



# STATEMENT OF ENVIRONMENTAL EFFECTS

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CONSTRUCTION OF SINGLE STOREY DWELLING HOUSE  
& ATTACHED SECONDARY DWELLING

3 MARGARET LANE  
CAERLEON NSW 2850  
LOT 1223 DP 1302496

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# 1 INTRODUCTION

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This Statement of Environmental Effects (SEE) has been prepared to support a Development Application for the construction of a new single storey dwelling house and an attached secondary dwelling on the site located at 3 Margaret Lane, Caerleon. This SEE evaluates the proposed development for its compliance with the statutory controls embodied in various statutory planning instruments and demonstrates that the development is consistent with the aims and objectives of these instruments. In preparation of this document, consideration has been given to the following:

- > The Environmental Planning and Assessment Act (1979) as amended.
- > The Environmental Planning and Assessment Regulation.
- > Mid-Western Regional Local Environmental Plan 2012 (MERLEP 2012).
- > Mid-Western Regional Development Control Plan 2013 (MCRDCP 2013).
- > Various State Environmental Planning Policies.

This report clearly and comprehensively addresses the statutory regime applicable to the application and demonstrates that the proposed development is complementary and compatible with the area. This SEE provides a description of the subject site and surrounds, an identification of the development proposed by this application and an assessment of the perceived impacts of this proposal for the matters contained within Section 4.15 of the Environmental Planning & Assessment Act, 1979 (EP&A Act), as amended. Specifically, this SEE provides the following information:

- > **SECTION 2** provides a description of the subject site and surrounding locality.
- > **SECTION 3** provides a detailed description of the proposed development.
- > **SECTION 4** provides an assessment of the proposed development against the relevant planning objectives and controls in accordance with Section 4.15(1) of the EP&A Act.
- > **SECTION 5** provides a summary and conclusion.

## 2 SITE ANALYSIS

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### 2.1 CONTEXT ANALYSIS

The subject site at 3 Margaret Lane, Caerleon is located within the Mid-Western Regional Council Local Government Area (LGA). The site is located within a new residential subdivision of Caerleon. Residential development within Caerleon is not defined by a single architectural style, but instead ranges from original dwellings to more contemporary dwellings. The past few years have seen many new homes being constructed in Caerleon and older dwellings undergoing extensive renovations. Future residential development in the locality is to preserve and enhance the landscape setting of the area and achieve compatibility with the established low-density characteristic.

While the immediate area is characterised predominately by low density residential development in the form of detached dwelling houses and secondary dwelling developments, the site is within close proximity to infrastructure such as schools, shops, transport and recreational facilities. As a result, the site is considered to be in an ideal location that enjoys ease of access to a variety of services that promote social and economic activity within Caerleon.

### 2.2 SITE ANALYSIS

The subject site is located at 3 Margaret Lane, Caerleon and is legally defined as Lot 1223 DP 1302496. The site is arranged on a north-south tangent and is orientated to address the site frontage of Margaret Lane to the north and west. The aerial image below shows the orientation of the subject site and its location relative to surrounding properties.



**Figure 1:** Aerial View of Subject Site and Surrounding Properties

The site is an irregular shaped block and has a total area of 694.7m<sup>2</sup>. The site is presently vacant and has been cleared of significant trees and vegetation as part of the original subdivision of the land and in lieu of future residential development.

### 3 PROPOSED DEVELOPMENT

This Development Application is made for the construction of a new single storey dwelling house and an attached secondary dwelling on the site at 3 Margaret Lane, Caerleon. The proposed works are to be undertaken in accordance with the Architectural Plans submitted with this application. Specifically, the proposed development comprises the following:

- Construction of new single storey dwelling house.
- Construction of attached secondary dwelling.
- Construction of new driveway access from Margaret Lane.
- Comprehensive site landscaping in accordance with the provisions of the MWRDCP 2013.

The intention of the proposed development is to achieve the development potential of the site and satisfy the housing needs of the residents and contribute to the demand for housing in the locality. The proposed development will not adversely affect the adjoining land or open spaces in terms of overshadowing, views, privacy or visual intrusion. The final design of the development will provide a positive contribution to the streetscape as a result of sympathetic architectural design combined with appropriate landscaping works to ensure the development is consistent with the desired future characteristics of Margaret Lane and the wider Caerleon locality.

