

Statement of Environmental Effects

1299 Tarrants Gap Road
Wyangala NSW 2808

**Development Application and
Building Information Certificate for:**
Dwelling House and Secondary Dwelling

1 October 2024

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1 Introduction

Council Approval Group has been engaged by Mr Peter Duncan to prepare and submit a Development Application and Building Information Certificate for Dwelling House and Secondary Dwelling at 1299 Tarrants Gap Road, Wyangala. Specifically, this Statement of Environmental Effects (SoEE) includes:

- an analysis of the subject site and the surrounding locality;
- a description of the proposed development;
- an analysis of the proposal against the provisions of the Hilltops Local Environmental Plan 2022 (LEP2022), relevant SEPPs and deemed SEPPs, and other relevant statutory controls that apply to the site; and
- conclusion.

This SoEE is submitted in accordance with the requirements of the Environmental Planning and Assessment Act and Part 3 of the *Environmental Planning and Assessment Regulation 2021* for the purposes of

- demonstrating that the environmental impact of the development has been considered; and
- outlining the steps to be undertaken to protect the environment and to mitigate any potential harm, if necessary.

This SoEE concludes that the proposal is consistent with the objectives and provisions of the *LEP 2022*. We are pleased to present this SoEE for proposed Dwelling House and Secondary Dwelling which, once approved will allow for rectification of the unauthorised building works in accordance with Council requirements and allow the property owner the comfort of knowing his dwellings are approved and able to be lawfully occupied.

2 The Subject Site and Locality

2.1 Description of site and surroundings

Details of the site are provided below. The location of the subject property is shown on the location and aerial maps at **Figures 1** and **2**. Photographs of the two dwellings are included at **Figure 3** and **Figure 4**. The property is located in the Hilltops Council area and located approx. 44km from Cowra.

The site is improved with two colorbond sheds (6m x 12m) that have been converted into habitable spaces/dwellings, albeit without the relevant approval process being followed. Prior to these buildings being on the property the area was understood to be vacant. It is understood that there is a driveway (Easement for Right of Carriageway) that is shared with the neighbouring property that is also a firetrail.

The properties and land surrounding the site are similar in nature, zoned as rural land and largely vacant apart from the presence of rural activities, dwellings and ancillary structures.

Address	Title Details	Site Area	Site Frontage
1299 Tarrants Gap Road, Wyangala NSW 2808	Lot 2, DP718035	491,623.21 sqm (approx.)	453.7 metres (approx.)

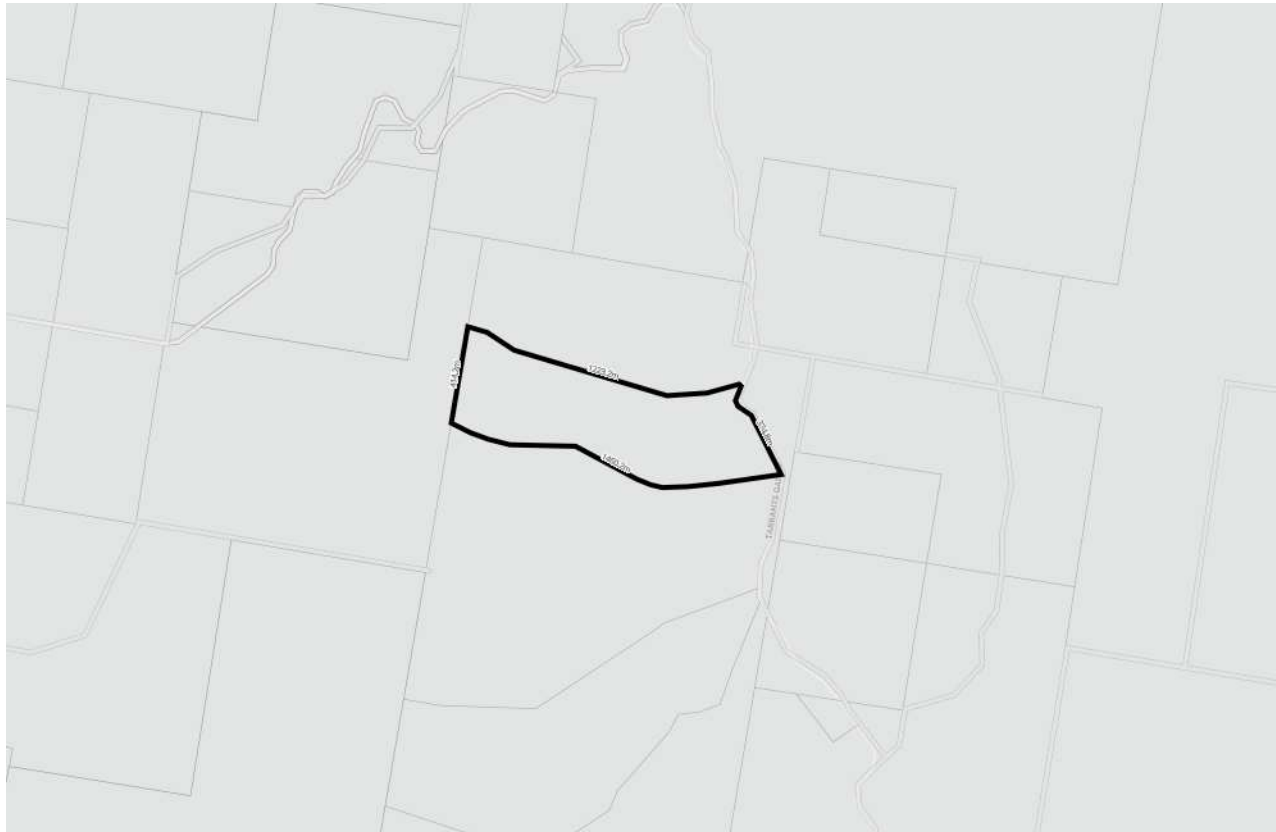


Figure 1: Site location (Source: EMC report)

