



STATEMENT OF ENVIRONMENTAL

EFFECTS

Project Details

Proposal:	Installation of Manufactured Dwelling creating a 'Dual Occupancy'
Subject Site:	Lot 11 / DP 575997 66A Kaludabah Road PIAMBONG NSW 2850
Zone:	R5 – Large Lot Residential
Lot Size:	282,000 sqm
Date:	December 2023



66A Kaludabah Road PIAMBONG

This statement has been prepared by Progressive Project Solutions at the request of the application in support of a development application to the Mid-Western Regional Council.

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1. PROJECT SUMMARY

1.1 Proposal

This Statement of Environmental Effects (SoEE) is attached to a proposal at 66A Kaludabah Road PIAMBONG in the Mid-Western Regional Local Government Area. The Proposal is for the 'Installation of a Manufactured Dwelling creating a Dual Occupancy'



66A Kaludabah Road PIAMBONG

1.2 Site Details

The subject site is located in an older, established rural area of Piambong in the Mid-Western Regional LGA.

This area has been occupied for well over 100 years with the area the location of many active farming properties of various sizes with farming activities of all types being undertaken throughout the area. All of these properties have many different structures including dwellings, farm sheds, machinery sheds, stock yards, dams and other structures needed to operate an agricultural business. These structures vary significantly in age, design and construction methods.

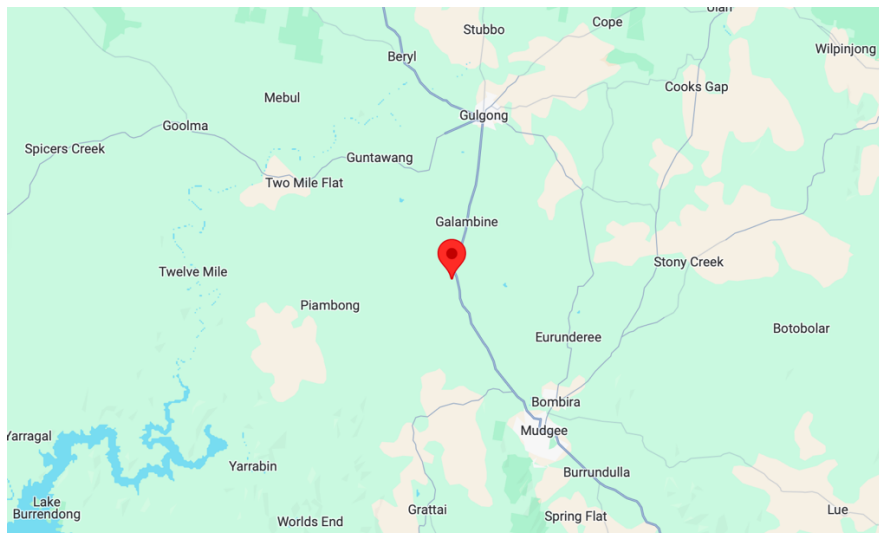
The lot of the proposal is on the northern side of Kaludabah Road and is approximately 20ks north of the city of Mudgee. The property in question is approximately 28hectares in size. It would appear that this property is not an active farm of any significance.

The property shares a northern boundary Cudgegong River that is considered an area with high biodiversity values. The property is about two thirds cleared and could be considered relatively flat with no distinguishing landscape features.

The property currently has a dwelling and a couple of farm sheds that are assumed to be well over 20 years old and currently in good repair. The property has some established native vegetation on the western portion of the property with the remainder being grassed for livestock albeit in small numbers.

The proposed location of the new dwelling is on the western part of the lot some 400 plus metres from the other dwelling and well removed from the Biodiversity area along the Cudgegong River. The second dwelling is designed to sit into the landscape and as such will have little if any influence on the vista of the area by virtue of established trees proving a natural buffer to Kaludabah Road.