#### 3.1 PROPOSED LAND USE AND BUILT FORM

The proposal seeks development consent from Council for the construction of a new single dwelling house and attached secondary dwelling on the site at 3 Margaret Lane, Caerleon. Specifically, the following elements are proposed on each level:

DWELLING HOUSE
<ul style="list-style-type: none"><li>• New driveway access from Margaret Lane</li><li>• Double car garage</li><li>• Porch entry feature</li><li>• Lounge room</li><li>• Master bedroom with ensuite and walk-in-wardrobe</li><li>• Three bedrooms</li><li>• Bathroom</li><li>• Laundry</li><li>• Open plan kitchen, living and dining area</li><li>• Outdoor alfresco area</li></ul>
SECONDARY DWELLING
<ul style="list-style-type: none"><li>• Bedroom</li><li>• Bathroom</li><li>• Laundry</li><li>• Living room</li><li>• Kitchen and dining area</li></ul>

The final development has the following site dimensions:

AREA	CALCULATION
Site Area	694.7m <sup>2</sup>
Principal Dwelling GFA	184.84m
Secondary Dwelling GFA	54.13m <sup>2</sup>

#### 3.2 LANDSCAPING WORKS

As detailed on the Architectural Plans submitted with this application, the proposed development involves deep soil landscaping and vegetation within the front setbacks to Margaret Lane as well as the provision of landscaping

along the side and rear boundaries of the site. Landscape treatment is commensurate with the proposed works and will help to soften the appearance of the built form and hardstand areas, whilst contributing to the well-maintained landscape and bushland characteristic of the locality.

### 3.3 SITE ACCESS AND CAR PARKING

The proposed dwelling house contains a double car garage that is recessed behind the building line and integrated with the building design. A new driveway is to be constructed to provide access to the double car garage from the site frontage of Margaret Lane. The creation of the proposed new driveway necessitates approval under the Roads Act 1993. Section 138(1) of the Roads Act 1993 requires consent to:

- a) *erect a structure or carry out a work in, on or over a public road, or*
- b) *dig up or disturb the surface of a public road, or*
- c) *remove or interfere with a structure, work or tree on a public road, or*
- d) *pump water into a public road from any land adjoining the road, or*
- e) *connect a road (whether public or private) to a classified road.*

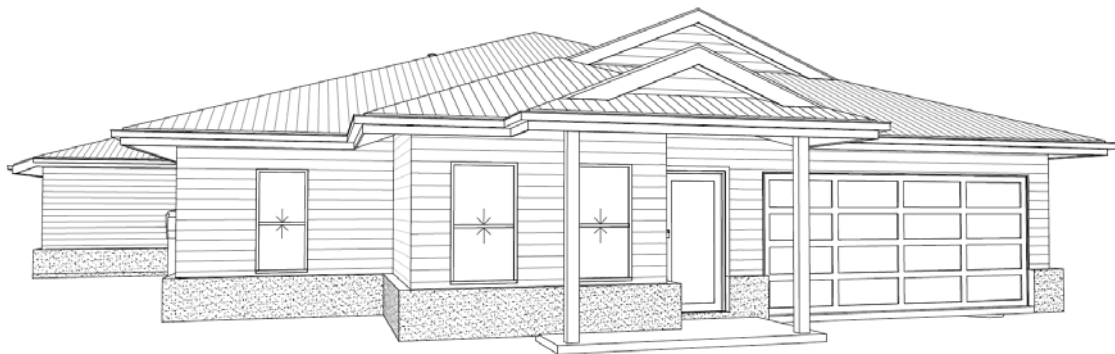
Consent is therefore sought for the construction of the new driveway crossing to service the proposed development.

### 3.4 PRIVATE OPEN SPACE

The proposed development has been designed to achieve numerical compliance with the MWRDCP 2013 requirements for private open space. Private open space is provided at the rear of the dwelling house in the form of a new outdoor alfresco area with additional landscaped open space beyond. The proposed private open space area is accessed directly from the open plan kitchen, living and dining area and will act as an extension of this space. Private open space is proposed for the secondary dwelling in the form of landscaped open space. The proposed location and configuration of private open space on the site will provide a high level of amenity for the residents whilst retaining the privacy and solar access of neighbouring properties. Fencing and landscape elements within the side and rear setbacks of the site will provide a visual and acoustic buffer to nearby buildings.

