

# STATEMENT OF ENVIRONMENTAL EFFECTS



51 TINJA LANE, EURUNDEREE

Erection of a New Dwelling and Secondary Dwelling

13 December, 2024

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# 1 Introduction

This Statement of Environmental Effects (SEE) has been prepared for Sunrai Designs and forms part of a development application to Mid-Western Regional Council for the erection of a new dwelling and secondary dwelling at 51 Tinja Lane, Eurunderee.

The objective of this proposal is to create a highly desirable and modern dwelling with an optimal layout for future occupants.

The proposal is in accordance with the relevant zone objectives contained in the Mid-Western Regional Local Environmental Plan (MWR LEP) 2012 and generally satisfies the relevant objectives and controls of the Mid-Western Regional Development Control Plan 2013 (MWRDCP) where necessary.

This document is divided into 6 sections. Section 2 contains a site analysis, Section 3 contains details of the proposal, Sections 4 and 5 contain the detailed assessment of the application in accordance with Section 4.15(1) of the Environmental Planning & Assessment (EP&A) Act 1979, and Section 6 concludes the report. The following details accompany this SEE:

- Architectural Plans;
- BASIX Certificate;
- OSSM Report; and
- Agricultural and Contamination Report.

## 2 Site Analysis

This section contains a description of the following: The Locality; Site Description; Existing Character and Context; and Surrounding Road Network.

### 2.1 The Locality

The subject site is located approximately 4.7km north of Mudgee and is located within the Local Government Area (LGA) of Mid-Western Region.



FIGURE 1: LOCATION PLAN (SIX MAPS)

### 2.2 Site Description

The subject site is a corner lot located on the southern side of Tinja Lane and western side of Craigmoor Road and is known as 51 Tinja Lane, Eurunderee or Lot 1 DP 549594.

The site is regular in shape, rises generally to the west away from Craigmoor Road and contains a total area of approximately 44ha, with the entire site cleared previously for the purposes of intensive plant agriculture.

The site currently contains a farm shed and rural fencing.

## **2.3 Existing Character and Context**

The surrounding area is predominantly rural, characterised by larger farms/rural properties.