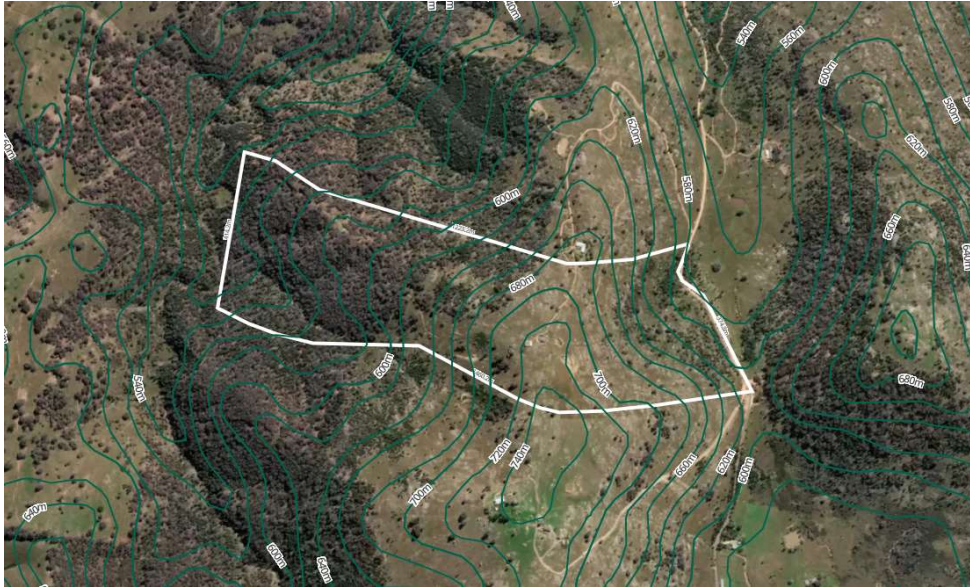


Figure 2: Site aerial (Source: EMC report)



Figure 3: Photograph of Secondary Dwelling



Figure 4 Photograph of Dwelling House

2.2 Summary environmental mapping constraints

2.2.1 Land Zoning: Hilltops LEP 2022

Zoning

Land Zoning Map

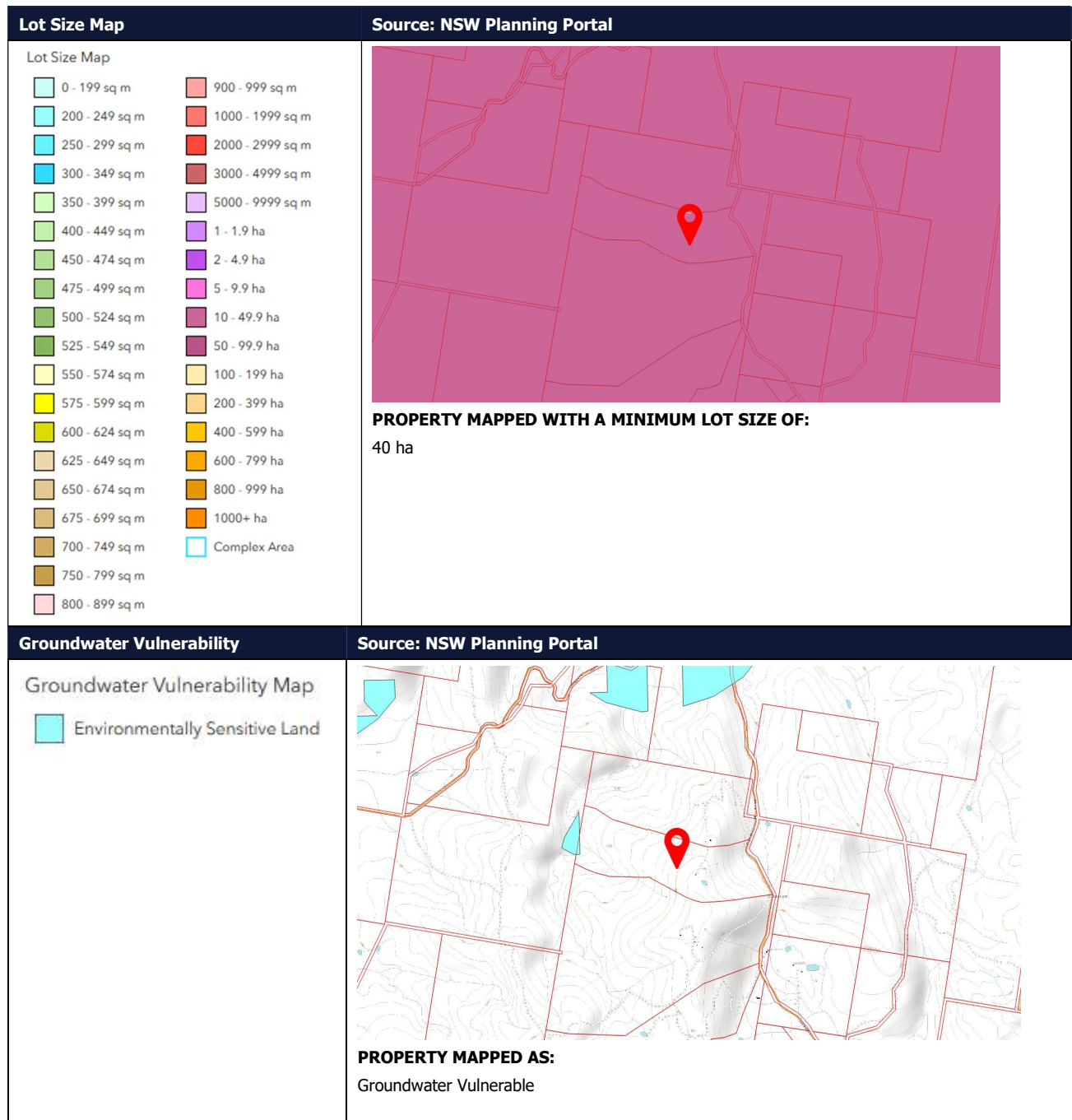
2(a)	EM	RE1	UR
A	ENP	RE2	W
AGB	ENT	REC	W1
B	ENZ	REZ	W2
B1	EP	RG	W3
B2	F	RO	
B3	G	RP	
B4	H	RU1	
B5	I	RU2	
B6	IN1	RU3	
B7	IN2	RU4	
B8	IN3	RU5	
C	IN4	RU6	
C1	MAP	RUR	


