



STATEMENT OF ENVIROMENTAL EFFECTS

PROPOSAL: Dual Occupancy. Shed
and Serviced Apartment

ADDRESS: 219 Lowes Peak Road, St
Fillans

May 2024

DESCRIPTION: Dual Occupancy, Shed and Serviced Apartment

CLIENT: Ivan Perich

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This document has been authorised by

Anthony Daintith (Principal)
Date: 3/5/2024



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PART

A

BACKGROUND

This Part provides a detailed description of the site, the background and various components to the proposed development

BACKGROUND

INTRODUCTION

Ivan Perich has been engaged to prepare a Statement of Environmental Effects (SOEE), to support a Development Application to Mid Western Regional Council, for a proposed dual occupancy, shed and serviced apartment at 219 Lowes Peak Road, St Fillans.

The purpose of this document is to:

- Describe the existing environment;
- Outline the proposed development;
- Consider relevant statutory matters; and
- Make conclusions and recommendations for Councils consideration.

The development application consists of the following components:

- Statement of Environmental Effects.
- Effluent Report.
- Site Plan.
- Architectural Plans.
- BASIX & NatHERS Certificate.

APPLICANT AND OWNER

The applicant is Ivan Perich C/- Anthony Daintith Town Planning.

The current owners of the land is Ivan Perich. The owner has provided his written consent to the application.

SITE ANALYSIS

LOCATION AND TITLE

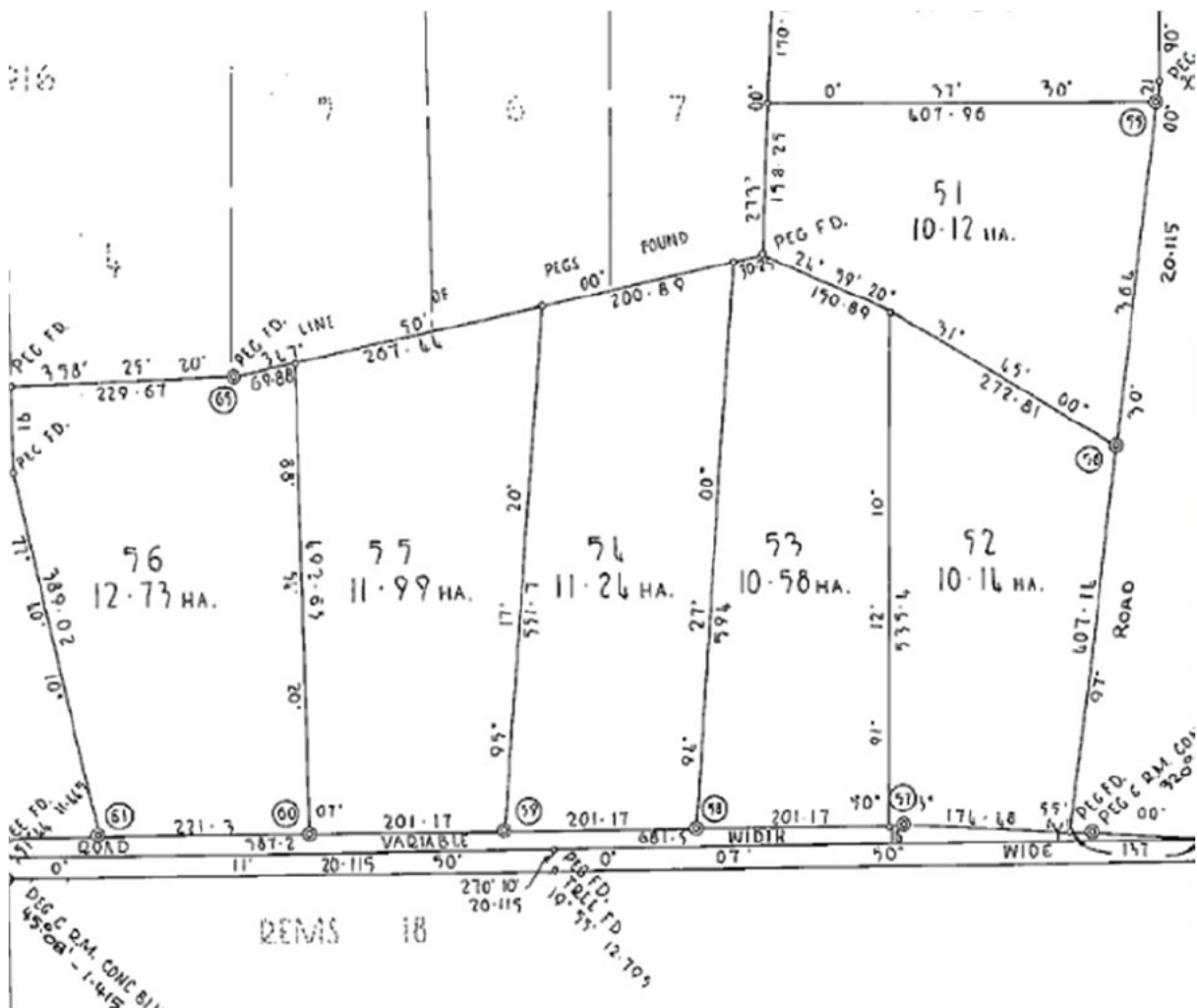
The subject land is identified as 219 Lowes Peak Road, St Fillans. Refer to **Figures 1 & 2** which depicts the site within the locality. The site is located on the western side of Lowes Peak Road, located approximately 13km from the Township of Mudgee.

