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# STATEMENT OF ENVIRONMENTAL EFFECTS



106 SALEYARDS LANE, MUDGEE

Alterations & Additions to a Dwelling House

31 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 alterations and additions to an existing dwelling and ancillary development at 106 Saleyards Lane, Mudgee.

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; and
- OSSM 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 2.5km north-west 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 standard lot located on the western side of Castlereagh Highway and eastern side of Saleyards Lane and is known as 106 Saleyards Lane, Mudgee or Lot 2 DP 1195660.

The site is regular in shape, rises gently to the west away from the Castlereagh Highway and contains a total area of 2.812ha, with the entire site generally cleared previously for the purposes of agriculture.

The site currently contains a dwelling, tennis court, swimming pool, ancillary buildings and fencing.

## **2.3 Existing Character and Context**

The surrounding area is predominantly rural, characterised by a variety of smaller and 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 Saleyards Lane and the Castlereagh Highway with vehicular access gained from Saleyards Lane via an existing rural access. Both Saleyards Lane and the Castlereagh Highway are two lane sealed roads that provide access to Mudgee. Saleyards Lane is not identified as a Classified Road in accordance with the Roads Act 1993, however, no new works within the road reserve are required to facilitate the development. Subsequently, no S138 application is necessary.

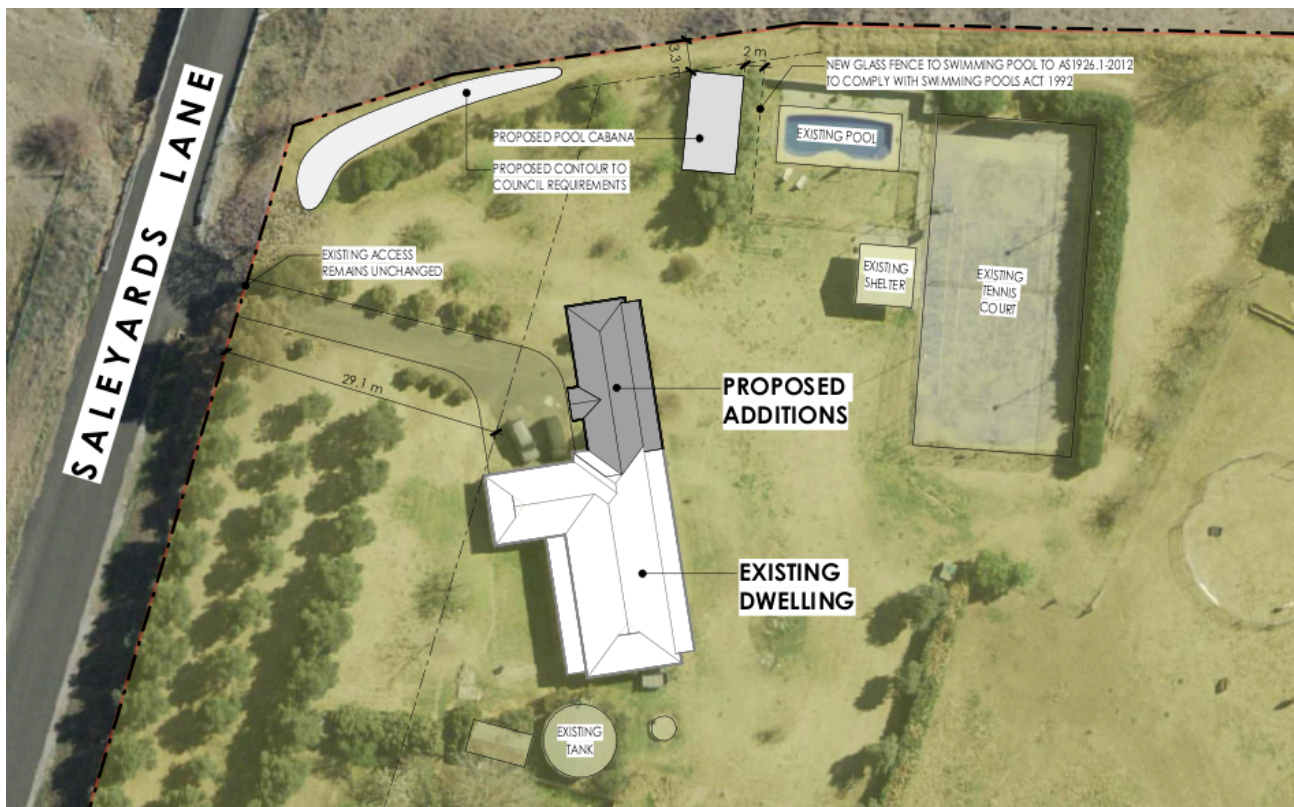
It should be noted that the proposal is for dwelling alterations and additions to facilitate improved amenities and layout for the existing residents with only one additional bedroom created. Subsequently, no additional vehicular movements of substance are expected to result from the proposal and it is therefore unreasonable and unnecessary to necessitate any upgrades to the existing access to the road, which was installed in conjunction with the original dwelling construction.