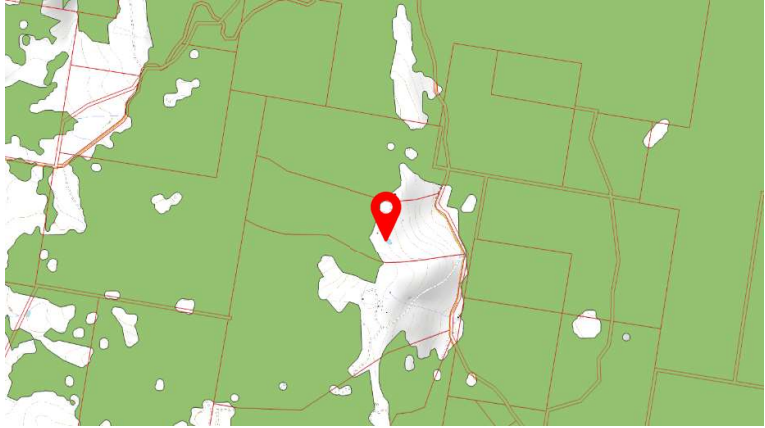




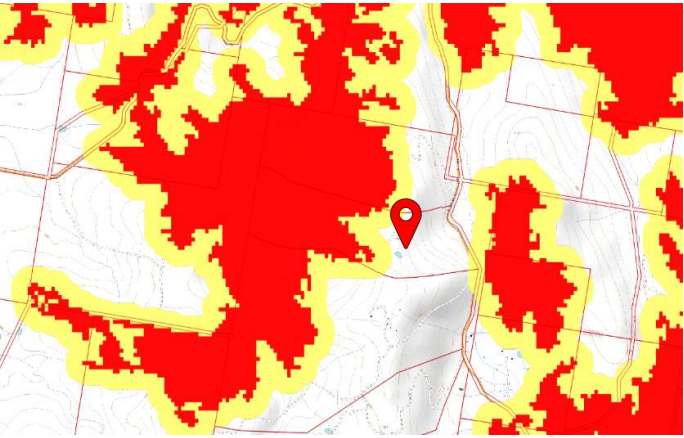
Source: NSW Planning Portal

PROPERTY MAPPED AS:

RU1 – Primary Production

2.2.2 Other Mapping: Hilltops LEP 2022



Terrestrial Biodiversity	Source: NSW Planning Portal
<p>Terrestrial Biodiversity Map</p> <p> Environmentally Sensitive Land</p>	 <p>PROPERTY MAPPED AS: Biodiversity</p>
Bushfire	Source: NSW Planning Portal
<p>Bushfire Prone Land</p> <p> Vegetation Category 1</p> <p> Vegetation Category 2</p> <p> Vegetation Category 3</p> <p> Vegetation Buffer</p>	 <p>PROPERTY MAPPED AS: Vegetation Category 1 Vegetation Buffer</p>

2.3 Site zoning

The site is zoned under Hilltops Local Environmental Plan 2022 (LEP) as Zone RU1 – Primary Production.

2.4 Development history

A search of Council's online database did not reveal any recent development approval history for the property.

3 The Proposed Development

3.1 Description of proposed development

There are two shed buildings (6m x 12m) on the subject property that have been subject to works to convert them to habitable spaces/dwellings. It is understood that these have been completed without the necessary permits, and the applicant is now seeking out approval through this application for a Dwelling House and Secondary Dwelling. The architectural plans show the proposed dwellings as;

- Proposed Dwelling (Shed 1), and
- Proposed Studio (Shed 2).

A BCA Report has been provided with this application to address matters of compliance in relation to building works and in seeking out Building Information Certificate approval.

3.2 Details of proposed development

3.2.1 Privacy, Views, Overshadowing, and Noise

Privacy

When considering the location of the subject property in a remote rural area it is noted that each dwelling will be capable of maintaining adequate privacy.

Views

The proposed development is expected to have minimal impact. It will not significantly alter the existing views of the property.

Overshadowing

The proposed development is for the approval of converting existing sheds to habitable buildings. Therefore, considering the location and nature of the proposed buildings it will not cause any overshadowing impacts.

Noise

Noise from the proposal will be the noise generated from day-to-day residential use. There are no nearby uses that would be affected by these two dwellings. This is a large rural property (49ha) and therefore it is not expected that there will be negative impediment created with regards to noise. This proposal is for residential use on a small scale, consistent with rural settings. It is not considered necessary to implement any specific noise reduction measures for this proposal when considering the site specific characteristics.

3.2.2 Trees and Vegetation

The proposed development does not affect any existing trees or vegetation. These buildings were located on a suitably cleared area of the site in order to benefit from the environmental amenity and aesthetic values that are of significance to the owners.

3.2.3 Access and Traffic

Due to the topography of the site vehicular access is currently taken through the neighbouring property to the North (Refer to **Figure 5** This access has been created in Dealing DP718035, through a registered Deed of Agreement for Easement for Right of Carriageway over Track in Use (refer to **Appendix I**), which gives the applicant a lawful access through the neighbouring private property.

It is understood that this vehicle access also acts as a firetrail for access in the event of emergencies. It is not considered reasonable that any works should be required to this access, when recognising the specific characteristics and rural nature of the property and surrounds which are intended to be retained.

It is only residents and visitors that are accessing this property, and service vehicles on the occasions when they are required.