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

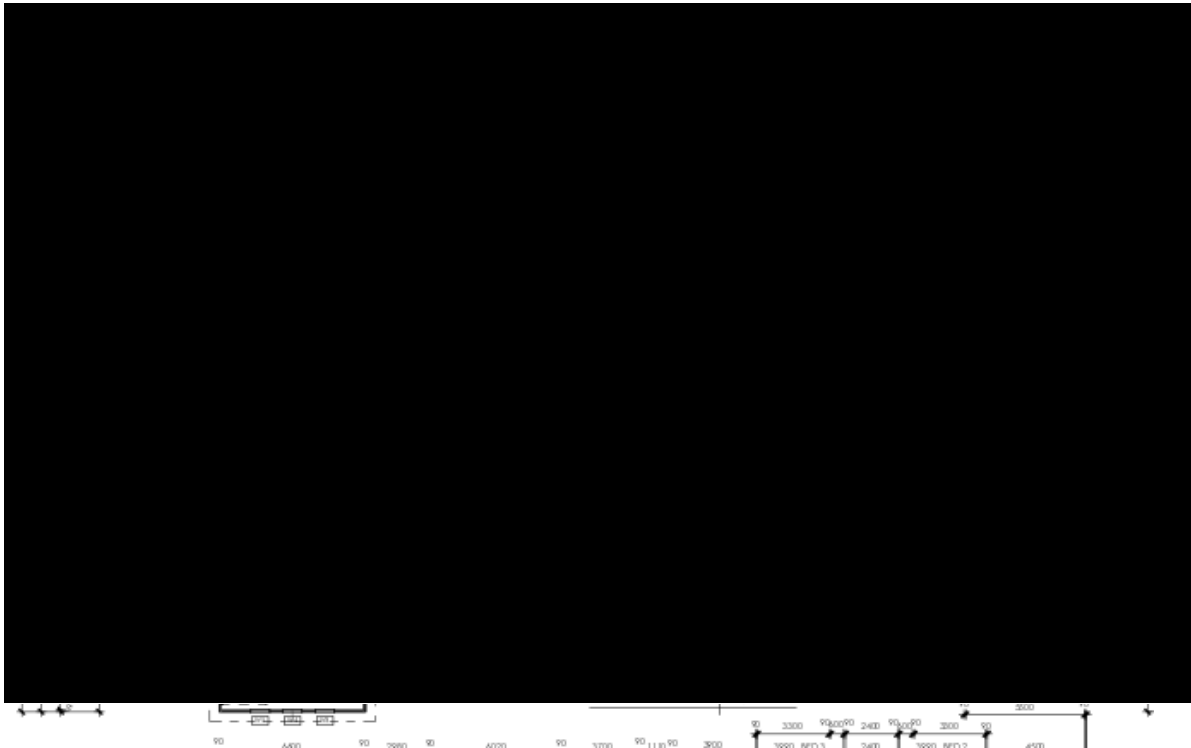
## **2.4 Surrounding Road Network**

The site has frontage to both Tinja Lane and Craigmoor Road with vehicular access gained from Tinja Lane via an existing rural access. Both Tinja Lane and Craigmoor Road are two lane sealed roads that provide access indirectly to Mudgee via the Castlereagh Highway and other local roads. Both roads are not identified as a Classified Road in accordance with the Roads Act 1993. Subsequently, the consent authority is able to issue a concurrent S138 approval for the access upgrade with the development consent.

### 3 Details of the Proposal

It is proposed to undertake the following works upon the site:

- Erection of a new single storey dwelling comprising 4 bedrooms, open plan living/kitchen area, sundry living areas, triple garage and alfresco area;
- Erection of a new single storey secondary dwelling comprising 2 bedrooms, open plan living/kitchen area and alfresco area;
- Installation of a swimming pool and cabana; and
- Installation of a tennis court.



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

The proposal will result in an optimal dwelling layout throughout the site with quality outlook, whilst minimising impacts on surrounding vegetation and adjoining properties.

# 4 Planning Controls

Pursuant to section 4.15(1)(a) of the EP&A Act, this section will assess the compliance with the planning controls applicable to the site and relevant to the proposal pursuant to the relevant heads for consideration. The relevant controls include:

- Biodiversity Conservation Act 2016
- Mid-Western Regional Local Environmental Plan 2012 (MWRLEP 2012);
- State Environmental Planning Policy (Resilience & Hazards) 2021;
- State Environmental Planning Policy (Biodiversity & Conservation) 2021;
- Mid-Western Regional Development Control Plan 2013 (MWRDCP 2013).

## 4.1 Biodiversity Conservation Act 2016

The Biodiversity Conservation Act 2016 prescribes the requirements for addressing impacts on biodiversity from development, particularly where clearing is also proposed. The Biodiversity Offsets Scheme applies to development that triggers the Biodiversity Offsets Scheme threshold, or, is likely to significantly affect threatened species based on the test of significance in section 7.3 of the Biodiversity Conservation Act 2016.

The Biodiversity Assessment Method (BAM) is the assessment protocol that details how an accredited person assesses impacts on biodiversity in connection to a development proposal. The assessor documents the results of the biodiversity assessment in a Biodiversity Development Assessment Report (BDAR). A proponent must provide the BDAR to the Council as part of their development application.

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 (the BAM) to assess the impacts of a proposal. The threshold is triggered either when:

1. The amount of native vegetation being cleared exceeds a threshold area.

or,

2. When the impacts on vegetation occur on an area mapped on the Biodiversity Values map published by the Minister for the Environment.

If clearing exceeds either of the above triggers, the Biodiversity Offset Scheme applies to the proposed development.

However, the proposal does not involve the clearing of vegetation or impact upon any threatened species. Subsequently, no further consideration of this legislation is necessary.

## 4.2 Mid-Western Regional Local Environmental Plan 2012 (MWRLEP 2012)

The subject site is zoned RU4 - Primary Production Small Lots under Council's MWRLEP 2012 (see Figure 3). *Dwelling houses* and *secondary dwellings* are permissible with consent in the zone and the proposal is considered to satisfy the objectives of the zone.

