoke or dust. Given that the proposed dwelling has only 2 bedrooms the frequency and volume of vehicle movements in and out of the property will be low. Car parking demand can be comfortably accommodated on site.

### **Heritage**

#### Aboriginal Heritage

An Aboriginal Heritage Information Management System (AHIMS) search, dated 8 July 2023, (refer **Appendix B**) has not found any record of Aboriginal Sites or Places on the site or in the surrounding locality. Should any aboriginal relics be discovered during development activities, those activities will stop with the appropriate regulatory authority notified of the discovery.

#### Other Cultural Heritage

There are no Heritage Items located on or in close proximity to the site nor is the site located in a Heritage Conservation Area.

### **Resources**

The proposed development will not result in any discernible depletion or degradation of natural resources. The proposal has been designed to meet water and energy efficiency targets as demonstrated by the BASIX certificate for the proposal.

The development of the site will make efficient use of existing land resources and infrastructure and the proposed development will provide additional housing that will satisfy current State Government environmental sustainability requirements, particularly through improved energy and water efficiency. These factors will ensure reduced depletion and degradation of natural resources in the long term.

### **Soils**

Soil erosion and sediment control measures have been designed in accordance with the guidelines set-out in the Blue Book Managing Urban Stormwater: Soils and Construction (4th edition, Landcom, 2004). All soil erosion and sediment control measures required to be put in place prior to the commencement of demolition / construction works will be maintained during the entire period of the works until disturbed areas are restored by turfing, paving or revegetation.

Refer to the submitted, Erosion and Sediment Control Plan, for specific details.

### **Contamination**

Given the long-term continuous use of the land for rural grazing purposes, it is unlikely that the subject land is affected by contamination.

Whilst the site is not known to be affected by any contamination it is acknowledged that there is potential for contamination to be discovered whilst undertaking works, should this arise work would cease immediately, and appropriate authorities notified in accordance with the relevant legislative requirements.

### **Utilities**

The proposed development is able to be serviced with an on-site effluent management system and water, telecommunications and electricity services.

### **Flooding**

The Section 10.7 Planning Certificate (Certificate No. PC1141/2023), confirms that the subject land is above the Probable Maximum Flood (PMF), as identified in the Mid-Western Regional Council - Mudgee Flood Study February 2021; or the Floodplain Risk Management Study and Floodplain Risk Management Plan for Kandos & Rylstone, and is not subject to flood related development controls.

### **Bushfire**

The Section 10.7 Certificate, (Certificate No. PC1141/2023), confirms that the land is not bushfire prone land.

### **Water Quality**

Soil erosion and sediment control measures have been proposed and have been designed to the applicable standards as noted above. The implementation of these erosion and sediment control measures will ensure there is no runoff from the site.

### **Air Quality**

Temporary and localised air quality impacts including dust, smoke, grit, odours, and fumes could arise during the construction of the proposed development.

Measures proposed to mitigate any potential impact in this regard include:

- No fires will be lit or waste materials burnt on the site.
- No washing of concrete forms or trucks is to occur on the site.
- Any contamination / spills on the site during construction works must be actively managed and reported immediately to appropriate regulatory authorities to minimise any potential damage to the environment.
- Dust generation during demolition / construction shall be controlled using regular control measures such as on site watering or damp cloth fences or other measures as required by AS 2601.
- All vehicles transporting loose materials and travelling on public roads must be secured (i.e. closed tail gate and covered) to minimise dust generation.
- Spraying of paint and other materials with the potential to become air borne particulates must only be undertaken in light wind conditions.
- Non-recyclable waste and containers must be regularly collected and disposed of at a licensed landfill or other disposal site in the area.

### **Flora and Fauna**

The site is not identified as containing any mapped areas of high biodiversity sensitivity under the LEP, Biodiversity Values or Critical Habitat and will not involve the removal of any trees other than those that have been identified as an environmental weed, refer to **Appendix D**, as such the proposed development is not expected to adversely impact upon flora or fauna. Furthermore, the proposed development will include eradication of trees on the site that have been identified as *Robinia pseudoacacia*, an environmental weed, therefore the removal of these will be beneficial to the environment.

### **Waste**

#### During Construction

Construction materials will be stored wholly within the site prior to removal for recycling or disposal. Construction materials waste must be removed from the site to an approved waste management facility or shall be recycled as follows:

- concrete, bricks and tiles will be recycled offsite at an approved building recycling facility;
- timber shall be re-used on site, where possible, or mulched or sent to second hand suppliers;
- plasterboard shall be returned to the supplier for recycling if possible or sent to an approved building waste collection facility; and
- metal offcuts from gutter and downpipes, etc. shall be recycled wherever possible.