The land title description is as per **Table 1**:

Table 1: Land Title Description

Lot	DP
54	248340

The area of the subject land is 11.24ha.



GENERAL SITE DESCRIPTION

Buildings

There is an existing dwelling.

Vegetation

Essentially cleared land with a few isolated trees.

Watercourses

There are no watercourses traversing the subject land.

Topography

The land is considered to be relatively level.

Photos 1 – 5 provide a visual representation of the subject site.

Figure 1: Locality Map

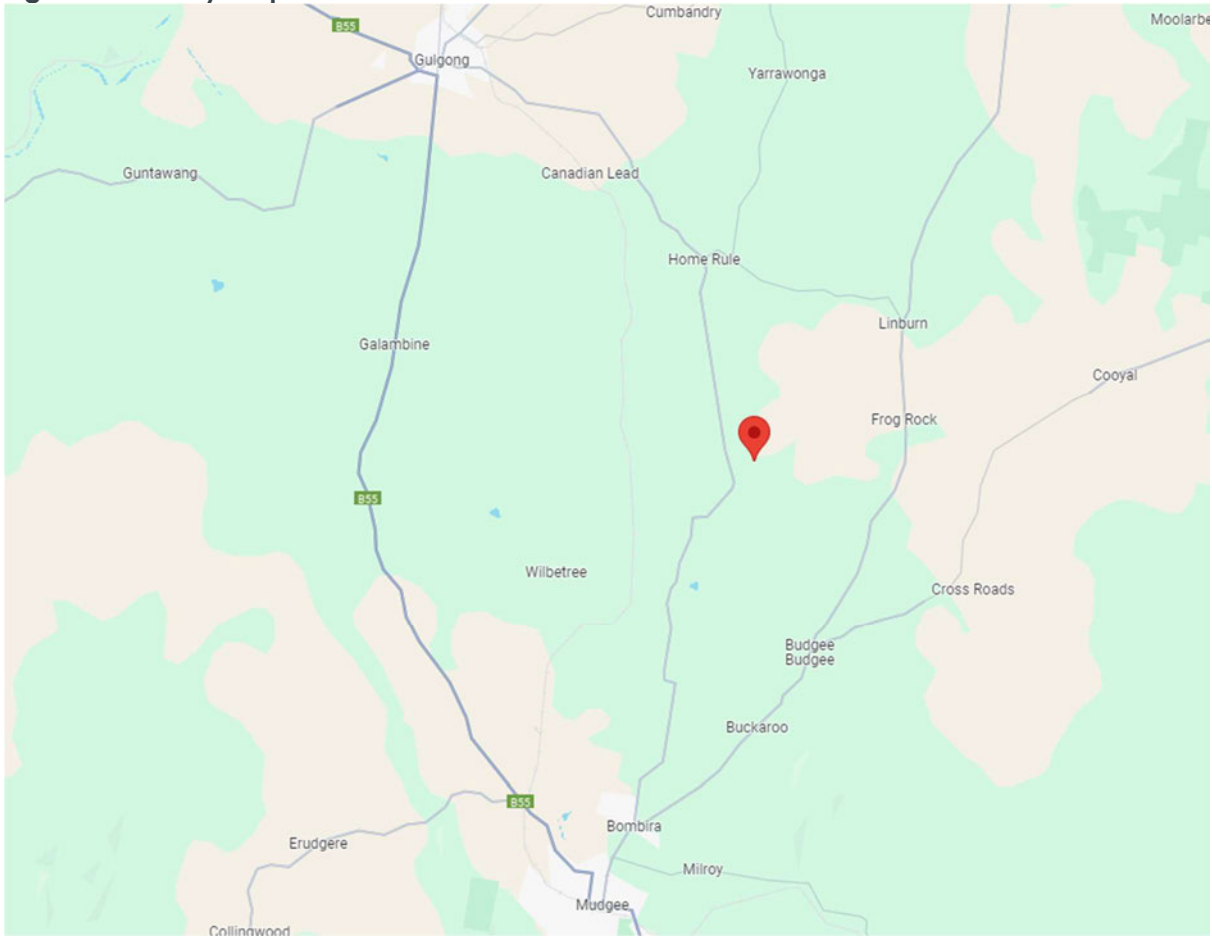


Figure 2: Aerial View of the Site