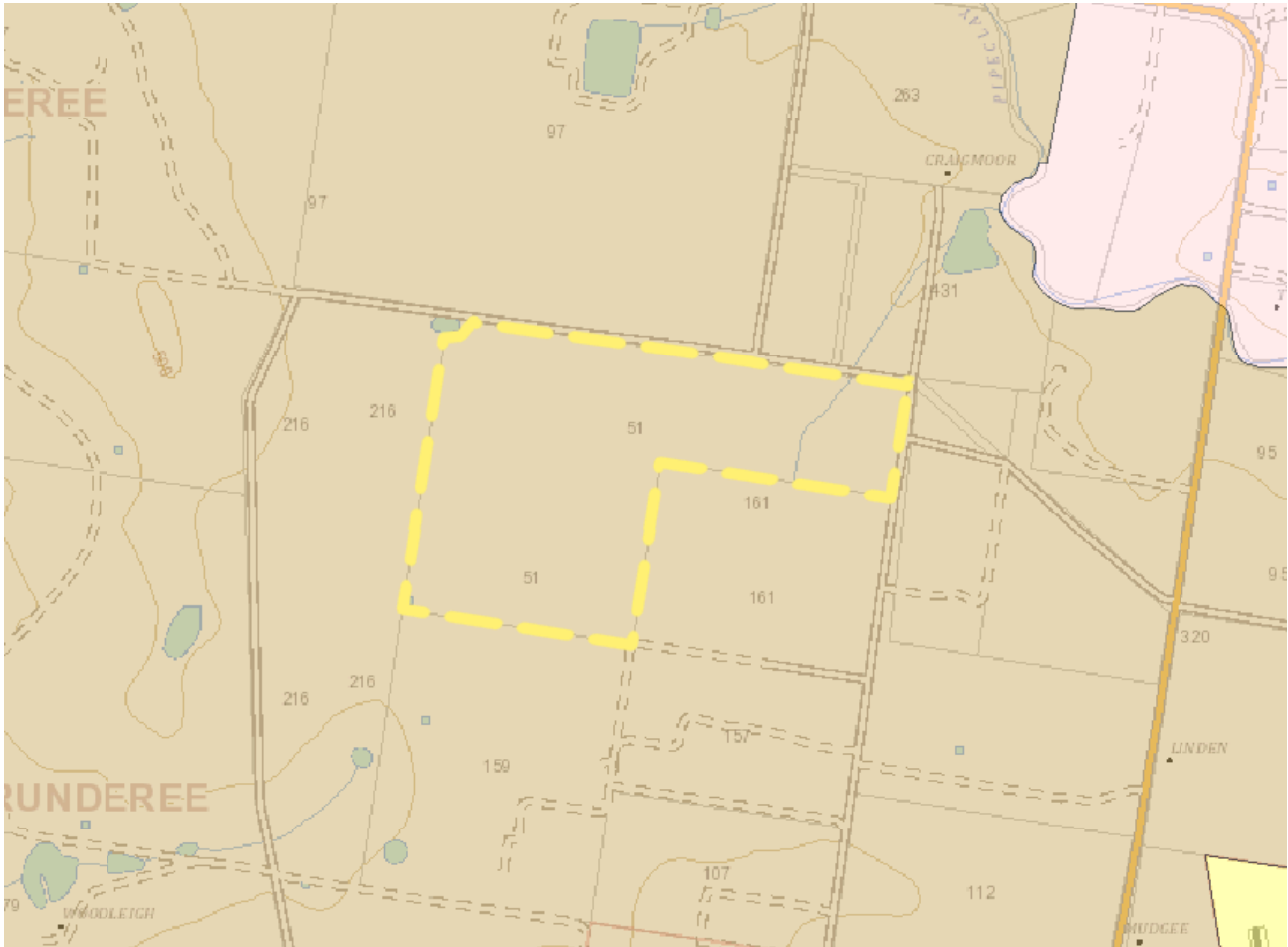


FIGURE 3: EXTRACT FROM ZONING PLAN  
(SOURCE: MID-WESTERN REGIONAL LEP 2012)

### 4.2.1 Zone Objectives

The relevant objectives for Zone RU4 are stated:

1. *To enable sustainable primary industry and other compatible land uses.*

**Comment:** The proposed dwelling will allow the site to continue benefiting from an agricultural use in a rural area, with the dwelling to be positioned generally at the rear of the site to allow optimal use of the rest of the site for intensive plant



agriculture. Subsequently no impact of substance on the area of the property used for lucerne production will result.

