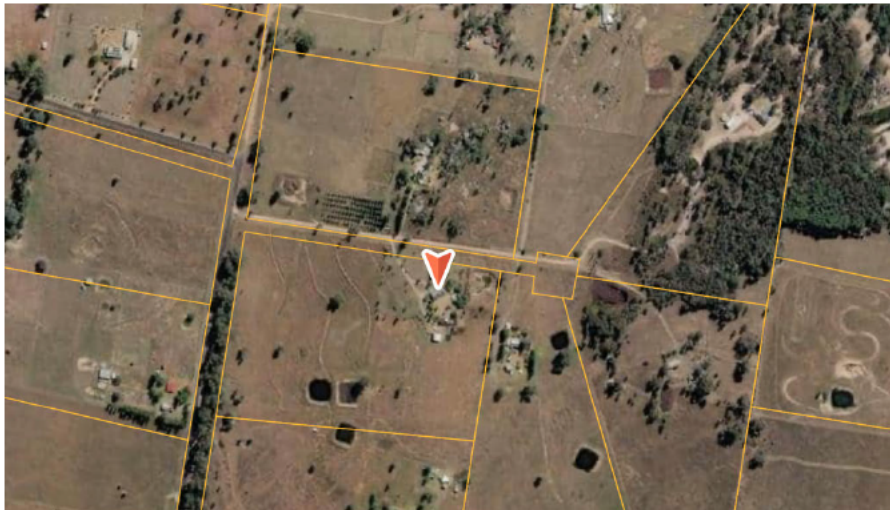




# STATEMENT OF ENVIRONMENTAL EFFECTS

## Project Details

<b>Proposal:</b>	Installation of 'Manufactured Dwelling as Secondary Dwelling
<b>Subject Site:</b>	Lot 49 / DP 284341 – 24 Brewers Lane ST FILLANS 2850
<b>Zone:</b>	R5 – Large Lot Residential
<b>Lot Size:</b>	108,184 sqm
<b>Date:</b>	October 2024



*24 Brewers Lane ST FILLANS*

This statement has been prepared by Progressive Project Solutions at the request of the application in support of a development application to the Mid-Western Regional Council.

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# 1. PROJECT SUMMARY

## 1.1 Proposal

This Statement of Environmental Effects (SoEE) is attached to a proposal at 24 Brewers Lane ST FILLANS. The proposal is for the 'Installation of a Manufactured Dwelling as a Secondary Dwelling'.



*View to 24 Brewers Lane from the Northwest*

## 1.2 Site Details / Context / Scope of Works

### Site Details

The subject site is located on an established R5 Large Lot Residential property in the St Fillans area some 18ks to the north of Mudgee in the Mid-Western Regional Council Local Government Area. The site is in an area with many large lot residential lots in and around the subject property. It is not evident as to how long this land has been subdivided into large lot residential properties.

The lot lies to the north of the Mudgee township in an area that has is approximately half cleared with the other half still covered in native vegetation. The property subject of this proposal basically totally cleared except for some introduced trees and scrubs around the existing dwelling. Most of the properties in and around the subject property are cleared except for some remaining native vegetation to the northeast of the property. Many of the properties in and around the subject lot have homes, sheds, dams and other structures with only a handful of the lots remaining undeveloped in some form.

The lot is predominately a rectangular lot laying from the east to west. The northern boundary is 390mtrs, the southern boundary is 391mtrs, the western boundary is 271mtrs and the eastern boundary is 247mtrs creating a lot size of 108,184sqm.

The survey indicates the property falls from west to east albeit not what could be called excessive fall and is clear except for minimal vegetation as previously described. The property is captured under the NSW Biodiversity mapping however, the biodiversity does not impact the location of the Secondary Dwelling.