Photo 1: Entrance to the property



Photo 2: Existing house



Photo 3: Existing house



Photo 4: Site of the proposed dual occupancy



Photo 5: Site of the proposed shed/serviced apartment



PROPOSED DEVELOPMENT

The proposed development includes the following:

- Dual Occupancy (including dwelling house, carport, tank and swimming pool)
- Shed (including Serviced Apartment)

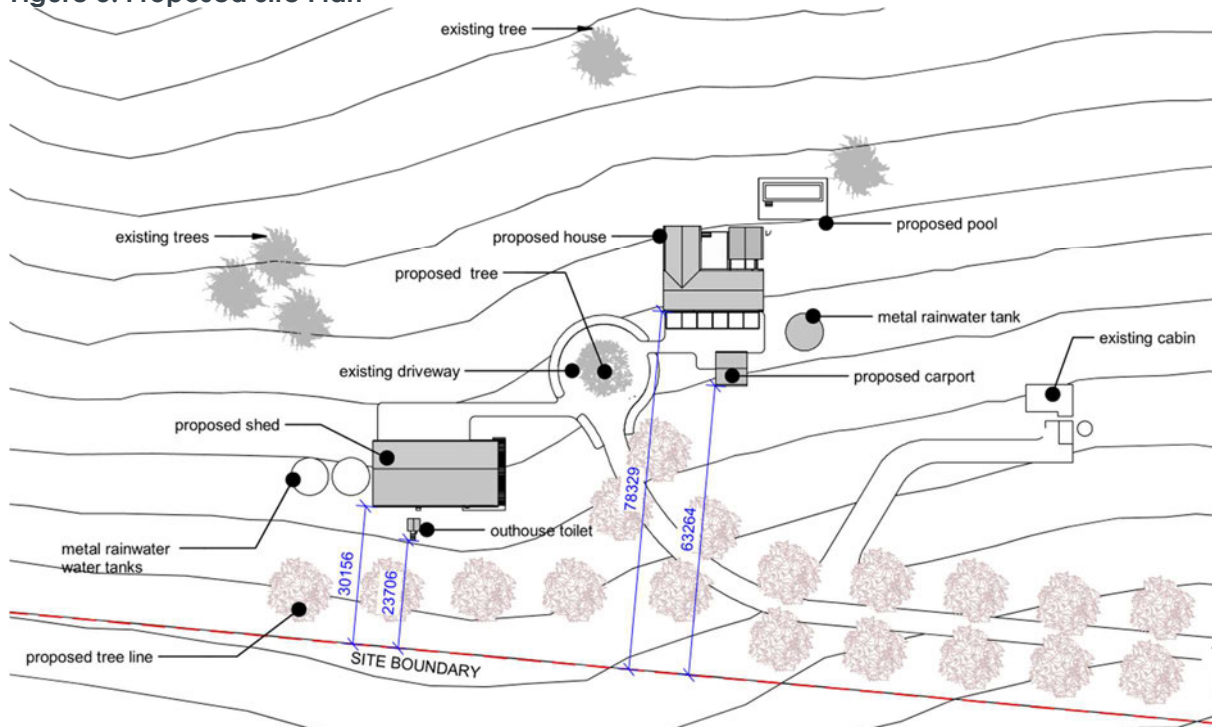
Dual Occupancy

It is proposed to construct a second dwelling house (3 bedrooms) on the subject land (which will include a carport, swimming pool and tank).