### 3.5 EXTERNAL APPEARANCE AND DESIGN

The proposed development incorporates a range of façade elements including the projecting porch entry feature, recessed double car garage, variations in the roof profile and multiple windows on the building elevations to provide visual interest and articulation when viewed from the public domain. A range of materials are proposed including horizontal cladding, architectural render, timber posts and Colorbond metal sheet roofing to provide further modulation and break up the visual bulk of the development. The proposed colour scheme assists in breaking up the visual bulk of the development and will ensure compatibility with the surrounding built and natural environment. A perspective image of the proposed development is shown below.



**Figure 2:** Proposed Development

## 4 PLANNING ASSESSMENT

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### 4.1 STATE ENVIRONMENTAL PLANNING POLICY – SUSTAINABLE BUILDINGS (2022)

State Environmental Planning Policy – Sustainable Buildings (2022) (Sustainable Buildings SEPP) requires all residential development in New South Wales to achieve a minimum target for energy efficiency, water efficiency and thermal comfort. The proposed development has been assessed in accordance with the relevant provisions of the Sustainable Buildings SEPP. It is demonstrated on the BASIX Certificate submitted with this application that the proposal achieves the required rating for energy efficiency, water efficiency and thermal comfort.

### 4.2 STATE ENVIRONMENTAL PLANNING POLICY (RESILIENCE AND HAZARDS) 2021

The new State Environmental Planning Policy (Resilience and Hazards) 2021 (Resilience and Hazards SEPP) consolidates three SEPPs and is effectively a house keeping measure and does not introduce any substantive changes to the legal provisions. Chapter 4 of the Resilience and Hazards SEPP introduces planning controls for the remediation of contaminated land and requires an investigation to be made if land contamination is suspected. It is understood that a Contamination Investigation was undertaken as part of the original subdivision of the land and deemed the site suitable for residential development. No evidence of fill, mines, sheep dips, mixing sheds or contaminating industrial activities are known to have been located on the site from the review of site history. As such, the site is considered highly unlikely to be contaminated and is suitable for the proposed development in accordance with the provisions of Chapter 4.

### 4.3 STATE ENVIRONMENTAL PLANNING POLICY (HOUSING) 2021

The proposed development involves the construction of an attached secondary dwelling and is therefore assessed against Part 1 – *Secondary Dwellings* of the Housing SEPP below.

#### Land to which Division Applies

The subject site is zoned R1 – General Residential and as such Division 2 applies.

#### Development to which Division Applies

The proposed development involves the construction of an attached secondary dwelling and as such Division 2 applies.

#### Development may be Carried out with Consent

- (2) *A consent authority must not consent to development to which this Division applies if there is on the land, or if the development would result in there being on the land, any dwelling other than the principal dwelling and the secondary dwelling.*
- (3) *A consent authority must not consent to development to which this Division applies unless—*
  - (a) *the total floor area of the principal dwelling and the secondary dwelling is no more than the maximum floor area allowed for a dwelling house on the land under another environmental planning instrument, and*
  - (b) *the total floor area of the secondary dwelling is no more than 60 square metres or, if a greater floor area is permitted in respect of a secondary dwelling on the land under another environmental planning instrument, that greater floor area.*

The final development will comprise a principal dwelling and a secondary dwelling only on the site. The site is not subject to a maximum floor space ratio provision under the MWRLEP 2012. The secondary dwelling has a gross floor area of 54.13m<sup>2</sup>.

- (2) *The following are non-discretionary development standards in relation to the carrying out of development to which this Part applies—*

- (a) *for a detached secondary dwelling—a minimum site area of 450m<sup>2</sup>*
- (b) *the number of parking spaces provided on the site is the same as the number of parking spaces provided on the site immediately before the development is carried out.*

The subject site has an area of 694.7m<sup>2</sup>. A double car garage is proposed for the new dwelling house. On-site parking is not proposed for the secondary dwelling.

#### **4.4 MID-WESTERN REGIONAL LOCAL ENVIRONMENTAL PLAN 2012**

The Mid-Western Regional Local Environmental Plan 2012 (MWRLEP 2012) is the principal planning instrument that governs all development within the Mid-Western Regional Council LGA. The objectives and provisions of the plan that relate to the proposed development are discussed below.

##### **4.4.1 LAND USE ZONING**

The subject site is zoned R1 – General Residential under the MWRLEP 2012. The proposed development achieves the objectives of the R1 zone by providing a form of low impact residential development to meet the housing demand of the locality without comprising the environmental values of the land. The proposed development does not require the removal of significant vegetation from the site and has been sensitively designed to respond to the natural topography of the land to avoid unnecessary excavation and associated environmental impacts. The design of the development is in keeping with the residential characteristics of the locality and will make a positive contribution to the streetscape a result of sympathetic architectural design combined with appropriate landscaping works. The final development will set a desirable precedence for future development in Caerleon.