#### During Occupation

General and non-recyclable waste will be disposed of at a Mid-Western Regional Council Waste Facility.

Paper / metal / glass / green waste will be stored on-site in recycling bins, behind the building line, before being transported to the nearest Mid-Western Regional Council Waste Facility.

General waste will be stored on-site in waste collection bins, behind the building line, before being transported to the nearest Mid-Western Regional Council Waste Facility.

#### **Noise & Vibration**

During demolition/construction typical noise levels associated with demolition/ building works will be generated within the hours prescribed under Department of Environment & Heritage guidelines and/or in accordance with the local council requirements.

Noise generated when the proposed development is completed and occupied will be entirely in keeping with their residential surroundings. No major plant or equipment, which would generate unacceptable noise during occupation, will be installed in the proposed development.

Buildings will be constructed to comply with the deemed-to-comply provisions of the Building Code of Australia with respect to noise transmission.

#### **Safety, Security & Crime Prevention**

The proposed development has been designed and will employ measures that are consistent with the CPTED principles. Overall the development has been best designed to minimise opportunities for crime. It is considered that the development would not create or exacerbate crime risk.

#### **Social & Economic Impacts in the Locality**

The proposed development is permissible in the zone and will not place an unacceptable adverse impact on the community for servicing, with minimal new servicing or access upgrading required for the development.

## **10.0 SUITABILITY OF THE SITE FOR THE PROPOSED DEVELOPMENT**

The suitability of the site for the proposed development has been addressed in the above sections of this report. There are no prohibitive constraints posed by adjacent developments. There does not appear to be any zoning, planning or environmental matters that should hinder the proposed development of the site. In this regard, it can be concluded that the proposal fits into the locality and the site attributes are conducive for the development.

## **11.0 THE PUBLIC INTEREST**

The proposal is consistent with the controls and objectives of Council's LEP and DCP. It is considered to be compatible with the local rural surrounds and will make best use of an *existing holding* and infrastructure whilst delivering additional housing stock to the Mid-Western Regional LGA. Nor is it expected to give rise to any adverse off-site impacts. It is therefore considered that the proposal is in the public interest.



## 12.0 CONCLUSION

The proposed *dwelling house* development and ancillary shed and greenhouse, at 2424 Castlereagh Highway, Gulgong NSW 2852, has been assessed in accordance with Section 4.15 of the Environmental Planning and Assessment 1979 and found to be worthy of approval on the following grounds:

- 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 permissible with consent and consistent with the relevant development standards and provisions of the *Mid-Western Regional Local Environmental Plan 2012*;
- The proposal complies with the relevant provisions of the *Mid-Western Regional Development Control Plan 2013*;
- The proposed development is not anticipated to generate any adverse impacts in the locality;  
and
- The proposed development is considered suitable for the site and its surrounds.

## **Appendix A**

- **Photographs of Site and Development in the surrounding locality**

PHOTOS OF SITE AND SURROUNDS



Looking north along Castlereagh Hwy – site on right.



Looking south along Castlereagh Hwy from centre of site frontage – site on left.



Looking east along southern side boundary



Looking northeast along southern side boundary



Looking southeast toward the site – gate shown in northwest corner of site



Looking east along northern side boundary



Looking southeast toward the site – gate shown in northwest corner of site



Looking southeast toward rear northeast corner of lot.



Looking east directly toward site



Looking southeast toward site



Looking north along Castlereagh Highway toward the site



Looking south along Castlereagh Highway toward the site



Looking south along Castlereagh Highway toward the site



Looking south along Castlereagh Highway toward the site



Looking north along Castlereagh Highway toward the site



Looking north along Castlereagh Highway toward the site

## Appendix B – AHIMS Search

## Appendix C – Development Plans

## Appendix D – Tree Species Identification



FROM: JULIE REYNOLDS

Sent: Friday, 18 August 2023 11:38 AM

To: [REDACTED]

Subject: Species identification

Hi Megan.

Thank you for dropping those samples and photos off to the office the other day.

I can confirm the species of that sample is *Robinia pseudoacacia*. More information can be found: [NSW WeedWise](#)

This plant is a weed and you have a duty of care as a landholder to eradicate it. Which is sounds like you will be doing anyway if you are clearing to build a house.

I hope this helps.

Julie

**Julie Reynolds** | Land Service Officer  
**Central Tablelands Local Land Services**  
112 Market St | Mudgee NSW 2850  
T: [02 6378 1706](tel:0263781706)

W: [www.lls.nsw.gov.au](http://www.lls.nsw.gov.au) | Like Central Tablelands LLS on facebook  
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## Appendix E – Section 138 Roads Act Approval

## **Appendix F – Site and Soil Assessment for On-Site Effluent Management System**

## Appendix G – BASIX Certificate