Shed (including serviced apartment)

It is proposed to construct that will have dimensions of 25m x 12m that will also include a one bedroom serviced apartment on the end (two storey). A separate detached toilet and 2 water tanks are proposed.

Figure 3: Proposed Site Plan



PART

B

TOWN PLANNING CONSIDERATIONS

This section provides an evaluation of the relevant matters for consideration under Section 4.15 of the EP&A Act 1979

TOWN PLANNING CONSIDERATIONS

Pursuant to Section 4.15 (formerly Section 79C) of the *Environmental Planning and Assessment Act 1979*, the following matters must be taken into consideration when assessing a development application:

4.15 Evaluation

(cf previous s 79C)

Matters for consideration—general

In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application:

- (a) the provisions of:*
 - (i) any environmental planning instrument, and*
 - (ii) any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and*
 - (iii) any development control plan, and*
 - (iiia) any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, and*
 - (iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph), and*
 - (v) any coastal zone management plan (within the meaning of the Coastal Protection Act 1979),*

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

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

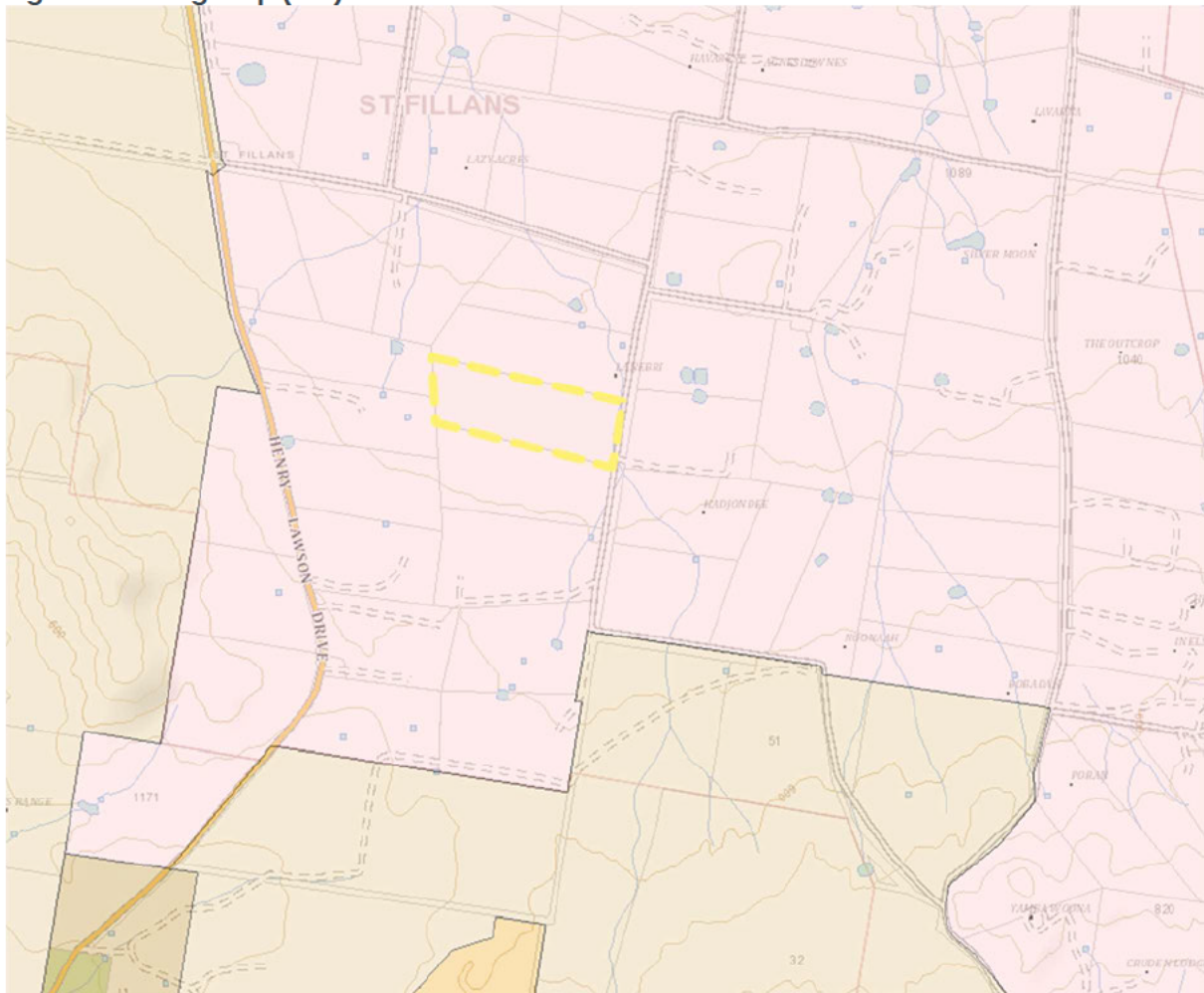
(a)(i) The provisions of any environmental planning instrument