2. *To encourage and promote diversity and employment opportunities in relation to primary industry enterprises, particularly those that require smaller lots or that are more intensive in nature.*

**Comment:** The proposal is for a dwelling that will support an ongoing lucerne hay production enterprise. Refer to the report prepared by PB Ag Consulting Pty Ltd, which demonstrates the viability of the property for such production.

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

**Comment:** The proposal is for a principal dwelling and secondary dwelling, which will have negligible impact upon any of the surrounding areas with regards to other land uses within other zones.

4. *To ensure that land is available for intensive plant agriculture.*

**Comment:** The proposal is for a principal dwelling and secondary dwelling within the rear of the site. Subsequently, the site will be unaffected with regards to the capacity to undertake intensive plant agriculture. Refer to the report prepared by PB Ag Consulting Pty Ltd.

5. *To encourage diversity and promote employment opportunities related to primary industry enterprises, particularly those that require smaller holdings or are more intensive in nature.*

**Comment:** As above.

In our opinion the proposal is consistent with the relevant objectives of the RU4 Primary Production Small Lots zone as detailed above. The proposal is intended to create an optimal residential layout whilst also preserving the site for lucerne hay production.

A summary of our assessment of the proposed development against the relevant LEP provisions is in the following table (see Table 1):

#### 4.2.2 Other LEP Provisions

TABLE 1: PROJECT COMPLIANCE – Mid-Western Regional LEP 2012	
Site Area : 44 hectares	
LEP Provisions	Complies / Comments

**Clause 4.2A Erection of dwelling houses, dual occupancies and tourist and visitor accommodation on land in certain zones**

<p>(1) The objectives of this clause are as follows—</p> <p>(a) to minimise unplanned rural residential development,</p> <p>(b) to enable the replacement of lawfully erected dwelling houses in rural and environmental protection zones,</p> <p>(c) to control rural residential density affected by historical subdivision patterns in Zone R5 Large Lot Residential.</p>	<p>The site benefits from a dwelling entitlement and the proposal will not contribute to any unplanned rural residential development.</p> <p>N/A. No dwellings currently exist upon the site.</p> <p>N/A. The site is zoned RU4.</p>
<p>(2) This clause applies to land in the following zones—</p> <p>(a) Zone RU1 Primary Production,</p> <p>(b) Zone RU4 Primary Production Small Lots,</p> <p>(c) Zone RU5 Village,</p> <p>(d) Zone R5 Large Lot Residential,</p> <p>(e) Zone C3 Environmental Management.</p>	<p>The land is zoned RU4 Primary Production Small Lots.</p>
<p>(3) Development consent must not be granted for the erection of a dwelling house or dual occupancy on land in a zone to which this clause applies, and on which no dwelling house or dual occupancy has been erected, unless the land—</p> <p>(a) is a lot that is at least the minimum lot size shown on the Lot Size Map in relation to that land, or</p> <p>(b) is a lot or holding that existed before this Plan commenced and on which the erection of a dwelling house or dual occupancy was permissible immediately before that commencement, or</p> <p>(c) is a lot resulting from a subdivision for which development consent (or equivalent) was granted before this Plan commenced and on which the erection of a dwelling house or dual occupancy would have been permissible if the plan of subdivision had been registered before that commencement, or</p> <p>(d) is an existing holding that is not within Zone R5 Large Lot Residential, or</p>	<p>The proposal is for the erection of a dwelling house..</p> <p>Yes. Minimum lot size is 20ha. The property has a size of 44ha.</p> <p>N/A. Proposal satisfies (a) above.</p> <p>N/A. Proposal satisfies (a) above.</p> <p>N/A. Proposal satisfies (a) above.</p>