### 3 Details of the Proposal

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

- Erection of dwelling additions and alterations to facilitate a master bedroom suite, media room and entry foyer;
- Erection of a new pool cabana/detached studio;
- Installation of a replacement swimming pool fence; and
- Installation of a contour bank.



**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 watercourses 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.

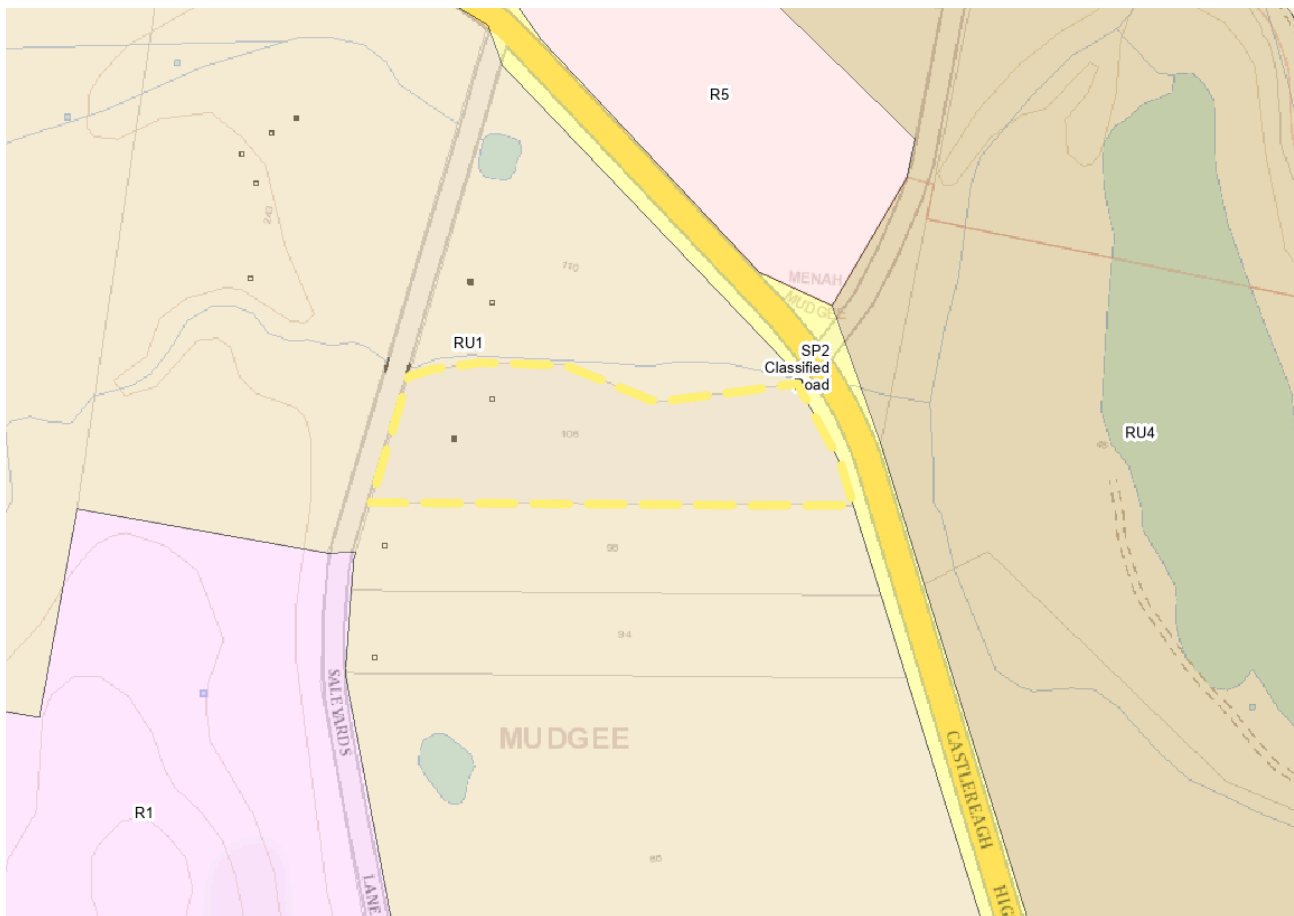
A portion of the site along the northern extent is mapped on the Biodiversity Values map. However, the proposal only involves the removal of 8 small Leyland Cypress trees and 2 small Crabapple trees, which are not native species. Subsequently, the proposal is not

