



Statement of Environmental Effects

Erection of Single storey Dwelling House and ancillary works (removal of two trees)

2024/00000000

7 Armstrong Street, Rylstone NSW 2849

approved



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1.0 Introduction

Approved Pty Ltd hereby certifies that this Statement of Environmental Effects (SEE) has been prepared in accordance with the requirement of the Environmental Planning and Assessment Act 1979 and its associated Regulations. It is certified that to the best of our knowledge, the information contained within this report is neither false nor misleading.

Document Details

Revision	A
Prepared By	Anthony Peters Senior Town Planner

This SEE accompanies the Development Application (DA) to Mid-Western Regional Council for the Erection of a single storey Dwelling House and associated ancillary development inclusive of the removal of two trees.

Development Application Details

Property Address	Lot 3 DP 1010093 7 Armstrong Street, Rylstone NSW 2849
Local Government Area	Mid-Western Regional Council
Zone	RU5 Village
Existing Development	Vacant Battle-Axe Lot
Calculations	Lot Area: 1351m ² (from DP)

The statement is intended to provide further details, where necessary, on aspects covered in the drawings as well as provide additional information where required. The information following is provided to detail the merit of the proposed development in relation to the provisions set out in both the Mid-Western Regional Local Environmental Plan 2012 and Mid-Western Regional Development Control Plan 2013. The DA and SEE have been prepared on behalf of the applicant and addresses the matters referred to in Section 4.15 of the Environmental Planning and Assessment Act 1979 (EP&A Act) and the matters required to be considered by the consent authority. The purpose of this Statement is to:

- Describe the existing environment to which the DA relates and the character of the surrounding area,
- Describe the proposed development,
- Outline the statutory planning framework within which the DA is assessed and determined; and
- Assess the proposed development in considering the relevant heads of consideration.

2.0 Site Location and Description



Figure 1: Aerial view, showing subject Lot outlined in red (Source: Six Maps).

The subject site (the site) is located on the western side of Armstrong Street within an existing Village/residential area.

Development immediately surrounding the site is primarily low rise built forms comprising older dwelling houses.

The allotment is battle axe in shape and orientated to an east to west direction. The site displays a 9.715 metre (m) frontage to Armstrong Street, depth of 58.52m and total site area of 1351m². The sites topography is slightly sloped; gently falling from the eastern down to the western rear boundary. Access to the site is via Armstrong Street as the lane way to the rear is not formed.

The site is currently vacant and has been cleared of vegetation other than along the handle of the battle axe, northern boundary and some isolated stands.

A 3m wide easement runs parallel to the southern boundary to drain water and sewage.

2.1 Proposed Development

The applicant seeks development consent to erect a single storey dwelling house and associated ancillary development including minor tree removal. The intent of the proposal is to maximise the use of the site in order to provide for the housing needs of the community.

Specifically, the proposal includes the following details:

- Erect a single storey dwelling house comprising double garage, three (3) bedrooms, main with ensuite and walk in robe, a bathroom, laundry, and combined kitchen (with butler's pantry), living and dining areas. A covered alfresco area is proposed to the western side of the dwelling and will comprise part of the POS area. The internal floor area (not including garages) is 171m², with an additional 39.7m² for garages and 23m² rear covered alfresco area.
- New internal driveway extension including turnaround.
- The development is unlikely to result in bulk when viewed from the street, due to limited height and location on the site. Overall height is approximately 5.8m.
- Proposed materiality is Klip-Lok Steel Roof Sheeting and Wall Cladding combined with colorbond fascia, gutter and downpipes.
- Roof pitch is approximately 30 degrees.
- Stormwater on site will be managed by new downpipes connected to the 5,000L rainwater tank with overflow to an on-site rubble pit.
- Minimal earthworks are proposed for the installation of concrete slab (with drop edge beams) and footings; however, some minor cut/fill will be required across the proposed slab as shown on the elevation plans.
- The removal of two trees (No. 12 and 16 as outlined in the ecological assessment).

Overall, the development is considered to provide residential amenity for the future occupants, while displaying quality design and architectural features. Refer to front and rear perspectives/elevations below:



Figure 2: Eastern (front) and Western (rear) perspectives of the proposal (Source: Architectural Plans)

3.0 Statutory Requirements

This section deals with the proposal's consistency with the various statutory and non-statutory provisions. It also addresses the relevant matters for consideration under Section 4.15 of the Environmental Planning and Assessment Act 1979 (as amended).

3.1 Commonwealth Legislation - Environment Protection and Biodiversity Conservation Act 1999

The Commonwealth Environmental Protection and Biodiversity Conservation Act (EPBC) 1999, in conjunction with the Commonwealth Environmental Protection and Biodiversity Conservation Regulations 2000, provide the basis for national environmental protection and conservation.