<p>(e) would have been a lot or a holding referred to in paragraphs (a)–(d) had it not been affected by—</p> <p>(i) a minor realignment of its boundaries that did not create an additional lot, or</p> <p>(ii) a subdivision creating or widening a public road or public reserve or for another public purpose, or</p> <p>(f) is, in the case of land within 500 metres of land within Zone RU5 Village, a lot that has an area of at least 5 hectares, that has a sealed road frontage and that is connected to the sealed road network, or</p> <p>(g) is a holding within Zone R5 Large Lot Residential that has an area of at least 5 hectares, that has all weather access, including all weather vehicular access, to which adequate services provided by public utility undertakings are available and that is suitable for the on-site disposal of domestic wastewater, or</p> <p>(h) is a former holding, or</p> <p>(i) is a former rural lot that has an area of at least 40 hectares.</p>	<p>N/A. No changes made.</p> <p>N/A. Property not within 500m of RU5 zone.</p> <p>N/A. Property not within zone R5.</p> <p>N/A.</p> <p>N/A.</p>
<p>(3A) Development consent must not be granted to development for the purposes of tourist and visitor accommodation on land to which this clause applies unless a dwelling house or dual occupancy is permitted to be erected on the land under subclause (3).</p>	<p>N/A. Proposal is not for tourist and visitor accommodation.</p>
<p>(4) Development consent may be granted for the erection of a dwelling house or dual occupancy on land to which this clause applies if there is a lawfully erected dwelling house on the land and the dwelling house to be erected is intended only to replace the existing dwelling house.</p>	<p>N/A. Property benefits from a dwelling entitlement.</p>
<p>(5) In this clause—</p> <p><b>existing holding</b> means land that—</p> <p>(a) was a holding on the relevant date, and</p> <p>(b) is a holding at the time the application for development consent referred to in subclause (3) is lodged, whether or not there has been a change in the ownership of the holding since the relevant date,</p>	<p>Noted.</p>

and includes any other land adjoining that land acquired by the owner since the relevant date.

**former holding** means land—

(a) that was a holding on 9 August 2012, and

(b) that is a holding at the time the application for development consent referred to in subclause (3) is lodged, whether or not there has been a change in ownership of the holding since 9 August 2012, and

(c) that is at least the minimum lot size applicable under the environmental planning instrument that applied to the land immediately before the commencement of this Plan.

**former rural lot** means a lot—

(a) located in the former Mudgee, Rylstone or Merriwa local government areas, and

(b) that was created prior to the commencement of this Plan, and

(c) on which the erection of a dwelling house was permissible immediately before that commencement, and

(d) that is in Zone RU1 Primary Production, and

(e) in respect of land in the former Mudgee local government area—that was held in separate ownership from any adjoining land on 11 February 1985.

**holding** means all adjoining land, even if separated by a road or railway, held by the same person or persons.

Note—

The owner in whose ownership all the land is at the time the application is lodged need not be the same person as the owner in whose ownership all the land was on the stated date.

**relevant date** means—

(a) in relation to land marked “Mudgee” on the Former LEP Boundaries Map—29 November 1967, or

(b) in relation to land marked “Merriwa” on the Former LEP Boundaries Map—18 April 1975, or

<p>(c) in relation to land marked “Cudgegong” on the Former LEP Boundaries Map—24 November 1967, or</p> <p>(d) in relation to land marked “Rylstone” on the Former LEP Boundaries Map—31 July 1970.</p>	
<b>4.2B Dwelling houses on land in Zone RU4 Primary Production Small Lots</b>	
<p>(1) The objective of this clause is to ensure that dwelling houses are erected only where they support the permitted agricultural use of the land.</p>	<p>The proposed dwelling is considered necessary to support the lucerne hay production to occur on the site.</p>
<p>(2) Development consent must not be granted for the erection of a dwelling house on land in Zone RU4 Primary Production Small Lots unless the consent authority is satisfied that—</p> <p>(a) the land is being used, or is intended to be used, for the purpose of intensive plant agriculture, and</p> <p>(b) the dwelling house will be required to support the carrying out of the intensive plant agriculture or the irrigation of pasture and fodder crops, and</p> <p>(c) the dwelling house is not likely to cause any land use conflict with existing agricultural uses being undertaken on neighbouring properties in the zone, and</p> <p>(d) services for the supply of water and electricity to support that agricultural use are available or adequate arrangements have been made to make them available when required.</p>	<p>Refer to the report prepared by PB Ag Consulting Pty Ltd demonstrating that the site is capable of being used for lucerne hay production.</p> <p>The dwelling will be required to ensure that hay production can be undertaken on the site at the necessary times as required.</p> <p>The dwelling achieves more than compliant setbacks to the side and rear boundaries. Subsequently, no impacts or conflicts are expected.</p> <p>The site is serviced by electricity and has a water licence allocation to the amount of 60 megalitres. This is considered readily sufficient in servicing the lucerne production on site. Refer to the feasibility study prepared by PB Ag Consulting Pty Ltd for further information.</p>
<b>Clause 5.16 Subdivision of, or dwellings on, land in certain rural, residential or environmental protection zones</b>	
<p>(1) The objective of this clause is to minimise potential land use conflict between existing and proposed development on land in the rural, residential or conservation zones concerned (particularly between residential land uses and other rural land uses).</p>	<p>No land use conflict is expected to arise between the proposed dwelling and any surrounding properties or land uses given the appropriate setbacks put in place and lack of any unique farming activities in the surrounding area that would require additional consideration.</p>
<p>(2) This clause applies to land in the following zones—</p> <p>(a) Zone RU1 Primary Production,</p>	<p>Yes. Zone RU4.</p>