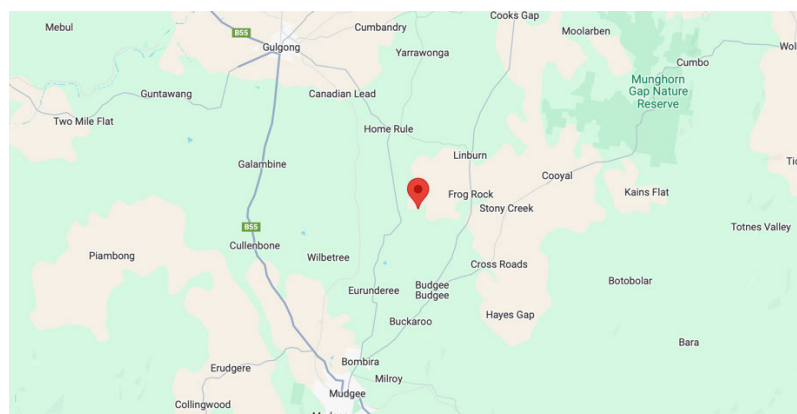
The lot is vacant except for an existing dwelling, a large farm shed, a couple smaller farm buildings and two dams. This proposed new Secondary Dwelling is close to the eastern boundary of the property. The proposed dwelling will be barley visible from any public vantage point given that Brewers Lane is a dead-end road that services only 4 other properties. The property to the east of the subject property has an established vegetation buffer along the shared boundary.

The property has no access to council sewer and water and as such, these issues will be managed onsite. An OSSM will be installed to manage wastewater. Stormwater will be managed by collection of water from structure roofs to the existing and proposed tanks with an onsite system to disperse for any excess overflow. Electricity and communications are available to the site.

The lot is accessed from Brewers Lane which is unsealed. The property can have the “Manufactured Dwelling installed a Secondary Dwelling’ as per the application without having any adverse effect on the environment or neighbours.

### Site Context

The property is located approximately 18 kilometres from the Mudgee Post Office. Mudgee is a township in the Mid-Western Local Government Area in central NSW some 266 kilometres west of Sydney.



The property located in a rural area to the south of Mudgee and is zoned R5 – Large Lot Residential. The lot is 108,184sqm and is located on Brewers Lane.

To the north, south, east & west there are small acreage properties of which most have some sort of development whether that be a dwelling or associated farm buildings such as sheds and stables.

### Scope of Works

The proposed works is for the 'Installation of a Manufactured Dwelling as a Secondary Dwelling'.

Physical works resulting from the installation the new dwelling requires no interaction with existing council services such as water, sewer & stormwater as they are not available to the property.

### Access and Parking

The existing driveway access from Brewers Lane as demonstrated on the plans set. Brewers Lane is not sealed.

### Water, Sewer and Drainage

Reticulated water services, stormwater and sewerage systems are not available to the site with both water storage, stormwater, and wastewater managed on the site.

### Energy and Telecommunications

Energy and telecommunications services are available to the site with this proposed dwelling being connected to those services.

### Landscaping

The landscaping proposed with this proposal is minimal due to the dwelling being in a rural area.

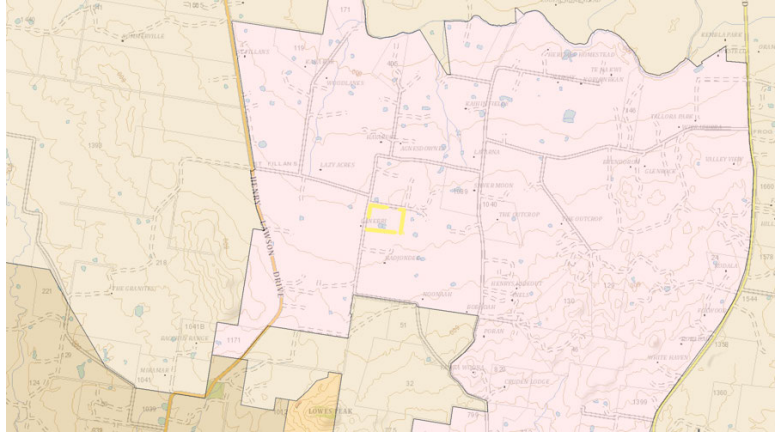
### Other Considerations

Nil.