The subject site is not situated on or near an area of environmental significance and does not contain any national environmental significance items.

3.2 Other Acts

Consideration was afforded to other legislation, including legislation concerning whether the proposal is integrated development. Integrated development is not triggered in this case.

Integrated Acts

Integrated development is development that, in order for it to be carried out requires the following approvals, and/or consideration of these Acts, under Section 4.46 of the EPA Act:

Roads Act 1993

The proposal does not impede on land outside of the property's front and/or secondary boundary, nor require additional access.

Rural Fires Act 1997

The site is not identified as being within Bushfire Prone land.

Coal Mine Subsidence Compensation Act 2017

The site is not located within a Mine Subsidence District.

General Acts

Biodiversity Conservation Act 2016

The *Biodiversity Conservation Act 2016 (BC Act)* aims to maintain a healthy, productive, and resilient environment consistent with the principles of ecologically sustainable development. The BC Act requires all types of development (including those under Part 4 and Part 5 of the EPA Act) to be assessed to determine whether the biodiversity offset scheme is to be applied.

The site is not mapped as biodiverse land.

3.3 State Environmental Planning Policies (SEPP)

The following State Environmental Planning Policies are considered applicable to the land and relevant to the proposal such as to warrant consideration:

State Environmental Planning Policy (Biodiversity and Conservation) 2021

This Policy seeks to protect the biodiversity values of trees and other vegetation in non-rural areas of the State, and to preserve the amenity of non-rural areas of the State through the preservation of trees and other vegetation. The site is not mapped as Biodiverse land and includes the removal of only two trees to facilitate the development.

An ecological assessment has been prepared by Access Environmental Planning Dated July 2024 raises no objection to the proposed development/clearing.

State Environmental Planning Policy (Resilience and Hazards) 2021

Chapter 4: Remediation

The site is not identified as potentially contaminated in Council's inventory and its previous use would significantly reduce any likelihood of contamination.

Council would have reasonably considered this aspect prior to approving the subdivision DA that created this lot and surrounding lots for future residential use in 2000.

Therefore, in accordance with Chapter 4, further investigations and remediation actions are not necessary for the purposes of this proposal and development application.

State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 applies to buildings that are defined as 'BASIX affected development', being "development that involves the erection (but not the relocation) of a BASIX affected building," (i.e.: contains one or more dwelling).

Accordingly, the provisions of the SEPP apply to the current development proposal. The applicant has submitted a valid NatHERS BASIX Certificate/Compliance Report 1755723S_02 dated 18 October 2024 which lists the commitments to achieve appropriate building sustainability. A condition is recommended to be included in the development consent requiring such commitments to be fulfilled.

4.0 Local Environmental Plans (LEP)

4.1 Mid-Western Regional Local Environmental Plan 2012 (MWLEP 2012)

Consideration has been given with regards to the outcomes and prescriptive requirements of the Mid-Western Regional Local Environmental Plan 2012. The following Clauses are considered applicable to the proposal:

Part 1 Preliminary

Clause 1.9A Suspension of covenants, agreements and instruments

There is no 88B Instrument relating to or restricting the placement of a dwelling house on this lot (only relates to the easement to drain sewage and water benefiting adjoining Lot 4). Notwithstanding this, Council has the power to override any restriction pursuant to this clause.

Part 2 Permitted or Prohibited Development

The site is zoned RU5 Village. The proposed development is defined as a 'dwelling house' and ancillary and incidental development and is permissible with consent in the RU5 zone.

The objectives of the RU5 zone are outlined below:

- *To provide for a range of land uses, services and facilities that are associated with a rural village.*
- *To promote development that is sustainable in terms of the capacity of infrastructure within villages.*

The proposal is considered consistent with the objectives of the RU5 zone in that development will introduce a residential use on the site and improve the site's capabilities without hindering the function of surrounding facilities and services.

The proposal is of scale and use that will not detract from the amenity and character of the surrounding natural environment, particularly as it will present as a single modern/modest dwelling house consistent with the rural village.

Clause 2.7 Demolition requires development consent

No demolition/removal is required for the proposed works.

Part 4 Principal Development Standards

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

The minimum lot size of 600m² for the site demonstrates that the lot has a dwelling entitlement, and the erection of a dwelling house can be considered on the lot pursuant to subclause (3)(a).

Clause 4.3 Height of Buildings

The site is prescribed a maximum allowable building height of 8.5m. The maximum overall height proposed is 5.8m which is well below that permitted.

Clause 4.4 Floor Space Ratio

The site is not prescribed a maximum allowable floor space ratio.

Part 5 Miscellaneous Provisions

Clause 5.10 Heritage Conservation

The subject site:

- a) Is not listed as a heritage item under the LEP.
- b) Is not located within proximity to a heritage item.
- c) Is not located within a heritage conservation area.