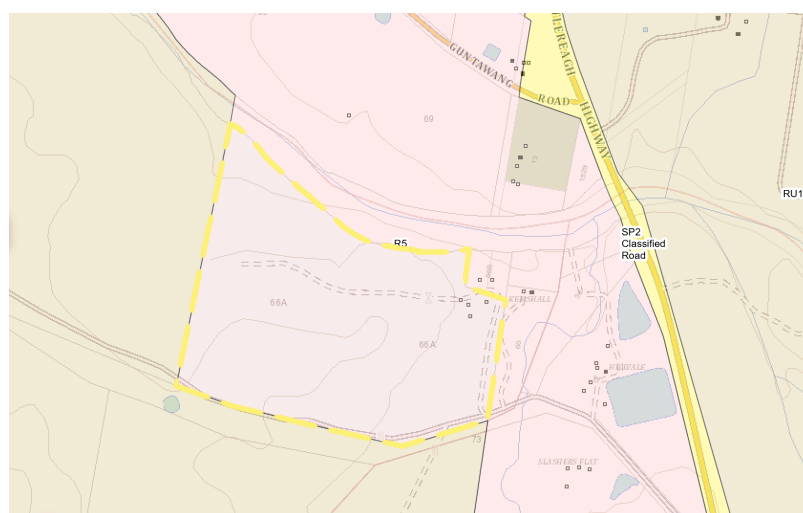
The property enjoys electricity and will be accessed from Kaludabah Road and self-contained by capture of stormwater onsite and installation of an OSSM to handle waste water. Similarly, garbage disposal will be handled by the owner of the property.



Location Map – 66A Kaludabah Road PIAMBONG

1.3 Land Zoning

The site is zoned R5 – Large Lot Residential under the Mid-Western Regional Shire Council LEP 2012 (MWSC LEP 2012). Dual Occupancies are permissible with consent. The proposal satisfies the development standards and objectives contained within the MWSC LEP 20012.



Subject Property Zoning Map

1.4 LEP Considerations

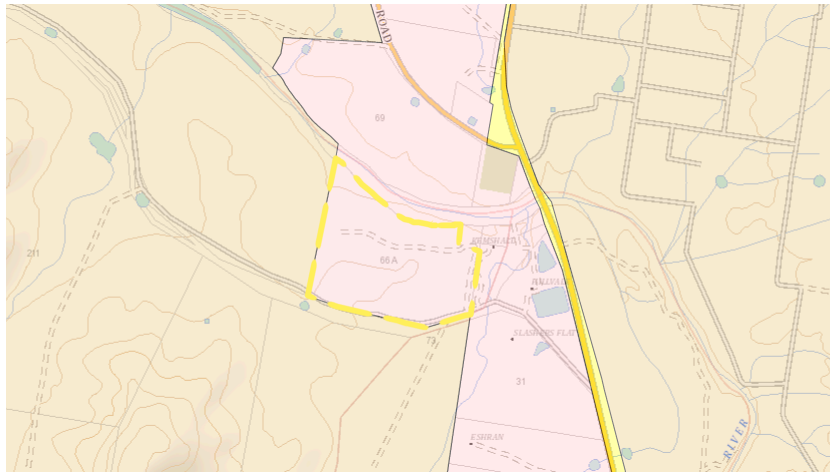
This document has been prepared pursuant to s.4.12(9) of the EP&A Act 1979 and cl.47 and schedule 1, Part 1, cl. 2(c) of the Environmental Planning and Assessment Regulation 2000 and reviews the applicable environmental planning instruments and development control plans that apply to the subject property as well as the environmental impacts of the proposal with particular reference to the relevant heads of consideration listed under s4.15 of the Act.

The proposal is Local Development.