## 1.3 Land Zoning

The site is zoned R5 – Large Lot Residential under the Mid-Western Regional Council LEP 2012 (ESC LEP 2012). Manufactured Homes are permitted under the Local Government Act. The proposal satisfies the development standards and objectives contained within the MWRC LEP 2012 & MWRC DCP 2013



Subject Property Zoning Map

## 1.4 EP&A 1979 - Considerations

### 4.1 Environmental Planning and Assessment Act 1979

The Environmental Planning and Assessment (EPA) Act 1979 is the principal piece of legislation governing the use and development of land in NSW. The objects of the Act are:

- (a) to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources,
- (b) to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,
- (c) to promote the orderly and economic use and development of land,
- (d) to promote the delivery and maintenance of affordable housing,
- (e) to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats,
- (f) to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),
- (g) to promote good design and amenity of the built environment,
- (h) to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,
- (i) to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State,
- (j) to provide increased opportunity for community participation in environmental planning and assessment.

The objects of the EPA Act are intended to guide land planning and management. Section 4.15 of the Act lists matters for consideration when assessing and determining an application for development.

**This proposal satisfies these aims as referred to further in this document**

## 1.5 State Environmental Planning Policies - Considerations

The State Environment Planning Policies (SEPPs) align with the new thematic framework developed by the Department of Planning and Environment. This framework includes the following focus areas: Housing, Transport and Infrastructure, Primary Production, Biodiversity and Conservation, Resilience and Hazards, Industry and Employment, Resources and Energy and Planning Systems.

### **State Environmental Planning Policy – Exempt & Complying Development Codes 2008**

**Not Applicable to this application**

### **State Environmental Planning Policy – Biodiversity and Conservation 2021**

The Biodiversity Conservation Act, 2016 was formally implemented to conserve and protect biodiversity values and systems across the State. The legislation lists threatened species and ecological communities (EEC's) and outlines processes and procedures in the assessment of these valuable and sensitive environmental species and communities. Council's mapping system which shows where biodiversity and EECs exist, and this site is subject to an Endangered Eco Community and Native Vegetation.

**The land is Biodiversity mapped however the proposed location of the Secondary Dwelling requires no clearing.**

### **State Environmental Planning Policy – Building Sustainability Index: BASIX 2004**

The trigger for BASIX Certification is when the estimated cost of works for residential development (new dwelling(s)/alterations and additions) is equal to or above \$50,000. BASIX Certification is also triggered when proposing a swimming pool with a volume of 40,000 litres.

The estimated cost of development proposed is noted within the cost analysis, and a BASIX Certificate has been prepared by, the designer satisfying the minimum requirements of SEPP (Building Sustainability Index: BASIX) 2004.

**A Basix Certificate is not required for this proposal.**

### **State Environmental Planning Policy – Resilience and Hazards 2021**

SEPP – Resilience and Hazards required council to consider whether the land is contaminated, and to determine whether the proposed use is suitable with or without contamination. Council can require the applicant to conduct a preliminary investigation and subsequent more details investigation if warranted.

Where contamination exists and remediation is necessary, council must be satisfied that the remediation will take place before the land is used for the proposed purpose. The property is not listed on either the EPA or Council register of potentially contaminated land and there has been no known historical or current usage that would cause the land to be contaminated.

**The property is not listed on the council register or the EPA register for potentially contaminated land and given it has been used for residential purposes for over 50 years contamination is highly unlikely.**

### **State Environmental Planning Policy – Housing 2021**

Full compliance



**State Environmental Planning Policy – Industry and Employment 2021**

Not applicable to this application

**State Environmental Planning Policy – No. 47 Moor Park Showground**

Not applicable to this application

**State Environmental Planning Policy – No. 65 Design Quality of Residential Apartment Development**

Not applicable to this application

**State Environmental Planning Policy – Planning Systems 2021**

Not applicable to this application – not State or Regional significant development

**State Environmental Planning Policy – Precincts ‘Central River City’ 2021**

Not applicable to this application

**State Environmental Planning Policy – Precincts Regional 2021**

Not applicable to this application – not a Part 3A Project

**State Environmental Planning Policy – Precincts Western Parkland City 2021**

Not applicable to this application

**State Environmental Planning Policy – Primary Production 2021**

Not applicable to this application

**State Environmental Planning Policy – Resources and Energy 2021**

Not applicable to this application

**State Environmental Planning Policy – State Significant Precincts 2005**

Not applicable to this application

**State Environmental Planning Policy – Transport and Infrastructure 2021**

Not applicable to this application

,

## Part 1. Preliminary

### Aims of Plan

This Plan aims to make local environmental planning provision for land in Mid-Western Regional LGA in accordance with the relevant standard Environmental Planning Instrument under Section 3.2 of the Act.