Clause 5.21 Flood planning

The subject site is above the probable maximum flood level as identified in the Mid-Western Regional Council - Mudgee Flood Study February 2021, the Floodplain Risk Management Study and Floodplain Risk Management Plan for Kandos & Rylstone.

Part 6 Additional Local Provisions

Clause 6.3 Earthworks

Minor earthworks associated with the establishment of the building foundation (concrete slab and footings) is proposed. No significant excavation is required to facilitate the development. With subclause (3) considered, any proposed groundworks are acceptable and warrant consent as this development will not have detrimental impact on the environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land.

Conditions of consent can be included in any future consent to address potential sedimentation and erosion control issues.

Any excavated material that is proposed to be removed from the site will be managed in accordance with Council Guidelines and the Department of Environment and Climate Change's (DECC) 'Waste Classification Guidelines Part 1: Classifying Waste', however this is unlikely as the cut can be utilised as fill across the building footprint.

Clause 6.4 Groundwater vulnerability

There is unlikely to be any groundwater contamination from the development as no OSSM system is proposed and the fact that only minor cut/fill is required due to the slight crossfall of the site. The development is designed, sited and will be managed to avoid any significant adverse environmental impact

Clause 6.9 Essential services

The following services that are essential for the development are available or adequate arrangements can be 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.



5.0 Development Control Plan (DCP)

5.1 Mid-Western Regional Development Control Plan 2013

Consideration has been given with regards to the outcomes and prescriptive requirements of the Mid-Western Regional Development Control Plan 2013. The following Chapters are considered applicable to the proposal:

Part 2 Fast Track Development Applications

2.1 GENERAL HOUSING AND ANCILLARY STRUCTURES "DEEMED TO SATISFY" PROVISIONS

The proposed development meets all of the relevant criteria, other than for maximum permitted cut/fill requirements.

Therefore, the Fast Track Determination process cannot be utilised in this case.

Part 5 Development Standards

5.1 Car Parking

2 spaces per dwelling – 1 space to be a garage, 1 space may be provided in a stacked arrangement in front of the garage provided that the space is contained wholly within the site.

2 spaces are proposed within the double garage.

5.3 Stormwater Management

Development Categories	Performance Target(s)	Requirements (refer below)	Section in the Technical Guidelines – Appendix B1
Single dwelling and Dual occupancy development	I. BASIX II. Quantity Management During Operation III. Quality Management During construction	A	0

A BASIX Certificate/NatHERS has been prepared and accompanies the application.

This is only considered as a small-scale development, not within an area of high ground salinity. A rainwater tank and overflow to an on-site rubble pit is also proposed. Details of the Stormwater Dispersion Pit and Sediment Control are show on the Site Plan Drawing No. 100 Issue C.

5.4 Environmental Controls

Protection of Aboriginal Archaeological Items

The site/locality is not within an area identified as having the potential for aboriginal archaeological relics (i.e. it is not elevated or close to a waterway etc). An AHIMS search has not identified any sites/items in the locality.

Bushfire Management

The site is not mapped as being affected by bush fire.

Riparian and drainage line Environments

The site does not contain any natural riparian or drainage lines.

Pollution and Waste Management

The proposed development is not integrated development. A Waste Management Plan is attached.

Threatened Species and Vegetation Management

An ecological assessment has been prepared by Access Environmental Planning Dated July 2024 raises no objection to the proposed development/clearing as it has not identified any threatened species/flora. The footprint of the building has considered the existing vegetation on the site.

Building in Saline Environments

The site is not affected by salinity.

Part 6 Development in Rural Areas

6.1 Dwellings

Dwellings on rural lots within the former Rylstone LGA

The site meets the minimum lot size provisions of the LEP.

Services

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:

Be on a lot with have sealed road frontage and be connected to the sealed road network; and

Connect to the reticulated water and sewer infrastructure.

Amstrong Street is sealed, and water and sewer are available to the site.

Building Setbacks

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

- 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.
- Where the lot is located on the State Highway the front setback is 200 m and the side setback is 20 metres.

The proposed footprint readily complies with the front, side and rear setbacks with the front setback being proposed at approximately 37m, southern side setback at 5.003m, northern side setback at 5.419m and western rear setback at 6.037m.

6.0 Environmental Effects

The proposed development has been evaluated with regard to the matters for consideration of section 4.15 of the Environmental Planning and Assessment Act 1979 (EP&A Act) that have not been addressed elsewhere within this statement.

The Provisions of any Environmental Planning Instrument – 4.15(1)(a)(i)

Consideration has been given to relevant Environmental Planning Instruments (EPI) above. The proposed development is not inconsistent with any EPI.

The Provisions of any Draft Environmental Planning Instrument – 4.15(1)(a)(ii)

We are not aware of any Draft Instruments relating to the site or the proposed development.