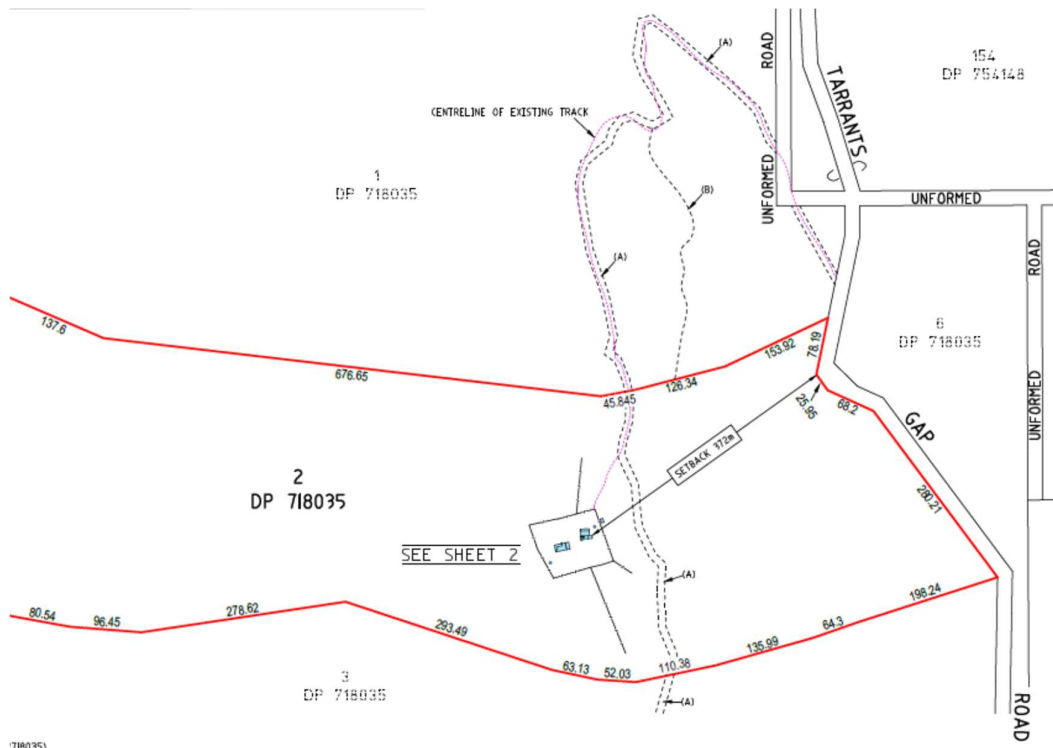


Figure 5 Existing Right of Carriageway (Source: Survey Plan)

3.2.4 Water and Sewerage

Water Supply

The dwellings are serviced by 3 separate 22,000 litre water tanks giving a total of 66,000L. There is also a dam on the property which can be utilised if necessary for additional water resource.

Onsite Wastewater Management

A Soil and Site Assessment for Onsite Wastewater Disposal (refer to **Appendix E**) has been completed and recommends the following outcomes for the proposal:

- *Retention of the existing 3,000L septic tank as shown in site plans.*
- *Installation of an additional 3,000L septic tank*
- *Installation of 50.7m² of soil absorption beds as three (3) 17m long x 1m wide bed, as described in the Appendix and shown on the Site Plan. It is expected that the configuration of this bed may need to be adjusted when the bed construction is underway;*
- *Beds will need to receive an equal distribution of wastewater, which can be achieved using a gate valve or similar.*
- *The beds will need to be fenced to prevent access from livestock, vehicles and people*

3.2.5 Contamination

When considering the location of the subject site and the two dwellings that have been constructed where it was once vacant it is expected that there is no contamination present. There is no known reason to undertake assessment of the site for the purpose of establishing any presence of contamination.

3.2.6 Environmental Issues

Air

It is not expected that this proposed outcome should have any impediment of a negative nature on air quality. There are no recognised sources of negative odour or fumes within the immediate area surrounding the site. The proposed dwellings are not going to result in adverse outcomes with regards to odour or dust generation.

Flora and Fauna

When considering the characteristics of this property and the small footprint of the proposed development it is expected that this outcome will not adversely impede upon flora and fauna within the site or in the surrounding area. These buildings have been intentionally located to mitigate potential for impediment on the natural environment.

3.2.7 Construction Management Plan

These dwellings are already situated on site. Works which are required to be undertaken as a consequence of this application can be completed in accordance with a Construction Management Plan if deemed to be reasonably required through the assessment of this application.

3.2.8 Ongoing Waste Management

Due to the somewhat remote location of this site the residents collect waste onsite and then transfer this to either the Reids Flat Waste Facility (available to residents) or to Cowra (at a cost). There are no available kerbside collection options.

3.2.9 Bushfire

A Bushfire Hazard Assessment Report is provided with this application in support of the proposed development (refer **Appendix D**).

4 Environmental Assessment

4.1 State Environmental Planning Policies

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

BASIX affected development is summarised to include the following: -

- Development that involves the erection of a building that contains one or more dwellings;
- Development that involves the change of use of a building to contain one or more dwellings;
- Alteration, enlargement or extension of a building containing one or more dwellings where the estimated cost of construction is \$50,000 or more.

Where a development is BASIX affected it is required that a BASIX certificate be provided in conjunction with any application for approval, demonstrating that works proposed to be undertaken will meet required minimum building sustainability targets.

A BASIX certificate is provided with this application (refer to **Appendix F**).

4.2 Local Environmental Plan

4.2.1 Hilltops Local Environmental Plan 2022

Hilltops Local Environmental Plan 2022 (LEP) applies to the subject site. The following provides an assessment of the proposed development against the relevant provisions of the Plan.