(2) The particular aims of this Plan are as follows—

(aa) to protect and promote the use and development of land for arts and cultural activity, including music and other performance arts,

**The land is zoned R5 with the proposal being for the 'Installation of a Manufactured Home as 'Secondary Dwelling' and as such has no bearing on this intent.**

(a) to promote growth and provide for a range of living opportunities throughout Mid-Western Regional,

**With the proposal being for the 'Installation of a Manufactured Home as a Secondary Dwelling' this satisfies this intent as it is providing another form of accommodation in the LGA.**

(b) to encourage the proper management, development and conservation of resources within Mid-Western Regional by protecting, enhancing and conserving—

(i) land of significance to agricultural production, and

**The land is zoned R5 Large Lot Residential, and the land does have scope for small scale agricultural use.**

(ii) soil, water, minerals and other natural resources, and

**This proposal will have no effect on the above intent as it is a residential proposal with a minimal footprint.**

(iii) native plants and animals, and

**The proposal will have no effect on plants or wildlife.**

(iv) places and buildings of heritage significance, and

**The location is not impacted by any heritage items or issues.**

(v) scenic values,

**The proposed location of the Secondary Dwelling is to the eastern end of the property on Brewers Lane that is a dead-end road servicing 4 other properties. The property is not visible from any public vantage point.**

(c) to provide a secure future for agriculture through the protection of agricultural land capability and by maximising opportunities for sustainable rural and primary production pursuits,

**This is a residential proposal is not tied to any form of agriculture or primary production, however has scope for a small scale, agricultural operation into the future.**

(d) to foster a sustainable and vibrant economy that supports and celebrates the Mid-Western Regional's rural, natural and heritage attributes,

**This is a residential proposal that will have little if any effect on the rural, natural and heritage values of the area.**

(e) to protect the settings of Mudgee, Gulgong, Kandos and Rylstone by—

(i) managing the urban and rural interface, and

(ii) preserving land that has been identified for future long- term urban development, and

**The subject lot is zoned both R5 Large Lot Residential and this application is not for subdivision effectively keeping the status quo as far as future lots are concerned.**

(iii) promoting urban and rural uses that minimise land use conflict and adverse impacts on amenity, and

**The proposal being for the 'Installation of a Manufactured Home as a Secondary Dwelling' will not create any conflict or adverse impacts because of the low-level nature of the proposal on an established parcel of land and its proposed location is well out of sight of the public view on the eastern boundary of the property.**

(iv) conserving the significant visual elements that contribute to the character of the towns, such as elevated land and the rural character of the main entry corridors into the towns,