MID WESTERN REGIONAL LOCAL ENVIRONMENTAL PLAN 2012

Zoning

The subject land is Zoned R5 Large Lot Residential under the provisions of the *Mid Western Regional Local Environmental Plan 2012 (LEP)*.

Figure 4: Zoning Map (LEP)



Applicable LEP Clauses

Zone R5 Large Lot Residential

1 Objectives of zone

- To provide residential housing in a rural setting while preserving, and minimising impacts on, environmentally sensitive locations and scenic quality.
- To ensure that large residential lots do not hinder the proper and orderly development of urban areas in the future.
- To ensure that development in the area does not unreasonably increase the demand for public services or public facilities.
- To minimise conflict between land uses within this zone and land uses within adjoining zones.

2 Permitted without consent

Extensive agriculture; Home-based child care; Home businesses; Home occupations; Roads; Water reticulation systems

3 Permitted with consent

Bed and breakfast accommodation; Cellar door premises; **Dual occupancies**; Dwelling houses; Garden centres; Home industries; Intensive plant agriculture; Landscaping material supplies; Markets; Neighbourhood shops; Oyster aquaculture; Plant nurseries; Pond-based aquaculture; Roadside stalls; Secondary dwellings; **Serviced apartments**; Tank-based aquaculture; Waste or resource transfer stations; Water recycling facilities; Any other development not specified in item 2 or 4

4 Prohibited

Advertising structures; Agriculture; Air transport facilities; Airstrips; Amusement centres; Animal boarding or training establishments; Boarding houses; Boat building and repair facilities; Boat launching ramps; Boat sheds; Car parks; Cemeteries; Charter and tourism boating facilities; Commercial premises; Correctional centres; Crematoria; Dairies (pasture-based); Electricity generating works; Entertainment facilities; Environmental facilities; Exhibition homes; Exhibition villages; Forestry; Freight transport facilities; Function centres; Heavy industrial storage establishments; Helipads; Highway service centres; Home occupations (sex services); Industrial retail outlets; Industrial training facilities; Industries; Jetties; Local distribution premises; Marinas; Mooring pens; Moorings; Mortuaries; Passenger transport facilities; Public administration buildings; Recreation facilities (indoor); Recreation facilities (major); Registered clubs; Research stations; Residential accommodation; Restricted premises; Rural industries; Service stations; Sex services premises; Storage premises; Tourist and visitor accommodation; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Veterinary hospitals; Warehouse or distribution centres; Waste or resource management facilities; Water recreation structures; Water supply systems; Water treatment facilities; Wharf or boating facilities

Comment

The proposed development is permissible subject to the consent of Council via the lodgement of a Development Application.

As detailed throughout this report, the proposed development can generally be shown to be consistent with the relevant objectives of the zone.

6.3 Earthworks

Clause 6.3 'Earthworks' applies to the subject application as minor earthworks are included as part of the development works. The site is relatively flat throughout. There shall be no disruption on existing drainage patterns or soil stability in the area. Appropriate erosion and sediment controls will be

6.9 Essential services

Development consent must not be granted to development unless the consent authority is satisfied that any of the following services that are essential for the proposed development are available or that adequate arrangements have been made to make them available when required—

- (a) the supply of water,
- (b) the supply of electricity,
- (c) the disposal and management of sewage,
- (d) stormwater drainage or on-site conservation,
- (e) suitable road access.

Comments

Water supply – onsite water tanks. A new tank is proposed to be installed.

Electricity – already connected to the site.

Sewage – will discharge into the existing septic tank (refer to the report from Barnson). The existing system was designed for this extra loading as proposed in this DA.

Drainage – no change proposed nor required.

Road access – no change to the existing access off the Lowes Peak Road.