likely to significantly affect any threatened species, ecological communities or their habitats as no native vegetation, that is in itself a threatened species or constituting a habitat for other threatened species, is impacted. Subsequently, clause 7.3 is considered to be satisfied in that no impact is identified and no BDAR report in accordance with clause 7.7 of the SEPP.

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

The subject site is zoned RU1 - Primary Production under Council's MWRLEP 2012 (see Figure 3). *Dwelling houses* are permissible with consent in the zone and the proposal is considered to satisfy the objectives of the zone.

It should be noted that the cabana and swimming pool fence are considered ancillary elements to the dwelling house.



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



## 4.2.1 Zone Objectives

The relevant objectives for Zone RU1 are stated:

1. *To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.*

**Comment:** The proposed dwelling addition will allow the site to continue benefiting from the current use, with the dwelling to remain in the same position. Subsequently no impact of substance on the area of the property used for agriculture will result.

2. *To encourage diversity in primary industry enterprises and systems appropriate for the area.*

**Comment:** As noted above, the dwelling addition will have no impact of substance upon the ability of the property to be used for a variety of enterprises.

3. *To minimise the fragmentation and alienation of resource lands.*

**Comment:** As noted above, the dwelling addition will have no impact of substance upon property size and does not involve subdivision.

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

**Comment:** Surrounding land consists of RU1 Primary Production and the proposed dwelling addition will not result in any additional land use conflict.

5. *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.*

**Comment:** The proposed dwelling addition is of a minor scale and will not create any visual intrusion upon the surrounding rural landscape.

6. *To promote the unique rural character of Mid-Western Regional and facilitate a variety of tourist land uses.*

**Comment:** The proposal will not hinder the site or surrounding properties from being used for the purposes of tourist activities and enterprises.

In our opinion the proposal is consistent with the relevant objectives of the RU1 Primary Production zone as detailed above. The proposal is intended to create an improved dwelling layout and upgrade of the existing dwelling only.

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 : 2.812 hectares	
LEP Provisions	Complies / Comments
<b>Clause 4.2A Erection of dwelling houses, dual occupancies and tourist and visitor accommodation on land in certain zones</b>	
<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 dwelling is existing and the proposal will not contribute to any unplanned rural residential development.</p> <p>N/A. Proposal is for alterations and additions.</p> <p>N/A. The site is zoned RU1.</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 RU1 Primary Production.</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</p>	<p>The proposal is for alterations and additions to a dwelling house.</p> <p>Yes. Minimum lot size is 2ha. The property has a size of 2.812ha.</p> <p>N/A. Proposal satisfies (a) above.</p> <p>N/A. Proposal satisfies (a) above.</p>

<p>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>(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. Proposal satisfies (a) above.</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>Noted.</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,