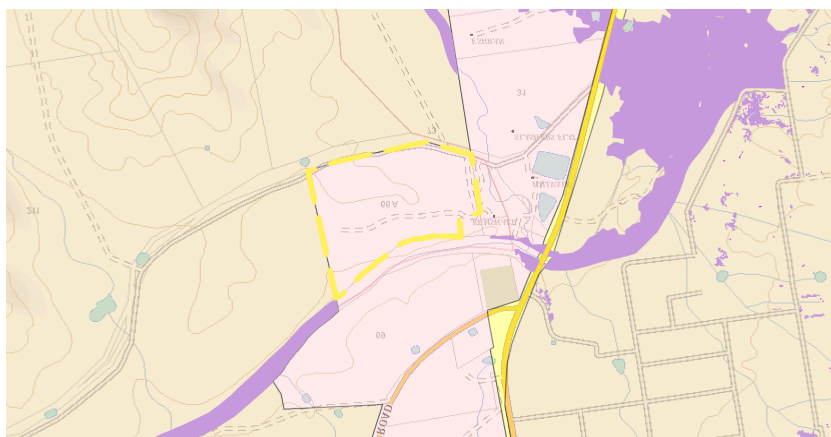
1.5 DCP Considerations

This proposal complies with the Mid-Western Regional Shire Council DCP 2013

1.6 Hazards & Constraints



Bush Fire Constraints Map – Proposal is Bushfire affected



Biodiversity Constraint Mapping – Proposal is affected

1.7 Supporting Documents

The application is supported by architectural plans prepared by Hitech Homes 202707, dated November 2023.

Information accompanying the development application includes but not limited to:

- Architectural Plans,
- SoEE
- Project Cost Estimate
- Due Diligence Statement
- Waste Management Plan
- Construction Management Plan

Collectively, the reports and plans demonstrate that the proposal is in the public interest and represents an acceptable planning outcome for both the owners of the property, direct neighbours and the Mid-Western Regional Shire Council LGA.

1.8 Construction Activities

All construction activities associated with this application will be carried out with compliance with the BCA and Local Government Regulations.

1.9 Statement of Use

The Dual Occupancy is for private use only

1.10 Other Information relating to this Proposal

Nil

1.11 Conclusion

Therefore, it is with confidence and high expectation of support that the subject development is submitted to Council for approval because of compliance with Mid-Western Regional Shire City Councils planning instruments.



Artists Impression of proposed New Dwelling

2.0 PLANNING CONTROL CONSIDERATIONS

2.1 Environmental Planning & Assessment Act 1979

Objects of Act

The objects of this Act are as follows—

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

The following is an assessment of the application pursuant to Section 4.15 (1) of the Environmental Planning and Assessment Act 1979. The relevant matters for consideration under the EP&A Act 1979 are:

Section 4.15(1)(a)(i) – Provisions of any environmental planning instrument

Satisfactory. See discussion on 'Environmental Planning Instruments' in this report.

Section 4.15(1)(a)(ii) – Provisions of any proposed planning instrument

The current planning controls for the subject site, as contained within the current MWRSC LEP, are not proposed to change under any Draft LEP

Section 4.15(1)(a)(iii) – Provisions of any development control plan

Satisfactory. See discussion on "Development Control Plans" in this report

Section 4.15(1)(a)(iiia) – Provisions of any planning agreement

Not applicable

Section 4.15(1)(a)(iv) – Provisions of the Environmental Planning and Assessment Regulation 2000 (EP&A Reg)

The Application has been made in accordance with the relevant matters prescribed by the Regulations.

Section 4.15(1)(b) – the likely impacts of the development, including environmental impacts on the natural and built environments and social and economic impacts in the locality.

(i) The environmental impacts of the proposed development on the natural and built environments are addressed under the Development Control Plan section in this report and are satisfactory.

(ii) The proposed development will not have a detrimental social impact on the locality considering the nature of the proposal.

(iii) The proposed development will not have a detrimental economic impact on the locality considering the nature of the existing and proposed land use.

Section 4.15(1)(c) – the suitability of the site for the development

The site is considered suitable for the proposed development.

Section 4.15(1)(d) – any submissions made in accordance with the EP&A Act 1979 or EP&A Reg 2000

‘Public Notification’ and submissions will be managed through the normal processes.

Section 4.15(1)(e) – the public interest

No matters have arisen in this assessment that would justify the refusal of the application in the public interest.

2.2 State Environmental Planning Policy

The State Environment Planning Policies SEPPs align with the new thematic framework developed by the Department of Planning and Environment. This framework includes the following focus areas: Housing, Transport and Infrastructure, Primary Production, Biodiversity and Conservation, Resilience and Hazards, Industry and Employment, Resources and Energy and Planning Systems.