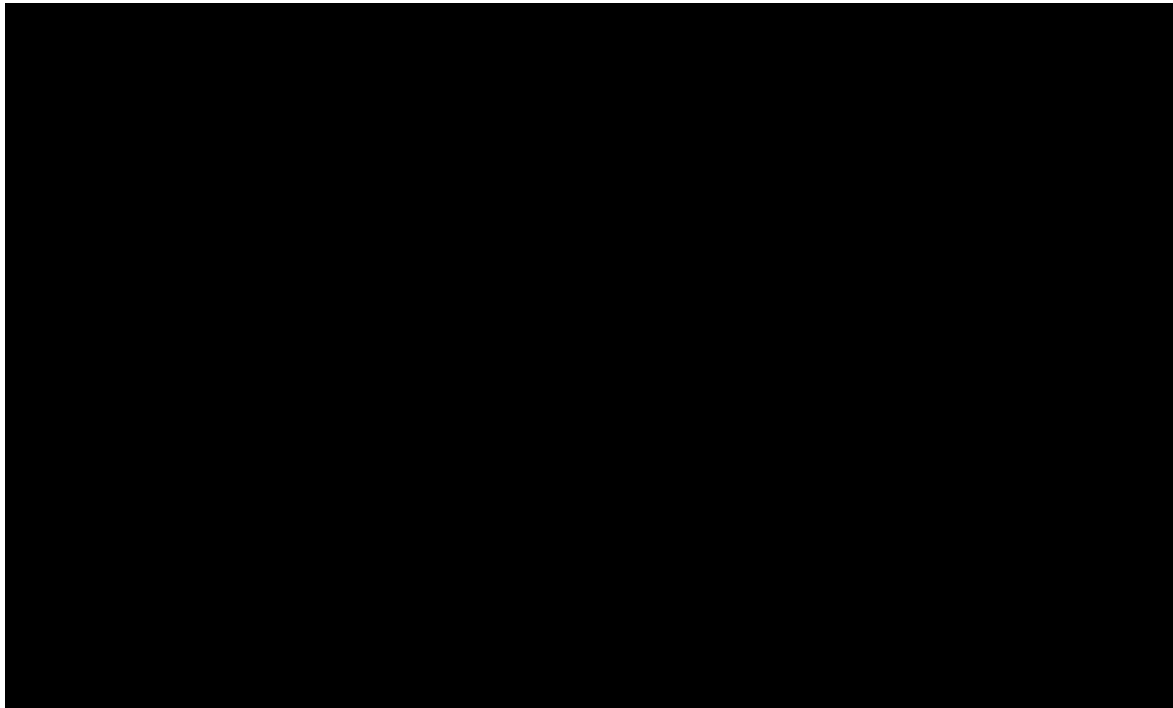
**This low-key proposal for a 'Secondary Dwelling' is proposed on a lot to the north of the urban area of Mudgee. The R5 lots in this part of the St Fillans precinct are well removed from any substantial transport corridors and as such will have no impact. Any potential effect on the visual impacts are also protected by the location of the proposed dwelling along with a limited number of established screening trees between the property boundaries and the proposed dwelling.**

(f) to match residential development opportunities with the availability of, and equity of access to, urban and community services and infrastructure,

**Brewers Lane has minimal council 'hard' infrastructure and being well removed from the urban area it is difficult to see this changing much in the future. The lot is located close enough to the Mudgee town centre that it is not at any disadvantage when it comes to access to community services and infrastructure.**

(g) to promote development that minimises the impact of salinity on infrastructure, buildings and the landscape

**Not applicable to this proposal.**



*Proposed Dwelling – Floor Plan*

## **Land Use Table**

**The property is zoned R5 Large Lot Residential in the Mid-Western Regional LEP 2012.**

### Objectives of Zone R5

- *To provide residential housing in a rural setting while preserving, and minimising impacts on, environmentally sensitive locations and scenic quality.*

**The location of the property is not impacted by a sensitive location and is not a sight with great scenic quality values. The land is biodiversity impacted however, is cleared at the location of the proposed dwelling, and the scenic values are negligible because of the distance the dwelling is from the road and the existence of existing small vegetation buffers and the proposed location of the Secondary Dwelling**

- *To ensure that large residential lots do not hinder the proper and orderly development of urban areas in the future.*

**The proposal is located 18k's from the nearest significant urban centre**

- *To ensure that development in the area does not unreasonably increase the demand for public services or public facilities.*

**Given the location of the area is well away from any urban settlement and the proposal is for a Secondary Dwelling the impact on public services and facilities will be negligible.**

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

**The land surrounding of the subject property enjoys the same zoning.**

The proposal meets the objectives of the zone.

The site is mapped in the MWRC LEP 2013 with constraints. Whilst the land is mapped as Biodiversity mapped constrained there is no risk as clearing is NOT required in this instance.

