

---

**DREW ROBERTS CONSULTING**

Drew Roberts Consulting  
6 Amos Crescent, Sylvania NSW 2224  
Email: [drew.roberts.consultant@gmail.com](mailto:drew.roberts.consultant@gmail.com)  
ABN: 87650161139

# STATEMENT OF ENVIRONMENTAL EFFECTS



**1556 HENRY LAWSON DRIVE, ST FILLIANS**

**Dual Occupancy**

**18 March, 2024**

# Contents

- 1 Introduction** **3**
- 2 Site Analysis** **4**
  - 2.1 The Locality 4
  - 2.2 Site Description 4
  - 2.3 Existing Character and Context 5
  - 2.4 Surrounding Road Network 5
- 3 Details of the Proposal** **6**
- 4 Planning Controls** **7**
  - 4.1 Mid-Western Regional Local Environmental Plan (MWRLEP) 2012 7
    - 4.1.1 Zone Objectives 8
    - 4.1.2 Other LEP Provisions 9
  - 4.2 State Environmental Planning Policy (Resilience and Hazards) 2021 12
  - 4.3 Mid-Western Regional Development Control Plan 2013 13
- 5 Planning Assessment** **15**
  - 5.1 Assessment of Natural Environmental Impact – S4.15 (1)(b) 15
    - 5.1.1 Micro Climate Impacts 15
    - 5.1.2 Water & Air Quality Impacts 15
  - 5.2 Assessment of Built Environment Impacts – S4.15 (1)(b) 15
    - 5.2.1 Impact on the Areas Character 15
    - 5.2.2 Privacy, Views & Overshadowing Impacts 15
    - 5.2.3 Aural & Visual Privacy Impacts 15
    - 5.2.4 Environmentally Sustainable Development 16
  - 5.3 Assessment of the Site Suitability – 4.15(1)(c) 16
    - 5.3.1 Proximity to Service and Infrastructure 16
    - 5.3.2 Traffic, Parking & Access 16
    - 5.3.3 Hazards 16
  - 5.4 The Public Interest – 4.15(1)(e) 16
    - 5.4.1 Social and Economic Impact 16
    - 5.4.2 The Public Interest 16
- 6 Conclusion** **17**

# 1 Introduction

This Statement of Environmental Effects (SEE) has been prepared for SUNRAI Designs and forms part of a development application to Mid-Western Regional Council for the erection of a new dwelling to create a dual occupancy at 1556 Henry Lawson Drive, St Fillians.

The objective of this proposal is to create an extra highly desirable and modern dwelling with an improved layout for the current occupants.

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

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; and
- BASIX Certificate; and
- On-Site Sewage Management 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 16km north of Mudgee and is located within the Local Government Area (LGA) of Mid-Western Region.