State Environmental Planning Policy – Exempt & Complying Development Codes 2008

Not Applicable to this application

State Environmental Planning Policy – Biodiversity and Conservation 2021

The Biodiversity Conservation Act, 2016 was formally implemented to conserve and protect biodiversity values and systems across the State. The legislation lists threatened species and ecological communities (EECs) and outlines processes and procedures in the assessment of these valuable and sensitive environmental species and communities. Council’s mapping system which shows where biodiversity and EECs exists and this site is subject to an Endangered Eco Community and Native Vegetation.

No clearing is required for this application

State Environmental Planning Policy – Building Sustainability Index: BASIX 2004

The trigger for BASIX Certification is when the estimated cost of works for residential development (new dwelling(s)/alterations and additions) is equal to or above \$50,000. BASIX Certification is also triggered when proposing a swimming pool with a volume of 40,000 litres.

The estimated cost of development proposed is noted within the cost analysis, and a BASIX Certificate has been prepared by, the designer satisfying the minimum requirements of SEPP (Building Sustainability Index: BASIX) 2004.

A Basix Certificate is not required this proposal.

State Environmental Planning Policy – Resilience and Hazards 2021

SEPP – Resilience and Hazards required council to consider whether the land is contaminated and to determine whether the proposed use is suitable with or without contamination. Council can require the applicant to conduct a preliminary investigation and subsequent more detailed investigation if warranted.

Where contamination exists and remediation is necessary, council must be satisfied that the remediation will take place before the land is used for the proposed purpose. The property is not listed on either the EPA or Council register of potentially contaminated land and there has been no known historical or current usage that would cause the land to be contaminated.

It is considered that a preliminary investigation is not necessary given the current location is land within an existing rural area.

State Environmental Planning Policy – Housing 2021

The proposal complies with the Housing SEPP

State Environmental Planning Policy – Industry and Employment 2021

Not applicable to this application

State Environmental Planning Policy – No. 47 Moor Park Showground

Not applicable to this application

State Environmental Planning Policy – No. 65 Design Quality of Residential Apartment Development

Not applicable to this application

State Environmental Planning Policy – Planning Systems 2021

Not applicable to this application – not State or Regional significant development

State Environmental Planning Policy – Precincts ‘Central River City’ 2021

Not applicable to this application

State Environmental Planning Policy – Precincts Regional 2021

Not applicable to this application – not a Part 3A Project

State Environmental Planning Policy – Precincts Western Parkland City 2021

Not applicable to this application

State Environmental Planning Policy – Primary Production 2021

Not applicable to this application

State Environmental Planning Policy – Resources and Energy 2021

Not applicable to this application

State Environmental Planning Policy – State Significant Precincts 2005

Not applicable to this application

State Environmental Planning Policy – Transport and Infrastructure 2021

Not applicable to this application

Part 1 Preliminary**1.2 Aims of Plan**

This Plan aims to make local environmental planning provision for land in Mid-Western Regional Shire LGA in accordance with the relevant standard Environmental Planning Instrument under Section 3.2 of the Act.

(2) The particular aims of this Plan are as follows—

(aa) to protect and promote the use and development of land for arts and cultural activity, including music and other performance arts,

The land is zoned R5 – Large Lot Residential and the proposal is for a retrospective approval for unapproved works to the existing dwelling and as such has no bearing on this intent.

(a) to promote growth and provide for a range of living opportunities throughout Mid-Western Regional,

The creation of the ‘Dual Occupancy’ in this instance provides an additional home in the rural area of the local government area. Housing of all types is in demand throughout NSW and this development helps in providing additional accommodation in regional NSW.

(b) to encourage the proper management, development and conservation of resources within Mid-Western Regional by protecting, enhancing and conserving—

(i) land of significance to agricultural production, and

The lot of this proposal is too small to undertake any intensive form of agriculture and as such is zoned appropriately

(ii) soil, water, minerals and other natural resources, and

The property is currently residential and as such has little if any impact on the soil, water, minerals or any other resource.

(iii) native plants and animals, and

There is some existing native vegetation that has not been touch on the lot and this proposal has no intentions of changing the existing vegetation. There are transient animals in the district with no intention of changing their habitat on the lot or restricting their access to the property.

(iv) places and buildings of heritage significance, and

The lot is not heritage impacted in any way

(v) scenic values,

The scenic values of the property are not in any way compromised by this proposal. As previously mentioned the proposed new dwelling is positioned in an area on the property that has natural vegetation buffering that will have the dwelling barely visible from outside the boundaries of the property.