(b) Zone RU2 Rural Landscape, (c) Zone RU3 Forestry, (d) Zone RU4 Primary Production Small Lots, (e) Zone RU6 Transition, (f) Zone R5 Large Lot Residential, (g) Zone C2 Environmental Conservation, (h) Zone C3 Environmental Management, (i) Zone C4 Environmental Living.	
(3) A consent authority must take into account the matters specified in subclause (4) in determining whether to grant development consent to development on land to which this clause applies for either of the following purposes—  (a) subdivision of land proposed to be used for the purposes of a dwelling, (b) erection of a dwelling.	Refer to subclause (4) comments below.
(4) The following matters are to be taken into account—  (a) the existing uses and approved uses of land in the vicinity of the development,  (b) whether or not the development is likely to have a significant impact on land uses that, in the opinion of the consent authority, are likely to be preferred and the predominant land uses in the vicinity of the development,  (c) whether or not the development is likely to be incompatible with a use referred to in paragraph (a) or (b),  (d) any measures proposed by the applicant to avoid or minimise any incompatibility referred to in paragraph (c).	<p>The immediate surrounding area consists of other large rural parcels used predominantly for intensive plant agriculture. No impact is existing or anticipated as the proposal provides excessive setbacks.</p> <p>Proposal is for a single dwelling. Accordingly, no impact is expected beyond the existing context.</p> <p>N/A. No impacts identified.</p> <p>N/A. No impacts identified.</p>
<b>6.1 Salinity</b>	The proposal does not involve any major physical works apart from standard footings for the dwelling. Subsequently, no impacts related to salinity are expected. Any salinity related impacts are expected to be addressed with a condition of consent.
<b>6.4 Groundwater vulnerability</b>	<p>The site is identified as groundwater vulnerable within the MWRLEP 2012 mapping.</p> <p>The proposal results in one new principal dwelling and one new secondary dwelling.</p>

	An OSSM report prepared by Barnson Pty Ltd will be prepared confirming the site is capable of handling the sewage load, taking into consideration the groundwater system. A new system will be installed as a part of the development proposal and given the size of the lot will be expected to readily be provided prior to the issue of a CDC.
<b>6.9 Essential services</b>	<p>All essential services associated with a rural location are already available and connected to the site.</p> <p>These are not expected to be affected by the proposal.</p>

## 4.3 State Environmental Planning Policy (Resilience and Hazards) 2021

The object of this policy is to provide a mechanism to ensure remediation of contaminated land is undertaken within the planning framework.

Part 4 of the SEPP requires the consent authority (Mid-Western Regional Council), before determining a development application, to consider whether the land is potentially contaminated and if so whether the land is suitable in its current state for the proposed use.

Clause 4.6(1) of the SEPP prescribes the specific considerations for the consent authority as noted below:

*(1) A consent authority must not consent to the carrying out of any development on land unless—*

*(a) it has considered whether the land is contaminated, and*

*(b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and*

*(c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.*

**Comment:** A preliminary investigation has been undertaken by PB Ag Consulting Pty Ltd and is included within the property report prepared by same. The investigation has concluded that the contaminant results fall within the acceptable range for residential

development. No further remedial work is therefore required to satisfy the provisions of this SEPP.

## 4.4 State Environmental Planning Policy (Biodiversity & Conservation) 2021

The Biodiversity and Conservation SEPP 2021 applies to the site as the site sits within Mid-Western Regional Council LGA, as noted under Schedule 2.