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—

<p>(a) in relation to land marked “Mudgee” on the Former LEP Boundaries Map—29 November 1967, or</p> <p>(b) in relation to land marked “Merriwa” on the Former LEP Boundaries Map—18 April 1975, or</p> <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>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 exists between the existing dwelling and any surrounding properties or land uses. The proposal is for alterations and additions to the existing dwelling, which will therefore not create any change to the existing context and landuse interactions.</p>
<p>(2) This clause applies to land in the following zones—</p> <p>(a) Zone RU1 Primary Production,</p> <p>(b) Zone RU2 Rural Landscape,</p> <p>(c) Zone RU3 Forestry,</p> <p>(d) Zone RU4 Primary Production Small Lots,</p> <p>(e) Zone RU6 Transition,</p> <p>(f) Zone R5 Large Lot Residential,</p> <p>(g) Zone C2 Environmental Conservation,</p> <p>(h) Zone C3 Environmental Management,</p> <p>(i) Zone C4 Environmental Living.</p>	<p>Yes. Zone RU1.</p>
<p>(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—</p> <p>(a) subdivision of land proposed to be used for the purposes of a dwelling,</p> <p>(b) erection of a dwelling.</p>	<p>Refer to subclause (4) comments below.</p>
<p>(4) The following matters are to be taken into account—</p> <p>(a) the existing uses and approved uses of land in the vicinity of the development,</p>	<p>The immediate surrounding area consists of other small and large rural parcels used predominantly for rural lifestyle blocks. No impact is existing or anticipated.</p>

<p>(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,</p> <p>(c) whether or not the development is likely to be incompatible with a use referred to in paragraph (a) or (b),</p> <p>(d) any measures proposed by the applicant to avoid or minimise any incompatibility referred to in paragraph (c).</p>	<p>Proposal is for additions to an existing 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>5.21 Flood planning</b>	
<p>(1) The objectives of this clause are as follows—</p> <p>(a) to minimise the flood risk to life and property associated with the use of land,</p> <p>(b) to allow development on land that is compatible with the flood function and behaviour on the land, taking into account projected changes as a result of climate change,</p> <p>(c) to avoid adverse or cumulative impacts on flood behaviour and the environment,</p> <p>(d) to enable the safe occupation and efficient evacuation of people in the event of a flood.</p>	<p>The proposal is to facilitate a small addition to the existing dwelling and other ancillary structures. Subsequently, no additional risks result from the proposal with no cumulative impacts with regards to flood behaviour also resulting.</p>
<p>(2) Development consent must not be granted to development on land the consent authority considers to be within the flood planning area unless the consent authority is satisfied the development—</p> <p>(a) is compatible with the flood function and behaviour on the land, and</p> <p>(b) will not adversely affect flood behaviour in a way that results in detrimental increases in the potential flood affectation of other development or properties, and</p>	<p>Consultation with Council's Development Engineer has concluded that the installation of a small contour mound adjacent to Hone Creek, which flows parallel to the site to the north, will suffice in minimising the impacts of floodwater upon the proposal.</p> <p>The location of the proposed dwelling addition and structures will then not be impacted by floodwaters in a detrimental fashion.</p> <p>The proposed contour mound will minimise impacts upon the dwelling whilst not resulting in any significant change to the flood behaviours of the surrounding area.</p>



<p>(c) will not adversely affect the safe occupation and efficient evacuation of people or exceed the capacity of existing evacuation routes for the surrounding area in the event of a flood, and</p> <p>(d) incorporates appropriate measures to manage risk to life in the event of a flood, and</p> <p>(e) will not adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses.</p>	<p>The proposed development is for an addition to the existing dwelling only. Therefore, no change in the existing evacuation routes will result and safe occupation of the site will be able to continue.</p> <p>The proposed dwelling addition and ancillary structures will continue to be able to be readily evacuated in the event of a flood.</p> <p>The proposal does not involve significant earthworks or cause floodwaters to behave in a way that will cause further environmental harm to the riparian area.</p>
<p>(3) In deciding whether to grant development consent on land to which this clause applies, the consent authority must consider the following matters—</p> <p>(a) the impact of the development on projected changes to flood behaviour as a result of climate change,</p> <p>(b) the intended design and scale of buildings resulting from the development,</p> <p>(c) whether the development incorporates measures to minimise the risk to life and ensure the safe evacuation of people in the event of a flood,</p> <p>(d) the potential to modify, relocate or remove buildings resulting from development if the surrounding area is impacted by flooding or coastal erosion.</p>	<p>No significant impact expected.</p> <p>The single storey dwelling addition and small ancillary structures are of an appropriate scale for the locality and does not involve an undercroft area or significant raising to achieve the required freeboard levels.</p> <p>The existing situation will remain with the dwelling positioned in the same location upon the property.</p> <p>The footprint of the dwelling is not expected to be impacted by flooding, and is not subject to coastal erosion.</p>
<p>(4) A word or expression used in this clause has the same meaning as it has in the Considering Flooding in Land Use Planning Guideline unless it is otherwise defined in this clause.</p>	<p>Noted.</p>
<p><b>6.1 Salinity</b></p>	<p>The proposal does not involve any major physical works apart from standard footings for the dwelling additions and ancillary structures. Subsequently, no impacts related to salinity are expected. Any salinity related impacts are expected to be addressed with a condition of consent.</p>