(c) to provide a secure future for agriculture through the protection of agricultural land capability and by maximising opportunities for sustainable rural and primary production pursuits,

The lot of the proposal is too small for any substantial form of agriculture.

(d) to foster a sustainable and vibrant economy that supports and celebrates the Mid-Western Regional's rural, natural and heritage attributes,

This proposal will have minimal effect on the economy based on the fact it is a residential proposal.

(e) to protect the settings of Mudgee, Gulgong, Kandos and Rylstone by—

The proposal is in a rural area removed from the above locations.

(i) managing the urban and rural interface, and

The property is so far from an urban area that it will not have any influence on the interface.

(ii) preserving land that has been identified for future long- term urban development, and

Not applicable in this instance.

(iii) promoting urban and rural uses that minimise land use conflict and adverse impacts on amenity, and

There is no current, or foreseeable conflict based on the separation between urban and rural areas.

(iv) conserving the significant visual elements that contribute to the character of the towns, such as elevated land and the rural character of the main entry corridors into the towns,

Not applicable in this instance.

(f) to match residential development opportunities with the availability of, and equity of access to, urban and community services and infrastructure,

This proposal is for the creation of a 'Dual Occupancy' on the site of an existing dwelling outside of the urban areas and as such already has minimal services and access to community services is limited and in this instance is unlikely to change.

(g) to promote development that minimises the impact of salinity on infrastructure, buildings and the landscape

Salinity issues are unlikely to change as a result of the siting of this dwelling on the site.



Part 2 Permitted and Prohibited Development

Land Use Table – R5 Large Lot Residential

Objectives of zone

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

The proposal to create a 'Dual Occupancy' in an existing rural setting. The proposed location of the dwelling at the western end of the lot amongst some established native trees provides a natural buffer for the dwelling when looking from anywhere outside the property boundary.

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

The property in question is well removed from any urban area in the area.

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

The location of the property is well removed from the urban area and as such there is no expectation of increased public services or public features, nor is it likely to happen.

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

The property adjoins RUI to the west and on the southern boundary. The dwelling subject of this proposal will not have any impact on the above intent because of its location well inside the middle of the property.



Part 4 – Principal Development Standards

4.2A Erection of Dwelling Houses and Dual Occupancies on land in certain zones

(1) The objectives of this clause are as follows—

- (a) to minimise unplanned rural residential development,*
- (b) to enable the replacement of lawfully erected dwelling houses in rural and conservation zones,*
- (c) to control rural residential density affected by historical subdivision patterns in Zone R5 Large Lot Residential.*

This proposal meets the objectives as stated.

(2) This clause applies to land in the following zones—

- (a) Zone RU1 Primary Production,*
- (b) Zone RU4 Primary Production Small Lots,*
- (c) Zone RU5 Village,*
- (d) Zone R5 Large Lot Residential,*
- (e) Zone C3 Environmental Management.*

The land is zoned – R5 Large Lot Residential

(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—

(a) is a lot that is at least the minimum lot size shown on the [Lot Size Map](#) in relation to that land, or

The minimum lot size for the subject property is 12 hectares and the subject property is 28 hectares

(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

The holding has existed pre the current LEP and has contained a dwelling for over 30 years

(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

A dwelling has been on the lot for over 30 years with the current plan being only active since 2012.

(d) is an existing holding that is not within Zone R5 Large Lot Residential, or

The lot & existing dwelling existed well before the current plan. It is currently zoned R5 Large Lot Residential

(e) would have been a lot or a holding referred to in paragraphs (a)–(d) had it not been affected by—

(i) a minor realignment of its boundaries that did not create an additional lot, or

The lot has had no minor boundary realignment in the last 30 years.

(ii) a subdivision creating or widening a public road or public reserve or for another public purpose, or

The above is not applicable in this instance

(f) is, in the case of land within 500 metres of land within Zone RU5 Village, a lot that has an area of at least 5 hectares, that has a sealed road frontage and that is connected to the sealed road network, or

The property is further than 500mtrs away from any RU5 Village Zone and has access from a sealed road and a sealed road network.