The Provisions of any Development Control Plan – 4.15(1)(a)(iii)

Consideration has been given to the provisions of the relevant Development Control Plan. The proposed development is not inconsistent with the objectives or controls within any DCP.

The Provisions of any Planning Agreement – 4.15(1)(a) (iiia)

Not applicable to this application.

The Provisions of the Regulations – 4.15(1)(a)(iv)

Not applicable to this application

Likely Impacts

Context and Setting	The proposal is appropriate for its location and with respect to adjoining land uses. The dwelling's location is predominately shielded by existing improvements and its most ideal location/orientation is within this footprint for solar access, less cut and fill requirements due to slope whilst providing suitable private open space areas.
Access, Transport and Traffic	Any additional traffic generated by the proposed development would not create any adverse impact on the surrounding road network.
Public Domain	The proposal would not result in any adverse impacts to the public domain.
Utilities	The proposal will be connected to the mains power and reticulated sewer and water where necessary.

Heritage	Not applicable. The site is not identified as a heritage item and due to historic disturbance is unlikely to contain any aboriginal heritage according to Schedule 5 of the LEP, Section 10.7 (2) Planning Certificate.
Other Land Resources	The proposed development would not alienate other uses within the site or on neighbouring sites and would limit the demands on other lands.
Water Quality	Stormwater management to Council regulation, identified on the Architectural Plans set. The development is not in close proximity to any watercourses and stormwater can be stored onsite and slow released. The development is not considered to have an adverse water impact.
Soils	Soil profile considered and site topography suitably accounted for in the design of the development. Sediment and erosions control measures to be implemented.
Air and Microclimate	The proposal is expected to have a negligible impact on the existing air quality and microclimate.
Ecological	There are negligible ecological impacts anticipated.
Waste	Waste generated will be handled through existing waste collection and recycling services that are presently available, with additional services used on occasion. A waste management plan is attached.
Energy	The proposed development incorporates applicable energy efficient design features – refer BASIX Certificate.
Noise and Vibration	The proposal would have negligible impact. Noise and vibration during construction to be subject to Council conditions.
Natural Hazards	Not applicable. The subject site is relatively unconstrained.
Technological Hazards	None exist in respect to this type of development.
Safety, Security and Crime Prevention	The development is designed and located to ensure safety and security would be maintained.
Social Impact in Locality	The proposal does not introduce a type of development or scale of development that would result in an adverse impact.
Economic Impact in Locality	No adverse economic impact expected, and the proposal would not impact future economic viability of the locality.
Site Design and Internal Design	Commensurate to existing built form and context of surrounding locality.

Construction	The potential for construction impacts relate to access, traffic, noise, vibration, waste and sediment and erosion. These will all be appropriately managed and regulated to Council and BCA requirements.
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Cumulative Impacts	None are likely to result from this scale of development.
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Ecologically Sustainable Development

Clause 193 of the Environmental Planning and Assessment Regulation 2021 note that Ecologically Sustainable Development (ESD) requires the effective integration of economic and environmental considerations in decision-making processes. The proposed development is considered to be able to comply with the ESD objectives for the site.

Suitability of the Site for Development- 4.15(1)(c)

The subject site is considered suitable for the proposed development in this location. The SEE has demonstrated in detail that the site is suitable for the proposed development and the proposed works for the erection of the dwelling house and ancillary works has the following merits:

- The proposed development is permissible development and will be consistent with the relevant zone objectives.
- The works are well proportioned and will fit in with the surrounding built form, appropriate for the site.
- Principal planning controls are complied with.
- The site will maintain useable areas for landscaping and well-orientated POS.
- Efficient and well-considered design solutions are proposed, consistent with setback objectives within the DCP.
- The amenity of neighbouring properties is not adversely affected by the proposal. In particular, the proposal is designed to minimise impacts on side and rear neighbours, with solar access, privacy and views not unreasonably impacted; and
- There are no prohibitive constraints posed by the site or those adjacent.

Submissions-4.15 (1)(d)

The proposal will be notified in accordance with the requirements of Council's DCP, providing opportunity for the public to comment on the development.

All reasonable and concerns raised in any submissions will be considered if deemed substantiated by Council.

Public Interest-4.15(e)

It is considered that the proposal will have no detrimental effect on the public interest, subject to appropriate conditions being proposed.

7.0 Conclusion

The Development Application submitted for council assessment is for a single storey dwelling house and associated works in the Mid-Western Regional Council area.

The application for development seeks assessment and consent under the provisions of Section 4.15 of the Environmental Planning and Assessment Act 1979.

This Statement and accompanying documentation have demonstrated the permissibility of the proposal and its compliance with the relevant Acts, environmental planning instruments, local development objectives and controls, and general suitability of the project.

It is therefore submitted to Council for favourable consideration, subject to conditions of consent.