## **Part 4 Principal Development Standards – Clause 4.2A**

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

*(1) The objectives of this clause are as follows—*

*(a) to minimise unplanned rural residential development,  
(b) to enable the replacement of lawfully erected dwelling houses in rural and conservation zones,*

*(c) to control rural residential density affected by historical subdivision patterns in Zone R5 Large Lot Residential.*

*(2) This clause applies to land in the following zones—*

- (a) Zone RU1 Primary Production,*
- (b) Zone RU4 Primary Production Small Lots,*
- (c) Zone RU5 Village,*
- (d) Zone R5 Large Lot Residential,*
- (e) Zone C3 Environmental Management.*

**Not Applicable - This property is Zoned – R5 Large Lot Residential**

(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—

(a) is a lot that is at least the minimum lot size shown on the Lot Size Map in relation to that land, or

**Not Applicable**

(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

**Not Applicable**

(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

**Not Applicable**

(d) is an existing holding that is not within Zone R5 Large Lot Residential, or  
**The property is Zoned R5 – Large Lot Residential**

(e) would have been a lot or a holding referred to in paragraphs (a)–(d) had it not been affected by—

(i) a minor realignment of its boundaries that did not create an additional lot, or  
**No Applicable**

(ii) a subdivision creating or widening a public road or public reserve or for another public purpose, or

**Not Applicable**

(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

**Not Applicable**

(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

**The property is Zoned R5 – Large Lot Residential and is over 10 Hectares**

(h) is a former holding, or

**Not Applicable**

(i) is a former rural lot that has an area of at least 40 hectares.

**Not applicable**

(3A) Development consent must not be granted to development for the purposes of tourist and visitor accommodation on land to which this clause applies unless a dwelling house or dual occupancy is permitted to be erected on the land under subclause (3).

**Not Applicable**

(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.

**Not Applicable**

(5) In this clause—  
**existing holding** means land that—

(a) was a holding on the relevant date, and

(b) is a holding at the time the application for development consent referred to in subclause (3) is lodged, whether or not there has been a change in the ownership of the holding since the relevant date and includes any other land adjoining that land acquired by the owner since the relevant date.

**former holding** means land—

(a) that was a holding on 9 August 2012, and

(b) that is a holding at the time the application for development consent referred to in subclause (3) is lodged, whether or not there has been a change in ownership of the holding since 9 August 2012, and

(c) that is at least the minimum lot size applicable under the environmental planning instrument that applied to the land immediately before the commencement of this Plan.

**former rural lot means** a lot—

(a) located in the former Mudgee, Rylstone or Merriwa local government areas, and

(b) that was created prior to the commencement of this Plan, and

(c) on which the erection of a dwelling house was permissible immediately before that commencement, and

(d) that is in Zone RU1 Primary Production, and

(e) in respect of land in the former Mudgee local government area—that was held in separate ownership from any adjoining land on 11 February 1985.

holding means all adjoining land, even if separated by a road or railway, held by the same person or persons.

Note—

The owner in whose ownership all the land is at the time the application is lodged need not be the same person as the owner in whose ownership all the land was on the stated date.

**relevant date means**—

(a) in relation to land marked “Mudgee” on the Former LEP Boundaries Map—29 November 1967, or

(b) in relation to land marked “Merriwa” on the Former LEP Boundaries Map—18 April 1975, or

(c) in relation to land marked “Cudgegong” on the Former LEP Boundaries Map—24 November 1967, or

(d) in relation to land marked “Rylstone” on the Former LEP Boundaries Map—31 July 1970.