SEPP	COMMENTS
SEPP (Housing) 2021	Not applicable
SEPP (Primary Production) 2021	Not applicable
SEPP (Resources and Energy) 2021	Not applicable
SEPP (Resilience and Hazards) 2021	Includes the former SEPP 55 – Remediation of Land. See comment below.
SEPP (Industry and Employment) 2021	Not applicable

SEPP (Transport and Infrastructure) 2021	Not applicable
SEPP (Biodiversity and Conservation) 2021	Not applicable
SEPP (Planning Systems) 2021	Not applicable
SEPP (Precincts – Eastern Harbour City) 2021	Not applicable
SEPP (Precincts – Central River City) 2021	Not applicable
SEPP (Precincts – Western Parkland City) 2021	Not applicable
SEPP (Precincts - Regional) 2021	Not applicable
SEPP (Sustainable Buildings) 2022	BASIX certificate is included with the application.
SEPP (Exempt and Complying Development Codes) 2008	Not applicable

SEPP (RESILIENCE AND HAZARDS) 2021

4.6 Contamination and remediation to be considered in determining development application

- (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.
- (2) Before determining an application for consent to carry out development that would involve a change of use on any of the land specified in subclause (4), the consent authority must consider a report specifying the findings of a preliminary investigation of the land concerned carried out in accordance with the contaminated land planning guidelines.
- (3) The applicant for development consent must carry out the investigation required by subclause (2) and must provide a report on it to the consent authority. The consent authority may require the applicant to carry out, and provide a report on, a detailed investigation (as referred to in the contaminated land planning guidelines) if it considers that the findings of the preliminary investigation warrant such an investigation.

- (4) *The land concerned is:*
- (a) *land that is within an investigation area,*
 - (b) *land on which development for a purpose referred to in Table 1 to the contaminated land planning guidelines is being, or is known to have been, carried out,*
 - (c) *to the extent to which it is proposed to carry out development on it for residential, educational, recreational or child care purposes, or for the purposes of a hospital—land:*
 - (i) *in relation to which there is no knowledge (or incomplete knowledge) as to whether development for a purpose referred to in Table 1 to the contaminated land planning guidelines has been carried out, and*
 - (ii) *on which it would have been lawful to carry out such development during any period in respect of which there is no knowledge (or incomplete knowledge).*

Comment

Pursuant to Clause 4.6 of the SEPP, the potential for contamination appears minimal. This is based upon an inspection of the site.

In terms of potential soil contamination, the subject land has been evaluated for:

- Evidence of previous mining activity;
- Evidence of existing and previous dip sites and other associated infrastructure;
- Evidence of orcharding; and
- Vegetative and other features which could indicate possible soil contamination.

Accordingly, it is recommended that a detailed investigation is not necessary or warranted in this instance.

(a)(ii) Any draft environmental planning instrument

There are no known draft environmental planning instruments relevant to this proposed development.

(a)(iii) Any development control plan

MID WESTERN DEVELOPMENT CONTROL PLAN 2013

2.2 DUAL OCCUPANCY DEVELOPMENT “DEEMED TO SATISFY” PROVISIONS

Note: Similar provisions in Clause 6.1.

The proposed dual occupancy is setback further than 60m from the road, 20m from either side and rear boundary.

The proposed dwelling is single storey and the finished floor level is less than 1m above natural ground level. No privacy impacts identified.

The living areas face the north – so meeting effective sunlight targets.

The two dwellings are more than 3m apart.

No negative impact is identified on the streetscape (the dwelling is located a considerable distance from the front boundary).

The lot is not a battle axe lot.

The design includes windows facing the road (>5% of the façade are windows).

The dwelling is not a relocated or manufactured home.

There is no attached garage proposed.

The site is relatively level will cut and fill significantly less than 1 metre.

The proposed development far exceeds the private open space requirements.

The site coverage is significantly less than 35%.

It is proposed to provide a 2 car carport.

The lot is greater than 5ha.

There are no water and sewer reticulation services available to the site.

It is proposed to install a water tank adjacent to the dwelling.

It is proposed to dispose of effluent onsite in the existing system (that was designed originally to this additional loading).

There are no identified stormwater flow paths in the vicinity of the proposed development.

There is no proposed to install a fence between the existing dwelling and the proposed dwelling.

There are no heritage items on the subject land.

6.4 Tourist and Visitor Accommodation

Definition

The development is defined as a serviced apartment.

Location

The area of the property is greater than the MLS.