The proposed development involves the construction of a new dwelling house on the site which is permissible in the R1 zone with consent from Council. The proposed secondary dwelling is not permissible in the R1 zone and is therefore assessed against the State Environmental Planning Policy (Housing) 2021 in **Section 4.3** above.

##### **4.4.2 HEIGHT OF BUILDINGS**

Clause 4.3 of the MWRLEP 2012 requires that the height of a building on any land is not to exceed the maximum height shown for the land of the Height of Buildings Map. The site is subject to a maximum building height of 8.5m. The proposed development is single storey in form and has a maximum building height of 6.052m.

##### **4.4.3 FLOOR SPACE RATIO**

Clause 4.4 of the MWRLEP 2012 requires that the maximum floor space for a building on any land is not to exceed the floor space ratio shown for the land on the Floor Space Ratio Map. The site is not subject to a maximum floor space ratio.

##### **4.4.4 HERITAGE CONSERVATION**

Clause 5.10 of the MWRLEP 2012 states that development consent is required for any works impacting on a Heritage Item, Aboriginal object or Heritage Conservation Area identified on the Heritage Map. The subject site does not contain a Heritage Item and is not located within a Heritage Conservation Area.

##### **4.4.5 BUSHFIRE HAZARD REDUCTION**

Clause 5.11 of the MWRLEP 2012 makes provision relating to the carrying out of development on bush fire prone land. The subject site is not identified as bushfire prone land.

##### **4.4.6 EARTHWORKS**

Clause 6.3 of the MWRLEP 2012 states that development consent is required for any earthworks on the site. The proposed development has been designed to respond to the topography and natural features of the land. Excavation is minor in nature and is contained wholly within the proposed building envelope and the ground floor level predominately follows the natural ground level of the land which ultimately minimises the overall bulk and massing of the building when viewed from the streetscape and adjoining properties. The form and massing of the development, including height and overall bulk and scale, is considered to achieve unity and a seamless



integration with the characteristics of the locality. The proposed development scheme is highly compatible with, and sympathetic to, the site conditions and will positively contribute to the visual quality of the streetscape.

#### **4.4.7 ENVIRONMENTALLY SENSITIVE LAND – GROUNDWATER VULNERABILITY**

Clause 6.4 of the MWRLEP 2012 applies to land identified as “Environmentally Sensitive Land” on the Groundwater Vulnerability Map. The subject site is identified on the Groundwater Vulnerability Map below and as such the provisions of Clause 6.6 apply to the proposed development. In deciding whether to grant development consent 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),*
- b) any adverse impacts the development may have on groundwater dependent ecosystems,*
- 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),*
- d) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.*

The proposed development has been designed to respond to the topography and natural features of the land. Excavation is minor in nature and is contained wholly within the proposed building envelope. Mitigation measures are to be implemented as part of the Construction Environmental Management Plan to minimise any potential impacts on groundwater.

#### **4.5 MID-WESTERN REGIONAL DEVELOPMENT CONTROL PLAN 2013**

The Mid-Western Regional Development Control Plan 2013 (MWRDCP 2013) provides objectives, advice and controls to facilitate development in the Mid-Western Regional Council LGA. The table below provides an assessment of the proposed development against the relevant controls of the MWRDCP 2013.