## Part 5. Miscellaneous Provisions

### 5.4 Controls relating to miscellaneous permissible uses

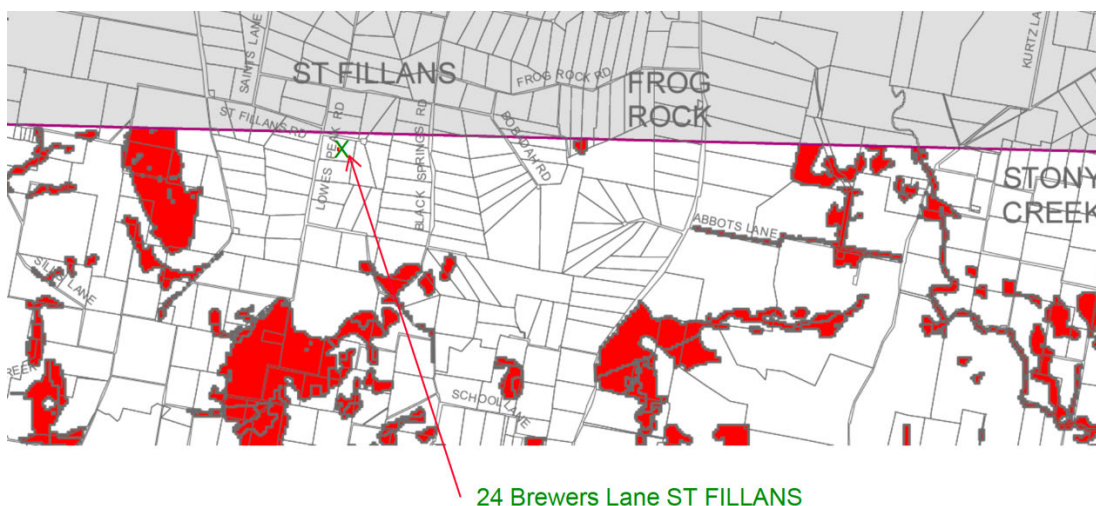
*(9) Secondary dwellings on land other than land in a rural zone* If development for the purposes of a secondary dwelling is permitted under this Plan on land other than land in a rural zone, the total floor area of the dwelling, excluding any area used for parking, must not exceed whichever of the following is the greater—

- (a) 60 square metres,
- (b) 50% of the total floor area of the principal dwelling.

Proposal complies as the Primary Dwelling is 132 sqm with the Secondary Dwelling being 65.8sqm or just under the 50% allowed under the LEP

## Part 6. Additional Local Provisions

- 6.1 Salinity  
**Not applicable**
- 6.2 Repealed  
**Not applicable**
- 6.3 Earthworks  
**LEP & DCP Compliant**
- 6.4 Groundwater Vulnerability  
**Not Applicable**
- 6.5 Terrestrial Biodiversity  
**Not Applicable – map showing property location is not affected.**





- 6.6 *Location of Sec Premises*  
**Not applicable**
- 6.7 *Active Street Frontages*  
**Not applicable**
- 6.8 *Airspace Operations – Mudgee Airport*  
**Not applicable**
- 6.9 *Essential Services*  
**Not applicable**
- 6.10 *Visually sensitive land near Mudgee*  
**Not applicable**
- 6.11 *Temporary Workers Accommodation*  
**Not applicable**
- 6.12 *Development in a designated Buffer Area*  
**Not applicable**
- 6.13 *Commercial premises on land in Zone MU1 and known Caerleon*  
**Not applicable**
- 6.14 *Minimum Subdivision Lot Size for Community Title Scheme on certain land in R5*  
**Not applicable**
- 6.15 *Development at 134 Loins Drive, Burrundulla*  
**Not applicable**
- 6.16 *Development on Land in Zone E4*  
**Not applicable**



## 1.7 Other Planning Strategies

Mid-Western DCP 2013

**See attached Compliance Statement**

## 1.8 Environmental Considerations

### **Historical & Current Use of Land**

The lot is located inside an established rural area of St Fillans in the in the Mid-Western Regional Council LGA. This land has been subdivided for rural/residential purposes for many years and has had homes on, in and around the area for some time. The subject lot is vacant.

### **Demolition**

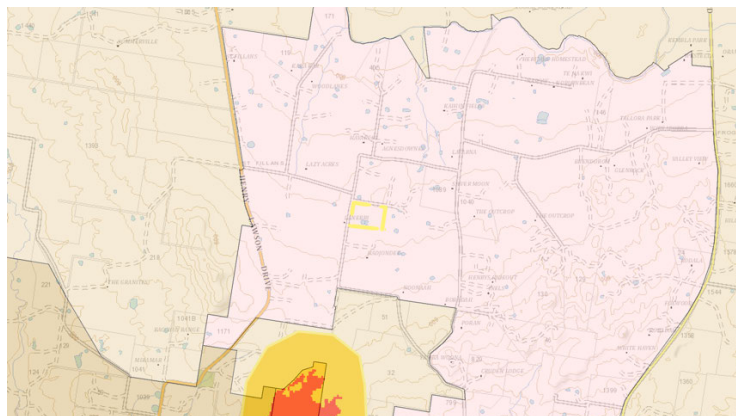
No demolition required with this proposal.

### **Contamination**

There is no known contamination on this site. It is not listed on the ESC or EPA list of contaminated sites.