(g) is a holding within Zone R5 Large Lot Residential that has an area of at least 5 hectares, that has all weather access, including all weather vehicular access, to which adequate services provided by public utility undertakings are available and that is suitable for the on-site disposal of domestic wastewater, or

The property has all weather access

(h) is a former holding, or

Not applicable

(i) is a former rural lot that has an area of at least 40 hectares.

Not applicable

Part 6 Local Provisions - General

6.1 Salinity

Not applicable in this instance

6.2 Repealed

Not applicable in this instance

6.3 Earthworks

The earthworks in this instance is limited to the installation of the 'Manufactured Dwelling' that requires pier holes to support piers for each dwelling along with drainage works for stormwater and works associated with the installation of the OSSM.

6.4 Groundwater Vulnerability

(1) The objectives of this clause are as follows—

(a) to maintain the hydrological functions of key groundwater systems,

The proposal will have minimal effect of groundwater due its small footprint and distance away from the Cudgegong River. The proposal does not request removal of groundwater either surface or ground, with only the water from the roof of the dwelling during rain events being captured for reuse for domestic purposes.

(b) to protect vulnerable groundwater resources from depletion and contamination as a result of development.

The proposals minimal footprint and no requested extraction of groundwater will see This proposal have no impact on the groundwater, nor create a risk for contamination. The OSSM proposed to deal with waste water is site specific and as such is designed to eliminate the risk of any contamination.

(2) This clause applies to land identified as "Groundwater vulnerable" on the [Groundwater Vulnerability Map](#).

The property is mapped on the Groundwater Vulnerability Mapping.

(3) Before determining a development application for development on land to which this clause applies, the consent authority must consider the following—

(a) the likelihood of groundwater contamination from the development (including from any on-site storage or disposal of solid or liquid waste and chemicals),

The likelihood of contamination with this proposal is minimal due to the small nature of the proposed structure, the site-specific design of the OSSM and most importantly the location of the proposed dwelling away from the Cudgegong River.

(b) any adverse impacts the development may have on groundwater dependent ecosystems,

Again, the low-key nature of the development will have minimal if any impact on the site and as such the impacts are not of a concern.

(c) the cumulative impact the development may have on groundwater (including impacts on nearby groundwater extraction for a potable water supply or stock water supply),

Development in and around the proposed new dwelling is very low. The 28hectare site has a single dwelling existing dwelling with the proposed dwelling some 400mtrs away from the existing dwelling. There is no extraction of water currently on the site from the information received by the author of this document.

(d) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.

The development will not have any adverse impacts and every step is taken to preserve, mitigate and minimise any environmental impact on groundwater in and around the proposed dwelling.

(4) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that—

(a) the development is designed, sited and will be managed to avoid any significant adverse environmental impact, or

The location of the proposed new dwelling is well away from the Cudgegong River and The placement has taken into consideration all environmental factors.

(b) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or

It is believed that the proposed location of the dwelling is a positive outcome for the environmental factors of the lot albeit that these factors are not considered an impediment to the proposal.

(c) if that impact cannot be minimised—the development will be managed to mitigate that impact.

The issues are addressed in the application and how they are proposed to be managed.

6.5 *Terrestrial Biodiversity*

The Biodiversity implications are eliminated as a result of the location of the proposed dwelling on the lot and the need for no clearing of vegetation on the site of the proposed dwelling. See attached BMAT Report

6.6 *Location of Sex Premises*

Not applicable in this instance

6.7 *Active Street Frontages*

Not applicable in this instance

6.8 *Airspace Operations – Mudgee Airport*

Not applicable in this instance

6.9 *Essential Services*

Not applicable in this instance

6.10 *Visually Sensitive Land near Mudgee*

Not applicable in this instance

6.11 *Temporary Workers Accommodation*

Not applicable in this instance

6.12 *Development in a designated buffer zone*

Not applicable in this instance

6.13 *Commercial premises on land in Zone MU1 and known as Caerleon*

Not applicable in this instance

6.14 Minimum subdivision lot size for community title schemes on certain land in Zone R5

Not applicable in this instance

6.15 Development at 134 Lions Drive, Burrundulla

Not applicable in this instance

6.16 Development on land in Zone E4

Not applicable in this instance

2.3 Environmental Planning Instruments – Mid-Western Development Control Plan 2013

This proposal considers with both the SEPP Housing 2021 and the Mid-Western DCP 2013

A Compliance Statement attached to the Secondary Dwelling is attached to this application.