## MID-WESTERN REGIONAL DEVELOPMENT CONTROL PLAN 2013

3.1 – RESIDENTIAL DEVELOPMENT IN URBAN AREAS		
BUILDING SETBACKS		
Setbacks must be compatible with the existing and/or future desired streetscape.	The proposed setbacks are consistent with the predominate setback characteristics of the locality.	Yes
Side or rear building setbacks are to demonstrate no unreasonable adverse impact on the privacy or solar access of adjoining properties.	The proposed development is setback a generous 1.5m from the side boundary and 4.005m from the rear boundary to mitigate privacy and overshadowing issues to adjoining properties.	Yes
Street <ul style="list-style-type: none"> <li>4.5m to building line or average of adjoining properties</li> <li>5.5m to the garage</li> </ul>	The proposed development is setback a minimum of 4.52m from the Margaret Lane streetscape.	Yes
Side/Rear <ul style="list-style-type: none"> <li>900mm</li> </ul>	The proposed development is setback 1.5m from the side boundary.	Yes
BUILDING HEIGHT		
Single storey (Single storey dwelling is one that has only one storey (as defined by the BCA) and the Finished Floor Level (FFL) is less than 1 metre above natural ground level.	The proposed development is single storey in form.	Yes
Building height must ensure that adjacent properties are not overlooked or overshadowed.	The single storey form of the development ensures that windows to the side and rear elevations of the dwelling will be screened from adjoining residential properties by fencing and landscaping to the site setbacks. The development will not result in unreasonable overshadowing.	Yes
SITE COVERAGE		
Development must be an appropriate bulk and scale for the existing residential surrounds.	The proposed development incorporates a range of façade elements including the projecting porch entry feature, recessed double car garage, variations in the roof profile and multiple windows on the building elevations to provide visual interest and articulation when viewed from the public domain. A range of materials are proposed including horizontal cladding, architectural render, timber posts and Colorbond metal sheet roofing to provide further modulation and break up the visual bulk of the development. The proposed colour scheme assists in breaking up the visual bulk of the development and will ensure compatibility with the surrounding built and natural environment.	Yes
SOLAR ACCESS		

Development must have reasonable access to sunlight and must not unduly impede solar access of neighbouring dwellings.	The single storey form and generous setback distances of the development ensure that overshadowing is minimised.	Yes
Dwellings are to be positioned to maximise solar access to living areas.	Proposed living and private open space areas are orientated to the north to maximise solar access.	Yes
<b>PRIVACY</b>		
Development must ensure that reasonable privacy is achieved for new dwellings and existing adjoining residences and private open space.	The proposed development is single storey in form and achieves compliant setback distances to the property boundaries to achieve a high level of privacy on the site and for adjoining residential properties.	Yes
<b>PARKING</b>		
Development must provide adequate off-street parking to maintain the existing levels of and safety on the road network.	A double car garage with provision for two vehicles is proposed. The garage is recessed behind the building line and integrated with the building design.	Yes
Parking areas should be visually attractive and constructed, designed and situated so encourage their safe use.	The proposed garage design compliments the architectural styling of the dwelling house and will contribute to the visual quality of the streetscape.	Yes
<b>LANDSCAPING</b>		
Landscaping must enhance the quality of the built environment.	Comprehensive site landscaping is proposed throughout the front, side and rear setbacks of the site to enhance the visual setting of the streetscape, soften the appearance of the built form and hardstand surfaces and provide a visual buffer to and from the site.	Yes
Species selection and location should improve energy efficiency through reducing heat gain through windows and deflecting winterwinds.	Suitable plant species are proposed.	Yes
<b>FENCING</b>		
Fencing facing the street or forward of the building line must avoid extensive lengths of 'Colorbond' as it presents a barrier to the street.	Fencing is proposed to the secondary portion of the frontage to screen the private open space area. Colorbond fencing is proposed to enhance privacy and is contained to the rear-most portion of the site only to mitigate visual impacts.	Yes
Front fences to be open panels not to include "Colorbond" and are restricted to a maximum height of 1.2 metres.	Fencing is not proposed to the primary frontage of Margaret Lane. The secondary frontage is to be fenced to screen the private open space area.	Yes
Where a street fence is proposed, the section of side fence located in front of the building setback shall be open or a combination of open panels and masonry columns to match the front fence.	Fencing is not proposed to the primary frontage of Margaret Lane. The secondary frontage is to be fenced to screen the private open space area, comprising 1.8m Colorbond fencing.	Yes
Maximum height of side and rear fences behind the building line to be 1.8 metres.	Boundary fencing is proposed to be 1.8m in height.	Yes
<b>GARAGES</b>		
Maximum size of garages and outbuildings in urban areas* shall be as follows: • 50m	The proposed garage is 32.03m <sup>2</sup> in size.	
A maximum building height of 4.5 metres from natural ground level to the ridge applies in urban areas where the lot is under 2000m <sup>2</sup> .	The proposed garage is integrated with the dwelling design.	Yes