Zoning and Permissibility

Part 2 of LEP identifies that the subject site is zoned RU1 – Primary Production. The Land Use Table for the zone is as follows:

2. Permitted without consent

Environmental protection works; Extensive agriculture; Forestry; Home occupations

3. Permitted with consent

Aquaculture; Bed and breakfast accommodation; Cellar door premises; Dwelling houses; Extractive industries; Farm buildings; Farm stay accommodation; Intensive livestock agriculture; Intensive plant agriculture; Light industries; Open cut mining; Roads; Roadside stalls; Rural workers' dwellings; Secondary dwellings; Any other development not specified in item 2 or 4 (Eg. Camping Grounds, Eco-Tourist Facility)

4. Prohibited

Amusement centres; Boat building and repair facilities; Car parks; Centre-based child care facilities; Commercial premises; Creative industries; Depots; Educational establishments; Entertainment facilities; Exhibition homes; Exhibition villages; Freight transport facilities; Health services facilities; Heavy industrial storage establishments; High technology industries; Home occupations (sex services); Industrial retail outlets; Industrial training facilities; Industries; Local distribution premises; Marinas; Mortuaries; Passenger transport facilities;

Places of public worship; Port facilities; Registered clubs; Residential accommodation; Respite day care centres; Restricted premises; School-based child care; Service stations; Sex services premises; Storage premises; Tourist and visitor accommodation; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Warehouse or distribution centres; Wholesale supplies

Landuses in red, above, are defined below:

Definition	Comment
<p>Residential accommodation means a building or place used predominantly as a place of residence, and includes any of the following—</p> <ul style="list-style-type: none"> (a) attached dwellings, (b) boarding houses, (baa) co-living housing, (c) dual occupancies, (d) <u>dwelling houses</u>, (e) group homes, (f) hostels, (faa) (Repealed) (g) multi dwelling housing, (h) residential flat buildings, (i) <u>rural workers' dwellings</u>, (j) <u>secondary dwellings</u>, (k) semi-detached dwellings, (l) seniors housing, (m) shop top housing, <p>but does not include tourist and visitor accommodation or caravan parks.</p>	<p>Residential Accommodation is inclusive of Dwelling Houses and Secondary Dwellings.</p>
<p>Dwelling Houses means a building containing only one dwelling.</p> <p>Note— Dwelling houses are a type of residential accommodation—see the definition of that term in this Dictionary.</p>	<p>A Dwelling house is permitted with consent on this property.</p>
<p>Secondary Dwellings means a self-contained dwelling that—</p> <ul style="list-style-type: none"> (a) is established in conjunction with another dwelling (the principal dwelling), and (b) is on the same lot of land as the principal dwelling, and (c) is located within, or is attached to, or is separate from, the principal dwelling. <p>Note— See clauses 5.4 and 5.5 for controls relating to the total floor area of secondary dwellings. Secondary dwellings are a type of residential accommodation—see the definition of that term in this Dictionary.</p>	<p>A secondary dwelling is a permitted with consent use and this is proposed in conjunction with the principal dwelling house.</p>

The subject Development Application and Building Information Certificate to Council seeks approval for Primary Dwelling House and Secondary Dwelling.

This proposed development outcome is permitted with the consent of Council.

The Objectives for this zone are as follows:

- To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.*

- *To encourage diversity in primary industry enterprises and systems appropriate for the area.*
- *To minimise the fragmentation and alienation of resource lands.*
- *To minimise conflict between land uses within this zone and land uses within adjoining zones.*
- *To encourage competitive rural production and associated economic development by maintaining and enhancing—*
 - *(a) local and regional transport and communications connectivity, and*
 - *(b) accessibility to national and global supply chains.*
- *To maintain areas of high conservation value vegetation.*
- *To encourage development that is in accordance with sound management and land capability practices, and that takes into account the natural resources of the locality.*
- *To protect and enhance the water quality of receiving watercourses and groundwater systems and to reduce land degradation.*
- *To encourage the development of non-agricultural land uses that are compatible with the character of the zone and sustain high quality rural amenity.*

It is considered that the proposal is consistent with these objectives, in that:

- The development provides for non-agricultural land use that maintains the character of the location and high quality amenity outcomes, and allows for a residential outcome which facilitate the caretaking of this land.
- The development delivers residential accommodation whilst maintaining the rural character, environmental amenity and aesthetic values of the location.
- The development does not impede upon areas of high environmental and/or ecological value.
- The development has taken into consideration the management and capability of this land, and allows for minimal opportunity for conflict between land uses.

Other Relevant Clauses

LEP Clause / Provision	Comment
Clause 4.1: Minimum subdivision lot size	

LEP Clause / Provision	Comment
<p>(1) The objectives of this clause are as follows—</p> <p>(c) for rural land—</p> <ul style="list-style-type: none"> (i) to ensure land use and development are undertaken on appropriately sized parcels of land, and (ii) to facilitate the orderly and economic use and development of rural lands for rural and related purposes, and (iii) to prevent fragmentation of primary production agricultural land, and (iv) to sustain primary production and natural resource values, and (v) to minimise potential for land use conflict between primary production land uses and other land uses, and (vi) to protect supply chains for primary production land uses including natural resources and access to markets. <p>(2) This clause applies to a subdivision of any land shown on the <u>Lot Size Map</u> that requires development consent and that is carried out after the commencement of this Plan.</p> <p>(3) The size of any lot resulting from a subdivision of land to which this clause applies is not to be less than the minimum size shown on the <u>Lot Size Map</u> in relation to that land.</p>	<p>The proposal does not involve any subdivision. The two dwellings are to remain on the same lot.</p>
Clause 4.2: Rural Subdivision	
<p>(1) The objective of this clause is to provide flexibility in the application of standards for subdivision in rural zones to allow land owners a greater chance to achieve the objectives for development in the relevant zone.</p> <p>(2) This clause applies to the following rural zones—</p> <ul style="list-style-type: none"> (a) Zone RU1 Primary Production, (b) Zone RU2 Rural Landscape, (baa) Zone RU3 Forestry, (c) Zone RU4 Primary Production Small Lots, (d) Zone RU6 Transition. <p>(3) Land in a zone to which this clause applies may, with development consent, be subdivided for the purpose of primary production to create a lot of a size that is less than the minimum size shown on the Lot Size Map in relation to that land.</p> <p>(4) However, such a lot cannot be created if an existing dwelling would, as the result of the subdivision, be situated on the lot.</p> <p>(5) A dwelling cannot be erected on such a lot.</p>	<p>The proposal does not involve any subdivision. The two dwellings are to remain on the same lot.</p>
Clause 4.2A: Erection of dwelling houses and dual occupancies on land in Zone RU1, RU4 and C3	