2.4 Aboriginal Due Diligence Report

AHIMS Search and Due Diligence Report attached to this application

2.5 BCA & NCC Compliance

Full Compliance

2.6 Energy Efficiency

BASIX Certificate is not required for this application. Planning Circular attached for reference.

3 ENVIROMENTAL CONSIDERATIONS

3.1 Historical & Current Use of Land

The lot is located inside an established urban area of Piambong in the Mid-Western Regional LGA. This land has been subdivided for rural/residential purposes for many years and prior to that would have been native bushland and about a third of the vegetation remains

3.2 Demolition

There is no demolition proposed in this instance.

3.3 Contamination

There is no known contamination on this site. It is not listed on the EPA list of contaminated sites.

3.4 Site Constraints

The site is not constrained.

3.5 Clearing of Vegetation

There is no clearing proposed in this instance.

3.6 Biodiversity Implications

There are no Biodiversity impacts in this instance. BMAT Report attached to application

3.7 Bush Fire Hazards

The land is Bush Fire prone. Report attached to application

3.8 Flood Hazards

The land is not Flood Prone.

3.9 Proposed Earthworks

The extent of earthworks is pier holes, drainage works and installation of an OSSM.

3.10 Sediment Control Measures

Refer attached DA Plan set.

3.11 Site Engineering Considerations

There are no engineering implications outside of the engineering requirements of the building that will be identified in the DA engineering documents attached to this application. There is no impact on council infrastructure.

4 IMPACT OF PROPOSAL

4.1 Existing Structures on Land

The subject site has an established dwelling and some farm sheds

4.2 Boundary Setbacks

Boundary setbacks comply with the DCP for this proposal.

4.3 Building Height

The building achieves full compliance with the height requirements of the DCP with the proposed structures finishing at a height of approximately 4.141mtrs at the highest point above NGL at the highest point.

4.4 Bulk & Scale

There are no issues with the 'Bulk and Scale' of the proposal. The lot size is 282,000sqm and the proposed structures footprint combined of 153 sqm or less than 0.1% of the total site.

4.5 General Design Principles

The design of the dwelling has consideration for sound design principles in relation to solar access, energy efficiency, noise and privacy issues that provides a sound outcome.

4.6 Shadowing

There are no shadowing issues with this proposal.

4.7 Streetscape Influence

This proposal has no influence on the streetscape in any way, shape or form. Established native trees provide a natural buffer from all vantage points.

4.8 Impacts on Neighbouring Properties

- a. **Privacy Effects**
Nil effect on any neighbours.
- b. **Noise Effects**
Nil effect on any neighbours.
- c. **Loss of Views**
Nil effect on any neighbours.

4.9 Site Area – Private Open Space

Ample with this proposal

4.10 Access to Site

Existing access is from Kaludabah Road and there is no intention or desire to change the access as part of this application.

4.11 Fencing

Fencing is not part of this proposal

4.12 Construction Management Plan

Attached to application

4 SERVICES

5.1 Water

Water is captured onsite

5.2 Power

Mains power will be connected to the dwelling

5.3 Telephone & Internet

Telephone and Internet services will be connected to the dwelling

5.4 Stormwater Management

Stormwater is captured onsite for reuse as potable water.

5.5 Wastewater Management

The dwelling will have an OSSM installed to manage waste water.

5.6 Waste Management

Same arrangements as existing dwelling.

5 CONCLUSION

As demonstrated throughout Sections 4 and 5 of this report, the proposed development complies with all NSW State Government and the Mid-Western Regional Council planning controls.

There are no adverse impacts to the subject site, adjoining properties or the locality.

The proposed development is consistent with the provisions of EP&A Act, MWRC DCP & LEP and would not have any adverse environmental impacts on the locality.

In this regard, the subject site would be considered to be suitable for the proposed development as presented in this application.