There is an existing single dwelling on the subject land (and a dual occupancy is proposed as part of this DA).

Design and Layout

The proposed development has been designed with respect to the topography of the site and existing vegetation (no vegetation removal is required).

Only one serviced apartment is proposed.

No manufactured or relocated homes are proposed as part of this DA.

Water Cycle Management

It is proposed to connect into the existing septic tank (refer to the Barnson report).

Electricity

To be connected to the existing electricity service.

Parking

There is ample parking available adjacent to proposed development (refer to the site plan).

Signage

No signage is proposed.

(a)(iiia) Any Planning Agreements

There are no known planning agreements affecting the property.

(a)(iv) Any matters prescribed by the regulations:

CLAUSE	COMMENT
61 Additional matters that consent authority must consider	No demolition is proposed. No subdivision orders are applicable. Dark Sky Planning Guideline does not need to be addressed for this proposal. The proposal does not include a manor house or multi dwelling housing (terraces).
62 Consideration of fire safety	The proposal does not propose a change of building use for an existing building.
63 Considerations for erection of temporary structures	The proposal does not include a temporary structure.
64 Consent authority may require upgrade of buildings	The proposal does not involve the rebuilding or alteration of an existing building.
65 Consideration of conservation plan for development at Sydney Opera House	Not applicable.
66 Contributions plans for certain areas in Sydney—the Act, s 4.16(1)	Not applicable.
67 Modification or surrender of development consent or existing use right—the Act, s 4.17(5)	There is no proposal to modify or surrender a development consent or existing use right.
68 Voluntary surrender of development consent—the Act, s 4.63	There is no proposal to voluntarily surrender a development consent.

(b) The likely impacts of the development:

CONTEXT AND SETTING

The subject site is located in an environment which is characterised by single storey dwellings on large lot residential lots. The proposed development is providing a single storey dwelling and shed/serviced apartment which is of a high finish, in this regard, it is in context of

the surrounding locality. Given it's generous setbacks it is deemed that it shall not impact on the context or setting in the locality.

The proposal is considered compatible with the surrounding area and will have minimal impact in regards to:

- Impacts on adjacent properties and land uses; and
- Interruptions of important views and vistas.

The proposal is within the context of the locality and Council's current planning provisions

ACCESS AND TRANSPORT

It is proposed to utilise the existing access to the site off the Lowes Peak Road.

The traffic generation is considered relatively modest.

There is plenty of car parking available on the site.

The traffic manoeuvrability and the proposed parking arrangement is considered suitable for the proposed development and will not impact on existing traffic conditions in the locality. The traffic generated by the proposed development would not adversely impact on the capacity of the Lowes Peak Road.

PUBLIC DOMAIN

It is considered that the development will have a negligible impact on the public domain in terms of:

- Public recreational opportunities in the locality;
- Amount, location, design, use and management of public spaces in and around the development; and
- Pedestrian linkages and access between the development and public areas.

UTILITIES & SERVICES

The proposed development will be connected to electricity and telecommunication infrastructure and will include onsite water retention and effluent management.

Electricity

Electricity is via mains power.

Telephone

Is available for connection.

Water

Tank water (it is proposed to install a new water tank.

Sewerage

It is proposed to connect into the existing septic tank as shown on the submitted plans. Specific details provided in the Barnson effluent report.

Stormwater

Stormwater is to be discharged overland as no reticulated services are available.

HERITAGE

There are no listed heritage items on the subject land.

FLORA AND FAUNA

No vegetation removal is required as part of this proposal.

A detailed Flora and Fauna study has not been conducted and is not considered necessary in this instance.

Following is an assessment of the risk-based test to determine when the Offsets Scheme will apply to local developments under the *Biodiversity Conservation Act 2016*.

Area Criteria:

The area of the subject land is 11ha. The threshold for clearing is, above which the BAM and offsets scheme applies is 0.5ha or more. As there is no native vegetation removal required, the area criteria will not apply.

Biodiversity Values Map:

Figure 5: Biodiversity Values Map – subject land



The subject land is not mapped. Accordingly, this part does not trigger any further assessment.

Test of Significance:

The proposed development is located in a highly disturbed area of the subject land. Accordingly, a detailed investigation is considered warranted – no impact has been identified.

Conclusion:

Based on the three potential triggers, no further investigation is required.

ENERGY

A BASIX certificate is provided.