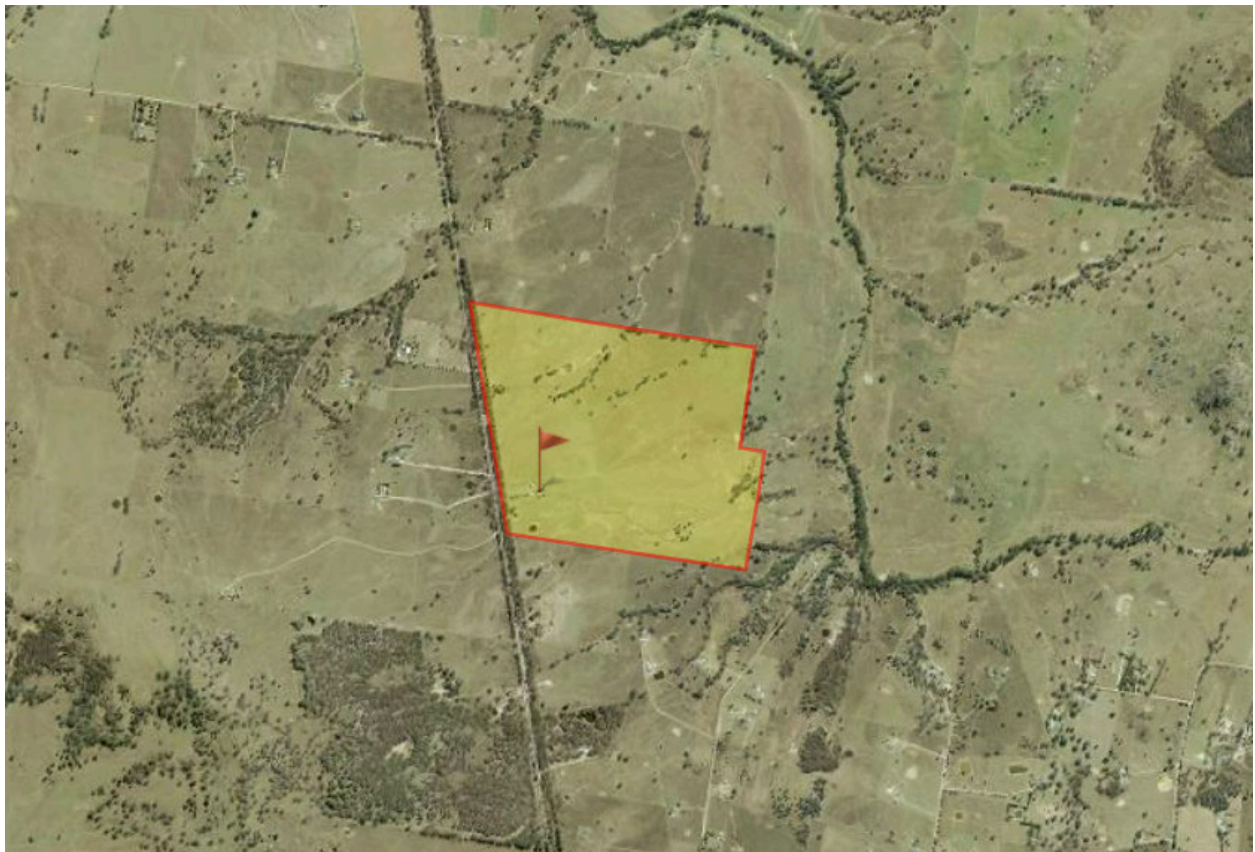


FIGURE 1: LOCATION PLAN (SIX MAPS)

## 2.2 Site Description

The subject site is located on the eastern side of Henry Lawson Drive and is known as 1556 Henry Lawson Drive, St Fillians or Lot 248 DP 755429.

The site is regular in shape, has a gentle undulation throughout and contains a total area of 106.4 hectares with the majority of area cleared for general grazing.

Existing improvements on the site consist of a 4 bedroom dwelling, several farm sheds, 3 dams, post and wire fencing and a vehicular access at the southern extent of the property.

## **2.3 Existing Character and Context**

The surrounding area is predominantly rural, characterised by larger farms/rural properties. The St Fillians rural lifestyle estate adjoins the site directly to the south.

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 Henry Lawson Drive with vehicular access gained from same via an existing rural access. Henry Lawson Drive is a two lane unsealed road that provides access through to the Castlereagh Highway and Mudgee. Henry Lawson Drive is not identified as a Classified Road in accordance with the Roads Act 1993. Accordingly, Mid-Western Regional Council is the designated roads authority and is able to issue a concurrent 138 Roads Act approval with the development consent.

The new dwelling is proposed to utilise the existing access and create a new internal driveway to provide access to the dwelling.

# 3 Details of the Proposal

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

- Erection of a new single storey dwelling containing 4 bedrooms, open plan kitchen/living area and outdoor alfresco area;
- Erection of a separate double garage and carport; and
- Installation of a new internal driveway.



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

The proposal will result in an additional modern and functional dwelling upon the property, that is separated from the nearby R5 zoned land and sits comfortably within the rural context of the surrounding area.