### **Site Constraints**

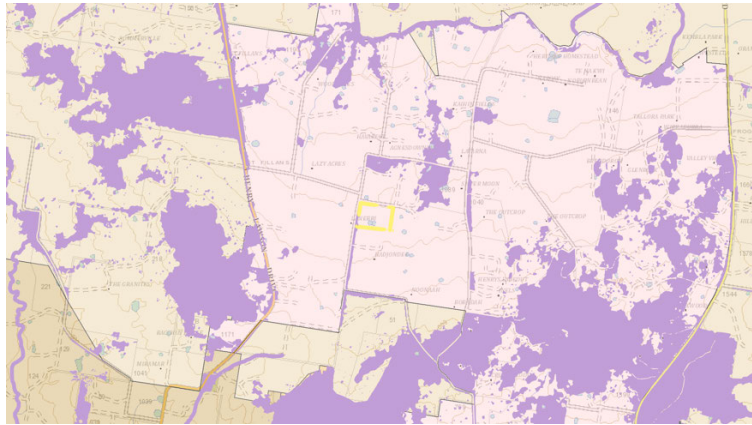
The site has no constraints that would affect the proposal in this application. The land is not mapped as Bush Fire Prone.



*Bush Fire Mapping*

### **Clearing of Vegetation & Biodiversity Implications**

There is no clearing proposed with this application.



*Biodiversity Mapping*

### **Proposed Earthworks**

The extent of earthworks is minimal set out in the DA drawings and does not exceed the LEP and DCP limits.

### **Sediment Control Measures**

See attached DA documentation

### **Site Engineering Considerations**

There are no engineering implications outside of the engineering requirements of the building. The dwelling is not connected to any council infrastructure.

### **Energy Efficiency**

Basix Certificate is not required for this proposal

### **BCA Compliance**

The construction to be undertaken is fully BCA compliant

### **Heritage Implications**

There are no heritage implications with this proposal.

### **Indigenous Due Diligence**

An Indigenous Due Diligence Report and an AHIMS search are attached to this application.



## 1.9 Impact of the Proposal

### **Existing Structures on Land**

The subject has an existing dwelling and some farm building structures

### **Boundary Setbacks**

Boundary setbacks comply with the DCP.

### **Building Height**

The building achieves full compliance with the height requirements of the DCP with the proposed detached shed finishing at a height of approximately 4.347 at the highest point above NGL for any structure.

### **Bulk & Scale**

There are no issues with the 'Bulk and Scale' of the proposal. The lot size is 113,354sqm and the proposed structures footprint combined of 87sqm or well less than .1% of the total site.

### **General Design Principles**

The design of the shed has consideration for sound design principles in relation to solar access, energy efficiency, noise and privacy issues that provides a sound outcome for the property.

### **Shadowing**

There are no shadowing issues with this proposal.

### **Streetscape Influence**

This proposal will not change the streetscape in any way shape or form because of the setback of the dwelling well away from the Brewers Lane.

### **Impacts on Neighbouring Properties**

- a. **Privacy Effects**  
Nil effect on any neighbours.
- b. **Noise Effects**  
Nil effect on any neighbours.
- c. **Loss of Views**  
Nil effect on any neighbours.

**Site Area – Private Open Space**

Ample with this proposal as clearly indicated on DA plans.

**Access to Site**

Existing access is from Brewers Lane.

**Fencing**

Fencing is not part of this proposal

**Construction Management Plan**

Attached to application

**Waste Management Plan**

Attached to this application

## 2.0 Conclusion

The site, described in this report, Lot 18 / DP 249981 is capable of having the 'Manufactured Home' as proposed in this application.

Considerations include impacts on biodiversity, constraints, indigenous, heritage and other issues do not impact this proposal.

Dwellings are permissible under Mid-Western Regional Council LEP 2012 and satisfactory to the objectives of R5 Large Lot Residential Zone.

There are no departures from the any planning instruments and the proposed development is consistent with the provisions of the EP&A Act, Local Government Act, SEPP's, MWRC LEP & DCP.

In this regard, the subject site would be suitable for the proposed development as presented in this application.