Clause 4.9 of the SEPP prescribes as follows:

### ***4.9 Development assessment process—no approved koala plan of management for land***

- (1) This section applies to land to which this Chapter applies if the land—*
  - (a) has an area of at least 1 hectare (including adjoining land within the same ownership), and*
  - (b) does not have an approved koala plan of management applying to the land.*
- (2) Before a council may grant consent to a development application for consent to carry out development on the land, the council must assess whether the development is likely to have any impact on koalas or koala habitat.*
- (3) If the council is satisfied that the development is likely to have low or no impact on koalas or koala habitat, the council may grant consent to the development application.*
- (4) If the council is satisfied that the development is likely to have a higher level of impact on koalas or koala habitat, the council must, in deciding whether to grant consent to the development application, take into account a koala assessment report for the development.*
- (5) However, despite subsections (3) and (4), the council may grant development consent if the applicant provides to the council—*
  - (a) information, prepared by a suitably qualified and experienced person, the council is satisfied demonstrates that the land subject of the development application—*
    - (i) does not include any trees belonging to the koala use tree species listed in Schedule 3 for the relevant koala management area, or*
    - (ii) is not core koala habitat, or*



(b) *information the council is satisfied demonstrates that the land subject of the development application—*

(i) *does not include any trees with a diameter at breast height over bark of more than 10 centimetres, or*

(ii) *includes only horticultural or agricultural plantations.*

(6) *In this section—*

*koala assessment report, for development, means a report prepared by a suitably qualified and experienced person about the likely and potential impacts of the development on koalas or koala habitat and the proposed management of those impacts.*

**Comment:** No clearing of vegetation is proposed or necessary to facilitate the erection of the dwellings or the associated access. Subsequently, no impact upon koala feed species will occur and no further consideration of this SEPP is necessary.

## 4.5 Mid-Western Regional Development Control Plan 2013

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

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

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

TABLE 2: PROJECT COMPLIANCE – Mid-Western Regional DCP 2013	
Relevant sections applicable to this proposal.	
DCP Provisions	Complies / Comments
<b>Primary Production Small Lots</b>	
Dwellings on land within the Primary Production Small lots zone will only be approved where it can be demonstrated that the dwelling is required to support the agricultural use of the land.	The dwelling is considered necessary to support the lucerne hay production to occur on the site.

<p>The agricultural use of the land for the purposes of the RU4 zone means intensive plant agriculture (defined in LEP) or the irrigation of pasture and fodder crops.</p>																	
<p>Applications for a dwelling will need to include:</p> <ul style="list-style-type: none"><li>• Details of the proposed/existing intensive plant agricultural activity</li><li>• Business plan prepared by a suitably qualified professional detailing production costs, harvesting potential and conservative market prices</li><li>• Evidence of water licenses satisfactory for the use</li><li>• Evidence of commencement or intention to commence the activity</li></ul>	<p>Refer to the report prepared by PB Ag Consulting Pty LTd, which demonstrates the potential net income of \$90,399 over the property per year.</p> <p>The water license for 60 megalitres (WAL45210) has been included with the development proposal.</p>																
<p><b>Dwellings on rural lots within the former Rylstone LGA</b></p> <p>This clause provides additional controls regarding lot size for dwellings within the former Rylstone LGA.</p>	<p>N/A. Site not within the former Rylstone LGA.</p>																
<p><b>Services</b></p> <p>Where the dwelling will be erected on a lot that is within 500m of an R1 General Residential or R2 Low Density Residential zone, it must:</p> <ul style="list-style-type: none"><li>• Be on a lot with have sealed road frontage and be connected to the sealed road network; and</li><li>• connect to the reticulated water and sewer infrastructure</li></ul>	<p>N/A. The lot is not within 500m of the R1 or R2 zone.</p>																
<p><b>Dwellings adjacent to village zones</b></p> <p>This clause prescribes additional servicing requirements for land within proximity to the RU5 zone.</p>	<p>N/A. Property not within proximity to the RU5 zone.</p>																
<p><b>Building setbacks</b></p> <table><tr><th>Zone</th><th>Street</th><th>Side/Rear</th><th>Secondary Frontage for Corner Lots *</th></tr><tr><td>R5 Less than or equal to 5ha. in area</td><td>30m</td><td>20m</td><td>15m</td></tr><tr><td>RU1, RU4 and R5 Greater than 5ha. in area</td><td>60m</td><td>20m</td><td>15m</td></tr><tr><td>RU5</td><td>7.5m</td><td>BCA</td><td>3m</td></tr></table> <ul style="list-style-type: none"><li>• Where the lot is located a Classified Road such as Ulan or Cope Road the front setback is 100m and side and rear setback is 20 metres.</li><li>• Where the lot is located on the State Highway the front setback is 200 m and the side setback is 20 metres.</li></ul>	Zone	Street	Side/Rear	Secondary Frontage for Corner Lots *	R5 Less than or equal to 5ha. in area	30m	20m	15m	RU1, RU4 and R5 Greater than 5ha. in area	60m	20m	15m	RU5	7.5m	BCA	3m	<p>The proposed dwelling will be setback substantially from the northern and eastern street frontages.</p> <p>The side/rear setbacks to the nearest boundary to the south and east is 100m to the dwelling.</p>
Zone	Street	Side/Rear	Secondary Frontage for Corner Lots *														
R5 Less than or equal to 5ha. in area	30m	20m	15m														
RU1, RU4 and R5 Greater than 5ha. in area	60m	20m	15m														
RU5	7.5m	BCA	3m														