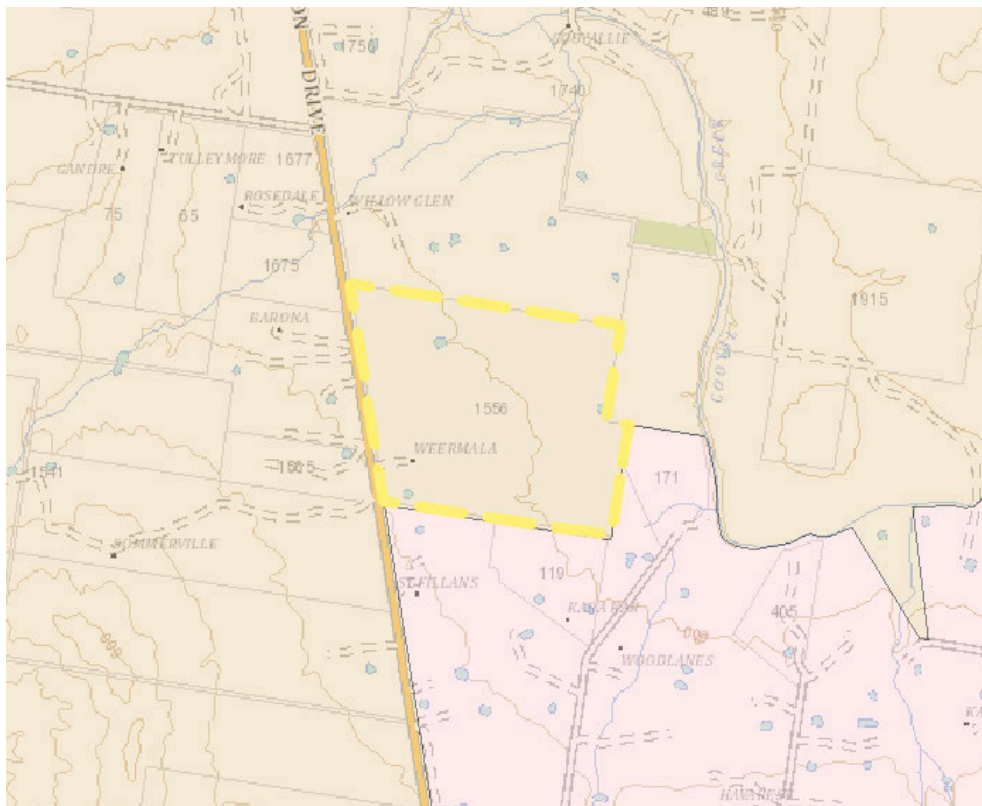
# 4 Planning Controls

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:

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

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

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



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

### 4.1.1 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 additional dwelling will allow the site to continue benefiting from an agricultural use in a rural area, with the existing dwelling to remain in the same position. Subsequently no impact of substance on the area of the property used for grazing will result.

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

**Comment:** As noted above, the additional dwelling 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 additional dwelling 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 R5 Large Lot Residential and the proposed additional dwelling 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 additional dwelling 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 additional single dwelling only.



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

#### 4.1.2 Other LEP Provisions

<b>TABLE 1: PROJECT COMPLIANCE – Mid-Western Regional LEP 2012</b>	
Site Area : 106.4 Hectares	
LEP Provisions	Complies / Comments
<b>Clause 4.2A Erection of dwelling houses and dual occupancies 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 site contains an existing dwelling and the proposal will not contribute to any unplanned rural residential development.</p> <p>N/A. Proposal is for an additional dwelling as a dual occupancy.</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>The proposal is for the erection of a dual occupancy.</p> <p>Yes. Minimum lot size is 100ha. The property has a size of 106.4ha.</p> <p>Yes. The property existed before MWRLEP 2012 and the minimum lot size was 100ha prior.</p>

<p>(c) is a lot resulting from a subdivision for which development consent (or equivalent) was granted before this Plan commenced and on which the erection of a dwelling house or dual occupancy would have been permissible if the plan of subdivision had been registered before that commencement, or</p> <p>(d) is an existing holding that is not within Zone R5 Large Lot Residential, or</p> <p>(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>No. The property was not created from a historical subdivision.</p> <p>No. There is insufficient information to confirm the extent of the existing holding.</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>No. There is insufficient information to confirm the extent of the existing holding.</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</p>
<p><b>Clause 5.16 Subdivision of, or dwellings on, land in certain rural, residential or environmental protection zones</b></p>	
<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</p>	<p>No land use conflict exists between the existing dwelling and any surrounding properties or land uses. The proposal is for one additional dwelling only, which will therefore not create any significant change to the existing context</p>