LEP Clause / Provision	Comment
<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 and dual occupancies in certain rural and conservation zones.</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 C3 Environmental Management.</p> <p>(3) <u>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 has been erected, unless the land—</u></p> <p>(a) <u>is a lot that is at least the minimum size shown on the Lot Size Map, or</u></p> <p>(b) is a lot—</p> <p>(i) created before the day on which this Plan commenced, and</p> <p>(ii) on which the erection of a dwelling house or dual occupancy was permissible immediately before that day, or</p> <p>(c) is a lot—</p> <p>(i) resulting from a subdivision for which development consent was granted before the day on which this Plan commenced, and</p> <p>(ii) 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 day, or</p> <p>(d) would have been a lot referred to in paragraph (a), (b) or (c) had it not been affected by—</p> <p>(i) a minor realignment of boundaries that did not create an additional lot, or</p> <p>(ii) a subdivision creating or widening a public road or public reserve, or</p> <p>(iii) a consolidation with an adjoining public road or public reserve.</p> <p>(4) Development consent may be granted for the erection of a dwelling house on land to which this clause applies if—</p> <p>(a) there is a lawfully erected dwelling house on the land, and</p> <p>(b) the dwelling house to be erected is intended only to replace the existing dwelling house.</p>	<p>In accordance with Clause 4.2A (3)(a) it is suggested that consent can be granted.</p> <p>The proposed dwelling house and secondary dwelling are considered suitable for the subject property as it has an area of 49ha which is more than the minimum size (40ha) shown on the Lot Size Map.</p> <p>The scale of the proposed dwellings allows for a low impact outcome on this remote site and does not impede upon any surrounding land.</p> <p>It is considered reasonable to expect that consent can be given to the establishment of a dwelling and secondary dwelling on this site.</p>
Clause 4.3: Height of Buildings	
[Not adopted]	<p>Whilst there is no building height requirement stipulated it is noted that these dwellings are both single storey and considered suitable for this site.</p>
Clause 4.4: Floor space ratio	
[Not adopted]	<p>Whilst there is no floor space ratio requirement stipulated it is noted that these two dwellings maintain a total floor area that is considered appropriate for this 49ha property.</p>
Clause 5.5: Controls relating to secondary dwellings on land in the rural zone	
<p>If development for the purposes of a secondary dwelling is permitted under this Plan on land in a rural zone—</p> <p>(a) the total floor area of the dwelling, excluding any area used for parking, must not exceed whichever of the following is the greater—</p> <p>(i) 60 square metres,</p> <p>(ii) 33% of the total floor area of the principal dwelling, and</p> <p>(b) the distance between the secondary dwelling and the principal dwelling must not exceed 100 metres.</p>	<p>The floor area of the Secondary Dwelling (marked as Proposed Studio/Shed 2) is not more than 60sqm excluding the garage.</p> <p>The dwellings are within 100m of each other.</p>
Clause 5.16: Subdivision of, or dwellings on, land in certain rural, residential or conservation zones	

LEP Clause / Provision	Comment
<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 (particularly between residential land uses and other rural land uses).</p> <p>(2) This clause applies to land in the following zones—</p> <p><u>(a) Zone RU1 Primary Production.</u></p> <p>(b) Zone RU2 Rural Landscape,</p> <p>(c) Zone RU3 Forestry,</p> <p>(d) Zone RU4 Primary Production Small Lots,</p> <p>(e) Zone RU6 Transition,</p> <p>(f) Zone R5 Large Lot Residential,</p> <p>(g) Zone C2 Environmental Conservation,</p> <p>(h) Zone C3 Environmental Management,</p> <p>(i) Zone C4 Environmental Living.</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> <p>(a) subdivision of land proposed to be used for the purposes of a dwelling,</p> <p>(b) erection of a dwelling.</p> <p>(4) The following matters are to be taken into account—</p> <p>(a) the existing uses and approved uses of land in the vicinity of the development,</p> <p>(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,</p> <p>(c) whether or not the development is likely to be incompatible with a use referred to in paragraph (a) or (b),</p> <p>(d) any measures proposed by the applicant to avoid or minimise any incompatibility referred to in paragraph (c).</p>	<p>The proposal of these dwellings is subject to the provisions of this clause, in determining the appropriateness of dwellings and uses for the Rural character.</p> <p>It is suggested that the proposed outcome will not have any adverse impact on land uses in the surrounding area. This is not considered to be an incompatible use of the land.</p>
<u>6.2 Essential services</u>	
<p>Development consent must not be granted to development unless the consent authority is satisfied the following services that are essential for the development are available or that adequate arrangements have been made to make them available when required—</p> <p>(a) the supply of water,</p> <p>(b) the supply of electricity,</p> <p>(c) the disposal and management of sewage,</p> <p>(d) stormwater drainage or on-site conservation,</p> <p>(e) suitable road access.</p>	<p>The services required to service these two dwellings are in place.</p> <p>Water storage tanks provide for the supply of water to these dwellings.</p> <p>Works are to be undertaken in response to the Soil and Site Assessment for Onsite Wastewater Disposal (Refer to Appendix E).</p> <p>Suitable road access is available by way of a Right of Carriageway, which reflects the location and character (Refer to Appendix I).</p> <p>The property is connected to mains power and supply provided by Ausgrid.</p>
<u>Clause 6.3: Terrestrial Biodiversity</u>	