<b>6.4 Groundwater vulnerability</b>	<p>The site is identified as groundwater vulnerable within the MWRLEP 2012 mapping.</p> <p>The proposal retains the existing dwelling on the site with only minimal additional sewer load expected.</p> <p>An OSSM report prepared by Envirowest Consulting has been lodged with the development application 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.</p>
<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:** No potentially contaminating activities are undertaken on the property or have been known to have been undertaken on the property. No further consideration of the SEPP is considered necessary.

## 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 dwelling addition or ancillary structures. 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.

It should be noted that the dwelling addition and ancillary structures have been positioned at a minimum distance of approximately 3m from the top of the bank of the Hone Creek to the north and therefore is within '*waterfront land*' as defined under the Water Management Act 2000. The contour mound is also positioned within the property boundary, but not within the bed or bank of the Creek.

Subsequently, a controlled activity approval would normally be required from NSW Water in accordance with clause 91 of the Water Management Act 2000. However, all of the works are associated with the erection of a dwelling house and therefore are **exempt** from the requirements of a controlled activity approval in accordance with clause 42 and Part 2, Schedule 4 of the Water Management (General) Regulation 2018 as they are not undertaken within the bed of the watercourse. A controlled activity approval pursuant to the Water Management Act 2000 is therefore **not** required.

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.

<b>TABLE 2: PROJECT COMPLIANCE – Mid-Western Regional DCP 2013</b>	
<b>Relevant sections applicable to this proposal.</b>	
<b>DCP Provisions</b>	<b>Complies / Comments</b>
<b>Primary Production Small Lots</b>	
<p>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.</p> <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>	N/A. Site not within RU4 zone.
<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>	N/A. Site not within RU4 zone.
<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>	N/A. Site not within the former Rylstone LGA.
<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 proposal is for an addition to an existing dwelling only and not for the erection of a new dwelling upon the site.</p> <p>The application of this clause would be unreasonable in the circumstances of the case as the existing septic is functioning efficiently and the existing dwelling is utilising a sufficiently sized water tank for potable water.</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>Whilst no setback requirements are stipulated for a site of this context the dwelling addition will be setback behind the existing building line and therefore of an appropriate distance from Saleyards Lane.</p> <p>This is commensurate with other dwellings in the vicinity, which are all positioned to the western extent of the property to avoid impacts associated with flooding.</p> <p>Appropriate distances to the Castlereagh Highway have also been achieved to ensure minimal impact upon the functioning of the highway and also to the occupants.</p> <p>Similarly, the proposed side setbacks are also appropriate given the limited area of land on which to erect the buildings and the separation achieved to the adjoining dwelling to the north as a result of the presence of Hone Creek.</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														
<p><b>Out-buildings and farm buildings</b></p> <p>This clause prescribes floor area controls for farm buildings and the like.</p>	<p>N/A. No farm buildings are proposed.</p>																



# 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, together with urban fringe. The proposal will not impact this character as it is simply a small addition to an existing dwelling and other minor structures.

### **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 Saleyards Lane. Potable rainwater, on-site sewage management and mains power will all continue to be available to the dwelling. No other demand on services are expected from the development.

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

The development will not increase the traffic volume for the area, as the proposal is for a dwelling alteration and addition that will result in only minor additional occupants. It is expected that the current road network is capable of continuing to support the minimal traffic movements.

Refer to the previous comments in Section 2.4 where the existing access is discussed and justification provided to demonstrate that no upgrade works are warranted.

### **5.3.3 Hazards**

The site is not subject to any known hazards such as bushfire threat, landslip and the like. Flooding has been addressed throughout this report and given the minor adjustment to the landform to mitigate overland flow there will be no significant impacts with regards to flooding.

## **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 RU1 Primary Production 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 addition and other minor structures to create an optimal dwelling design in a suitable location on the site in consideration of a number of critical factors including flooding, existing built form and adjoining properties.

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