<p>(particularly between residential land uses and other rural land uses).</p>	<p>and landuse interactions.</p>
<p>(2) This clause applies to land in the following zones—</p> <ul style="list-style-type: none"> <li>(a) Zone RU1 Primary Production,</li> <li>(b) Zone RU2 Rural Landscape,</li> <li>(c) Zone RU3 Forestry,</li> <li>(d) Zone RU4 Primary Production Small Lots,</li> <li>(e) Zone RU6 Transition,</li> <li>(f) Zone R5 Large Lot Residential,</li> <li>(g) Zone C2 Environmental Conservation,</li> <li>(h) Zone C3 Environmental Management,</li> <li>(i) Zone C4 Environmental Living.</li> </ul>	<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> <ul style="list-style-type: none"> <li>(a) subdivision of land proposed to be used for the purposes of a dwelling,</li> <li>(b) erection of a dwelling.</li> </ul>	<p>Refer to subclause (4) comments below.</p>
<p>(4) The following matters are to be taken into account—</p> <ul style="list-style-type: none"> <li>(a) the existing uses and approved uses of land in the vicinity of the development,</li> <li>(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,</li> <li>(c) whether or not the development is likely to be incompatible with a use referred to in paragraph (a) or (b),</li> <li>(d) any measures proposed by the applicant to avoid or minimise any incompatibility referred to in paragraph (c).</li> </ul>	<p>The immediate surrounding area consists of other large rural parcels used predominantly for grazing and lifestyle blocks. No impact is existing or anticipated.</p> <p>Proposal is for one additional dwelling. Accordingly, no significant impact is expected beyond the existing context.</p> <p>N/A. No impacts identified.</p> <p>N/A. No impacts identified.</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. Subsequently, no impacts related to salinity are expected. Any salinity related impacts are expected to be addressed with a condition of consent.</p>

<p><b>6.5 Terrestrial biodiversity</b></p>	<p>Sections of high biodiversity have been mapped on the biodiversity mapping. However, the proposed footprint of the dwelling is well separated from these mapped areas, which exist approximately 400m to the south-east following a minor stream that dissects the property.</p>
<p><b>6.9 Essential services</b></p>	<p>All essential services associated with a rural location are already available and connected to the dwelling.</p> <p>These are not expected to be affected by the proposal.</p>

## 4.2 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.

## 4.3 Mid-Western Regional Development Control Plan 2013

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

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

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

TABLE 2: PROJECT COMPLIANCE – Mid-Western Regional DCP	
Relevant sections applicable to this proposal.	
DCP Provisions	Complies / Comments
<p><b>Primary Production Small Lots</b></p> <p>This clause prescribes controls relating to dwellings in the RU4 zone and the undertaking of intensive plant agriculture.</p>	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>This clause prescribes additional servicing requirements for land within proximity to the R1 and R2 zones.</p>	N/A. There is no R1 or R2 zone within 500m of the property.

<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 border="1" data-bbox="224 445 792 579"> <thead> <tr> <th>Zone</th> <th>Street</th> <th>Side/Rear</th> <th>Secondary Frontage for Corner Lots *</th> </tr> </thead> <tbody> <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> </tbody> </table> <ul data-bbox="232 596 776 674" 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 200m and the side setback is 20 metres.</li> </ul>	Zone	Street	Side/Rear	Secondary Frontage for Corner Lots *	R5 Less than or equal to 5ha. in area	30m	20m	15m	RU1, RU4 and R5 Greater than 5ha. in area	60m	20m	15m	RU5	7.5m	BCA	3m	<p>The proposed dwelling will be setback approximately 120m from the western street frontage and 20m to the northern side boundary.</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. All farm buildings are existing and no changes to these 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 as discussed previously.

## **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 rural allotments. The proposal will not impact this character as it only involves the erection of one additional residential dwelling.

### **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.

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

The proposed development, being within a rural area and involving one additional dwelling only, 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 Henry Lawson Drive. As the site already contains an existing dwelling, electricity and telephone are also readily available.

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

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

### **5.3.3 Hazards**

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

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

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

The proposal will make a positive contribution to the Mid-Western Region by facilitating the improvement of housing stock, rural lifestyle opportunities 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 a modern dwelling, consisting of 4 bedrooms, that will be positioned separately to the existing dwelling and still able to integrate with the other uses and improvements on the site.

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