LEP Clause / Provision	Comment
<p>(1) The objective of this clause is to maintain and enhance terrestrial biodiversity by—</p> <ul style="list-style-type: none"> (a) protecting native fauna and flora, and (b) protecting the ecological processes necessary for their continued existence, and (c) encouraging the conservation and recovery of native fauna and flora and their habitats. <p>(2) This clause applies to land identified as “Biodiversity” on the <u>Terrestrial Biodiversity Map</u>.</p> <p>(3) In deciding whether to grant development consent for development on land to which this clause applies, the consent authority must consider—</p> <ul style="list-style-type: none"> (a) whether the development is likely to have— <ul style="list-style-type: none"> (i) an adverse impact on the habitat, condition, ecological value and significance of threatened species, populations or ecological communities on the land, and (ii) an adverse impact on the importance of the vegetation on the land to the habitat and survival of native fauna, and (iii) the potential to fragment, disturb or diminish the biodiversity structure, function and composition of the land, and (iv) an adverse impact on a regionally significant species of fauna or flora, or habitat, and (iv) an adverse impact on the habitat elements providing connectivity on the land, and (b) appropriate measures to avoid, minimise or mitigate the impacts of the development. <p>(4) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied—</p> <ul style="list-style-type: none"> (a) the development is designed, sited and will be managed to avoid a significant adverse environmental impact, or (b) if a significant adverse environmental impact cannot be reasonably avoided by adopting feasible alternatives—the development is designed, sited and will be managed to minimise the impact, or (c) if a significant adverse environmental impact cannot be minimised—the development will be managed to mitigate the impact. 	<p>The subject property is identified as being subject to ‘Biodiversity’, and it is considered that the proposed development outcome does not impede upon any environmental values.</p> <p>The dwellings are not in a location that is occupied by notable amounts of vegetation, although other sections of the site are heavily vegetated. Native fauna and flora should not be impeded upon by this proposal.</p> <p>Further it is not expected that this outcome would result in any adverse effect on ecological values and significance. This outcome does not present any potential for fragmentation, noting that these dwellings have been placed through careful consideration of the sites characteristics and values.</p>
Clause 6.5: Groundwater vulnerability	
<p>(1) The objectives of this clause are as follows—</p> <ul style="list-style-type: none"> (a) to maintain the hydrological functions of key groundwater systems, (b) to protect vulnerable groundwater resources from depletion and contamination as a result of development. <p>(2) This clause applies to land identified as “Groundwater vulnerable” on the <u>Groundwater Vulnerability Map</u>.</p> <p>(3) In deciding whether to grant development consent for development on land to which this clause applies, the consent authority must consider the following—</p> <ul style="list-style-type: none"> (a) the likelihood of groundwater contamination from the development, including from on-site storage or disposal of solid or liquid waste and chemicals, (b) adverse impacts the development may have on groundwater dependent ecosystems, (c) the cumulative impact the development may have on groundwater, including impacts on nearby groundwater extraction for a potable water supply or stock water supply, (d) appropriate measures proposed to avoid, minimise or mitigate the impacts of the development. <p>(4) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied—</p> <ul style="list-style-type: none"> (a) the development is designed, sited and will be managed to avoid a significant adverse environmental impact, or (b) if a significant adverse environmental impact cannot be reasonably avoided by adopting feasible alternatives—the development is designed, sited and will be managed to minimise the impact, or (c) if a significant adverse environmental impact cannot be minimised—the development will be managed to mitigate the impact. 	<p>A Soil and Site Assessment for Onsite Wastewater Disposal (refer to Appendix E) is provided for assessment and outlines the required outcomes for facilitating the proposed development outcome. There should be no adverse environmental impact, such as groundwater contamination, caused by this proposal.</p>

4.3 Development Control Plan

4.3.1 Boorowa Development Control Plan 2013

Boorowa Development Control Plan 2013 applies to the subject site. The following provides an assessment of the proposed development against the relevant provisions of the Plan, being;

- Section 2.1 Rural Dwellings (Applies to RU1 Primary Production zone)

DCP Clause / Provision	Statement of Compliance
Zone Based Controls, Chapter 2	
Section 2.1: Rural dwellings	
Clause 2.1.1: Note regarding permissibility	
<p>A dwelling must be permissible with consent under the Boorowa Local Environmental Plan 2012 (the LEP) on the land. This means the dwelling must either meet the minimum requirements for the size of land shown in the lot size map under the LEP or must be consistent with the provisions of clause 4.2A of the LEP. If lots do not comply with the minimum lot size maps applicants are advised to seek legal advice as to whether their proposal is permissible under the LEP prior to submitting an application.</p> <p>Single residential development includes a single dwelling, all landscaping and access/service areas, as well as any outbuildings, such as garden sheds, detached studios/workshops etc.</p>	<p><u>Complies</u></p> <p>Under the Hilltops Local Environmental Plan 2022 (LEP), a dwelling house and secondary dwelling is a permissible land use with consent.</p>
Clause 2.1.4: Performance Outcomes and Acceptable Solutions	
<p><u>Controls</u></p> <p>AR1.1 Access to the dwelling from the public road network complies with the provisions of this DCP relating to access to rural properties and RMS requirements (where relevant);</p> <p>AR1.2 Residential address for a dwelling shall be provided and clearly identifiable.</p>	<p>Access to the property is via a registered Deed of Agreement for Easement for Right of Carriageway over Track in Use (Refer to Appendix I)</p>
<p>AR2.1 The dwelling is not located within the following distances to any road boundary;</p> <ul style="list-style-type: none"> • 30m –adjoining an existing sealed road • 100m –adjoining an unsealed road <p>AR2.2 The dwelling is not within the following distances to any side or rear boundary;</p> <ul style="list-style-type: none"> • 20m <p>AR2.3 The dwelling is not located within 50m of a ridge line, nor is it visible above a ridgeline;</p> <p>AR2.4 The dwelling is not located within the distances of the land uses in Table 2.1;</p> <p>AR2.5 Materials (including large areas of glass and the use of "zincalume" or similar reflective materials) are selectively used so that a glare nuisance is not caused to surrounding neighbours or public roads;</p> <p>AR2.6 Dwellings shall be designed so that the elevation facing the road has a residential appearance or nature.</p>	<p>The dwellings are not located within 100m of any road.</p> <p>The dwellings are not within 20m of any side or rear boundary.</p> <p>The dwellings are considered to be appropriately located within the context of the sites topography, allowing for maximising the aesthetic values and environmental values of the site.</p> <p>The dwellings are not located in a position which would have any glare nuisance impacts on the surrounding land.</p>