**Out-buildings and farm buildings**

This clause prescribes floor area controls for farm buildings and the like.

N/A. No farm buildings are proposed for this development application and are expected to be erected utilising the exempt provisions in conjunction with the lucerne operation in due course.

# 5 Planning Assessment

This section will consider the following: the Assessment of Natural Environmental Impact; the Built Environment Impacts; the Site Suitability and the Public Interest in accordance with Section 4.15(1)(b),(c) and (e).

## **5.1 Assessment of Natural Environmental Impact – S4.15 (1)(b)**

### **5.1.1 Micro Climate Impacts**

The proposed development is unlikely to result in any adverse effects to the micro-climate in the locality.

### **5.1.2 Water & Air Quality Impacts**

The proposed development is unlikely to result in any adverse effects on the locality in terms of water and air quality.

## **5.2 Assessment of Built Environment Impacts – S4.15 (1)(b)**

### **5.2.1 Impact on the Areas Character**

The surrounding built environment comprises a mix of single dwellings on larger and smaller rural allotments. The proposal will not impact this character as it is simply the creation of one additional dwelling and secondary dwelling, which will generally be hidden as perceived from the surrounding areas.

### **5.2.2 Privacy, Views & Overshadowing Impacts**

The proposed development will not impede the existing privacy or views of the subject or surrounding lots. The development will not provide overshadowing within the subject or adjoining lots given the rural context of the site.

### **5.2.3 Aural & Visual Privacy Impacts**

The proposed development, being within a standard rural area and generally compliant with the relevant planning provisions, will not result in any significant privacy concerns for adjoining properties.

## **5.2.4 Environmentally Sustainable Development**

The proposal will have minimal impact with regards to ESD subject to standard conditions imposed by the consent authority.

## **5.3 Assessment of the Site Suitability – 4.15(1)(c)**

### **5.3.1 Proximity to Service and Infrastructure**

As outlined, the site is accessible via Tinja Lane. Potable rainwater, on-site sewage management and mains power will all be made available to the dwelling. No other demand on services are expected from the development.

### **5.3.2 Traffic, Parking & Access**

The development will not significantly increase the traffic volume for the area, as the proposal is for one dwelling and secondary dwelling only. It is expected that the current road network is capable of continuing to support the minimal traffic movements.

### **5.3.3 Hazards**

The site is not subject to any known hazards such as bushfire threat, landslip, flooding and the like.

## **5.4 The Public Interest – 4.15(1)(e)**

### **5.4.1 Social and Economic Impact**

The proposal will make a positive contribution to the Mid-Western Region by facilitating the improvement of housing stock and the creation of employment.

### **5.4.2 The Public Interest**

The proposal is in the public interest as it satisfies the objectives of the MWRLEP 2012 and MWRDCP 2013 and will not set any undesirable planning precedents.

## 6 Conclusion

The proposed development has been assessed in accordance with Section 4.15(1) of the EP&A Act 1979 and Council's planning instruments. The proposal is permissible in the RU4 Primary Production Small Lots Zone under the Mid-Western Regional LEP 2012 and in our opinion is consistent with the relevant objectives of the Zone.

As discussed throughout the SEE, the crux of the proposal is to facilitate the erection of an optimal dwelling design in a suitable location on the site in consideration of a number of critical factors including access and retention of land for the purposes of lucerne production.

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