SLOPE		
The slope of the development site cannot exceed 15 degrees	The slope of the subject site does not exceed 15 degrees.	Yes
Cut is to be limited to 1,000mm.	Proposed cut does not exceed 1m as the site is relatively flat.	Yes
Fill is restricted to 600 mm. It must be clean fill and a geotechnical assessment issued for the fill to demonstrate compaction to the Australian Standard.	Proposed fill does not exceed 600mm as the site is relatively flat.	Yes
Any cut and/or fill must be provided with retaining walls, drainage and must be setback a minimum of 300 mm from any boundary.	Not required.	N/A
Fill must not direct stormwater onto adjoining properties and drainage pits for overland flow paths are to be provided.	Fill is not proposed to impact on-site drainage.	Yes
Cut and fill is not permitted within water or sewer easements.	Cut and fill is not proposed within the sites easement.	Yes
DESIGN		
75% of the Private open space and internal living area should have access to sunlight for 3 hours a day between 9 am and 3 pm with direct access to the main living areas.	The proposed northerly orientation of the private open space area in conjunction with the single storey form of the development ensures that the private open space area receives maximum solar access.	Yes
80m <sup>2</sup> of private open space is provided with a minimum dimension of 5 metres.	80m <sup>2</sup> of private open space is proposed for the principal dwelling in the form of the outdoor alfresco area with landscaped open space beyond and throughout the site. A designated area of 5m x 5m is proposed that directly adjoins the internal living area of the dwelling.	Yes
No windowless facades at the street frontage(s).	The façade of the development contains multiple windows that will provide for casual surveillance of the streetscape.	Yes
Street elevations are to include at least 5% of openings including windows, doors.	The street elevation of the development contains multiple windows and openings.	Yes
Garages – the aggregate width of the garage door or carport shall not exceed 45% of the front elevation of the dwelling.	The proposed width of the garage door is 4.8m or 25.825% of the façade length addressing Margaret Lane.	Yes
For corner allotments no fences, structures or landscaping exceeding 1 metre in height are to be located within the triangle formed by a sight line 12 metres x 6 metres form the intersection of the two street boundary lines.	The proposed development does not involve structures in the vicinity of intersections. The subject site has a large wrap-around frontage to Margaret Lane and appropriately addresses the streetscape.	Yes
UTILITIES		
Buildings and structures are to be located clear of utility infrastructure.	The proposed development is located on an unconstrained portion of the site and does not encroach into utility infrastructure.	Yes
No building can be located within an easement for the purposes of utility infrastructure.	There is a sewer and drainage easement traversing the rear boundary of the site. The proposed development is located outside of the easement.	Yes
Structures are to be located 1,500 mm for the centre line of the water or sewer main.	The proposed development maintains a setback of 1.5m from the sewer and drainage easement traversing the rear boundary of the site.	Yes
Stormwater shall be designed to flow to a gravity system. Alternatives are not acceptable.	Refer to Stormwater Plan submitted with this application.	Yes
No building on overland flow paths.	The proposed development is not located on overland flow paths.	Yes

ACCESS		
All weather two wheel drive access	A suitable all weather driveway access is proposed.	Yes
Driveways to be located a minimum of 6m from an intersection.	The proposed driveway is not located within 6m of an intersection.	Yes

## 5 CONCLUSION

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The proposed development at 3 Margaret Lane, Caerleon involves the construction of a new single storey dwelling house and an attached secondary dwelling. The intention of the proposed works is to achieve the development potential of the site and provide a new dwelling house and secondary dwelling that will contribute to the demand for housing in the locality. The impact of the proposed development has been assessed in accordance with the provisions of Section 4.15 of the EP&A Act and is found to be satisfactory. The proposal has also been assessed against the relevant provisions of the Mid-Western Regional Local Environmental Plan 2012 (MWRDCP 2012) and the Mid-Wester Regional Development Control Plan 2013 (MWRDCP 2013) and is considered to be appropriate for the subject site for the following reasons:

- > The proposed development has been sensitively designed to reflect the desired built form character of the locality.
- > The proposed development does not require the removal of significant trees or vegetation and will provide comprehensive landscaped areas throughout the site to soften the appearance of the built form and contribute to the visual quality of the streetscape.
- > The proposed development complies with the relevant guiding objectives and provisions for development under the MWRLEP 2012 including land use zoning, maximum building height, earthworks and groundwater vulnerability.
- > The proposed development complies with the guiding objectives and principles of the MWRDCP 2013 including building form and setback distances, car parking, landscaping and private open space.

The site is therefore considered to be suitable for the proposed development and will generally have acceptable environmental, social and economic impacts on the immediate area. The proposal is unlikely to result in adverse impacts on the amenity of the locality and accordingly, the proposal is considered to be in the public interest and worthy of Council's support.