DCP Clause / Provision	Statement of Compliance
<p>AR3</p> <p>The drainage field of the On-Site Sewerage Management System (septic) is appropriately designed in accordance with Council Policy requirements and considers the cumulative impact of an additional system in the locality.</p>	<p>A Soil and Site Assessment is attached in support of the proposal.</p>
<p>AR4.1</p> <p>The on-site water capture and storage for domestic purposes complies with the NSW BASIX scheme and any Certificate issued.</p> <p>AR4.2</p> <p>The total water storage on site shall be compliant with the following:</p> <ul style="list-style-type: none"> • guidelines in Appendix B • include a fire fighting reserve of 20,000 L (over and above any BASIX minimum); and • fitted with a 65mm Stortz fitting. <p>The above may mean a total volume in excess of Appendix B in some circumstances.</p>	<p>BASIX Certificates are provided with this application.</p>
<p>AR5</p> <p>All stormwater from the property shall be disposed of without causing nuisance. This may involve connection to Council's existing drainage system or other suitable arrangements such as easements.</p>	<p>Stormwater over the subject property does not create any nuisance.</p>
<p>2.1.4.2 Ancillary Development to Rural Dwellings</p> <p><u>Controls</u></p> <p>AAD1.1</p> <p>Ancillary development shall be setback 30m from the primary street frontage and at least 20m from any secondary street frontage on corner allotments.</p> <p>AAD1.2</p> <p>Ancillary development shall be no closer to the side and rear boundaries than 20m.</p> <p>AAD1.3</p> <p>Materials (such as reflective, zinc or tin finishes) are selectively used so that a glare nuisance is not caused to surrounding neighbours or public roads.</p> <p>2.1.4.3 Other controls that may be applicable to Rural Dwellings</p> <p>You must also satisfy Council with regard to the following matters. An assessment against these sections may be required by the applicant, and is to be identified in a Statement of Environmental Effects.</p> <ol style="list-style-type: none"> a) Car Parking and Vehicle Access (Section 3.1 of the DCP); and b) Development Requiring Tree Removal or Lopping (Section 3.2 of the DCP). <p>2.1.4.4 Design cues/suggestions for Rural Dwellings</p> <ul style="list-style-type: none"> • Examine passive solar orientation • Separation distances from neighbours • Respect the slope of the site • Separation distances from agriculture on subject property 	<p>It is suggested that ancillary development associated with these proposed dwellings is appropriate in accordance with the provisions of this section.</p>

4.4 Section 4.15 Considerations

4.4.1 Suitability of the site

The previous sections of this report have demonstrated the suitability of the site for the proposed usage, particularly in terms of:

- The proposal is consistent with the characteristics of the local area and existing development outcomes for rural land.

- The proposal is consistent with the objectives and development standards applying to the land.
- Overall the development is considered an appropriate usage of the site, allowing for low scale residential uses that facilitate the caretaking of this land.

4.4.2 Public interest

The proposal is considered to accord with the wider public interest in that:

- It provides an appropriate use of the site, allowing for residential accommodation on this large site where there was previously no dwelling;
- It will have a positive effect on the character of the land and immediate locality; and
- It is consistent with all relevant LEP aims and objectives.

4.4.3 Section 4.15 of the Environmental Planning and Assessment Act, 1979

Matters for Consideration	Considered?
Section 4.15 (1) (a)(i) – Has consideration been given to all relevant provisions of any relevant environmental planning instrument?	Yes
Section 4.15 (1) (a)(ii) – Has consideration been given to 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)?	Yes
Section 4.15 (1) (a)(iii) – Has consideration been given to all relevant provisions of any provisions of any development control plan?	Yes
Section 4.15 (1) (a)(iiia) – Has consideration been given to all relevant provisions of 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?	N/A
Section 4.15 (1) (a)(iv) – Have you considered all relevant provisions of the Regulations (to the extent that they are prescribed for the purposes of this paragraph)?	Yes
Section 4.15 (1) (b) – Are the likely impacts of the development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality acceptable?	Yes
Section 4.15 (1) (c) – Is the site suitable for the development?	Yes
Section 4.15 (1) (d) – Has consideration been given to any submissions made in accordance with the EPA Act or EPA Regulations?	TBA by Council
Section 4.15 (1) (e) – Is the proposal in the public interest?	Yes

5 Summary and Conclusion

Council Approval Group is pleased to submit this Statement of Environmental Effects and accompanying information for Dwelling House and Secondary Dwelling at 1299 Tarrants Gap Road, Wyangala.

This Statement of Environmental Effects for the proposed development has considered:

- the circumstances of the case;
- an analysis of the subject site and the surrounding locality;
- an analysis of the proposal against the provisions of the *LEP 2022*, as well as relevant DCPS, SEPPs and deemed SEPPs, and other relevant statutory controls that apply to the site; and
- Section 9.1 Directions.

This report concludes that the proposal will substantially complement the objectives and vision of the Plan, Zone, and DCP in particular:

- There is no existing dwelling on this property and the land area exceeds the minimum size shown on the Lot Size Map.
- Both Dwelling House and Secondary Dwelling are permissible outcomes on land in the RU1 zone, subject to council approval.
- The proposal allows for no impediment on non-agricultural land uses whilst providing for the caretaking of the site through residential dwellings and maintaining the character of the location and high-quality amenity outcomes.
- The development does not impede upon areas of high environmental and/or ecological value.
- The development has taken into consideration the management and capability of this land, and allows for minimal opportunity for conflict between land uses.

We are pleased to present this SoEE for Dwelling House and Secondary Dwelling at 1299 Tarrants Gap Road, Wyangala. Once determined, this proposal will allow for rectification of the unauthorised building works in accordance with Council requirements and allow the property owner the comfort of knowing his dwellings are approved and able to be lawfully occupied.

5.1 Recommendation

Under all the circumstances of the case, it is therefore recommended to Council for favourable consideration.

Appendix A. Architectural Plans

Appendix B. Survey Plan

Appendix C. Survey ID Report

Appendix D. BASIX Certificate

Appendix E. Bushfire Hazard Assessment

Appendix F. Soil and Site Assessment for Onsite
Wastewater Disposal

Appendix G. BCA Report

Appendix H. Structural Certificate

Appendix I. Deed of Agreement (Right of
Carriageway)