AMENITY

The proposed use of the site is considered to be compatible with the existing and likely future character and amenity of the locality.

No significant issues in relation to dust generation have been identified.

Insignificant adverse impact from the security lighting has been identified. Any lighting will be being baffled to ensure that there is no light spillage.

There are no identified issues in relation to privacy and overshadowing as part of the proposal.

There will be minimal additional impact on surrounding road network as a result of the proposed development.

There have been no issues identified in relation to the supply of water and the disposal of sewage and stormwater.

Due to the nature of the proposal, issues in relation to energy efficiency and waste management are not significant.

The camp sites have been located so as not to be on top of any ridgelines and no important views and vistas have been identified nor compromised.

NATURAL HAZARDS

There are no known natural hazards affecting the subject land including bushfire, flooding, subsidence.

POTENTIAL CONTAMINATION

There are no known areas of potential contamination on the site.

SAFETY, SECURITY & CRIME PREVENTION

Normal measures will be installed as part of the security of the operation.

SOCIAL & ECONOMIC IMPACTS IN THE LOCALITY

The proposed development represents an important contributor to tourism in the Local Government Area.

The development will have positive economic impacts through increased local employment as well as increased tourism expenditure throughout the region.

No negative social impacts have been identified.

CONSTRUCTION

Construction impacts are not anticipated to have an adverse impact on the locality. Works would occur during daytime hours, thus not impacting on the local amenity. The site would have temporary containment fencing erected and signage to warn and exclude the public from entering the site during the construction phase.

Erosion and sedimentation control measures would be implemented during construction to minimise any erosion and sedimentation at the site.

All waste generated during construction would be taken and disposed of at Council's Waste Disposal Facility.

Construction activities would be tailored to minimise the impact on site, with all disturbed areas rehabilitated as soon as practical. All construction machinery would be fitted with appropriate muffling devices to limit noise generation during construction. The construction period would be for a limited period, and thus any impacts would be limited to that time frame.

CUMULATIVE IMPACTS

It is considered there will be no negative cumulative impacts as a result of the proposed development.

(c) Suitability of the site for the development

Does the proposal fit in the locality?

- There are no constraints posed by surrounding development to render the proposal prohibitive;
- The proposal is complimentary to the surrounding land use pattern and zoning;
- It is considered that the proposal will not create any unmanageable access or transport concerns in the locality;
- No impact on public spaces will eventuate as a result of the proposal proceeding;
- No upgrading to services is required – services are available for connection;
- There are no issues in relation to air quality and microclimate; and
- There are no identified surrounding hazardous land uses or activities.

Are the site attributes conducive to development?

It is considered that the site is conducive to the proposed development based on the following:

- The site is not affected by any known natural hazards;
- There are no heritage considerations;
- There is no known soil characteristics that would render the proposal prohibitive; and
- There are no flora and fauna considerations that will have an impact on the proposal.

(d) Any submissions

The application may be referred to adjoining neighbours for comment.

(e) The public interest

It is considered that the proposed use of the site, with appropriate conditions of consent, will not have any unacceptable negative impacts on the amenity of the general public. The proposed development is considered to be only of minor interest to the wider public due to the relatively localised nature of potential impacts.

PART

C

CONCLUSION

This Part provides a conclusion and recommendations for Councils consideration

CONCLUSION

This report includes an analysis of the existing environment, details of the proposed development and consideration of applicable statutory requirements.

Based upon the investigations of the proposal it can be concluded that:

- The impacts upon or by surrounding development will not be altered significantly as a result of the development proceeding;
- No impact on services have been identified;
- The development has been considered in relation to impacts on flora and fauna, including species and communities listed under the Biodiversity Conservation Act has been found to be unlikely to have any significant impacts.
- Importantly, the development has been sited and designed to respond to the environmental constraints by placing development within existing cleared and disturbed areas of the site.
- The development is permitted with consent.
- The development is unlikely to have any significant adverse environmental impacts on the site or surrounding land. Matters relating to water quality, noise, traffic, parking, waste management, heritage and natural hazards may be effectively mitigated through appropriate site management and conditions of consent.
- The development will not have any significant adverse environmental impacts, is suitable for site and is in the public interest.

The proposal is considered to be acceptable in terms of Section 4.15 of the *Environmental Planning and Assessment Act 1979* (as amended) and potential impacts are expected to be minor.

Accordingly, it is recommended that the Development Application be approved subject to appropriate standard conditions.