

Statement of Environmental Effect

Proposed Secondary Dwelling (Granny Flat)

1530 Henry Lawson Drive, St Fillans NSW 2850
Lot 1 DP 1190672

Prepared for: Scott Alan Redwood

Date: June 2026

Reference: DA Application – Secondary Dwelling

1. Introduction

This Statement of Environmental Effects (SEE) supports a Development Application for a new single-storey, self-contained two-bedroom secondary dwelling (approximately 87 m² GFA) on the subject property. The proposal complements the existing principal dwelling and maintains the rural-residential character of the area.

The development complies with the **Mid-Western Regional Local Environmental Plan 2012** (secondary dwellings permitted with consent in the R5 Large Lot Residential zone) and aligns with the **Mid-Western Regional Development Control Plan 2013** (DCP 2013).

2. Site Description

- Zoning: R5 Large Lot Residential (LEP 2012).
- Lot Size: 9.69 hectares (96,900 m²), confirmed via survey plan (24_063).
- Constraints: No bushfire prone land, above PMF, no heritage items, no outstanding biodiversity values, not contaminated (per Planning Certificate).
- Context: Rural-residential setting with existing sheds, stable, dam, and driveway on a large, undulating lot. The proposed building envelope is in a cleared, suitable area.

3. Description of the Proposed Development

- Modern single-storey design with Colorbond roof (Monument), James Hardie cladding, double-glazed windows, and BASIX-compliant thermal performance.
- Floor plan: Open living/dining/kitchen, two bedrooms, bathroom, laundry.
- Positioned to utilise existing access and services while preserving open space.
- Services: On-site water tanks, wastewater (septic), stormwater, and electricity (off-grid). Refer to architectural plans and survey plan for siting details.

4. Planning Context and Statutory Controls

4.1 Mid-Western Regional LEP 2012

Permissibility

Secondary dwellings are permitted with consent in the R5 Large Lot Residential zone under the Mid-Western Regional Local Environmental Plan 2012 (LEP Clause 2.3 Land Use Table, Item 3 – Permitted with consent).

Minimum LOT size

The LEP 2012 specifies a minimum lot size of 12 hectares for the erection of a dwelling house in Zone R5 Large Lot Residential. The subject lot is 9.69 ha.

Compliance Confirmation: A Council letter dated 4 September 2020 (Reference SH: P23627) confirms that the land satisfies the requirements of Clause 4.2A(3)(e)(i) of the Mid-Western Regional LEP 2012. The lot was originally created as Lot 17 DP246916 with an area of 10.12 hectares under a Council-approved subdivision. A 2013 minor boundary adjustment resulted in the current Lot 1 DP1190672 (9.69 ha). This clause outlines that the LOT would have met the minimum lot size requirements at its time of 'creation', and therefore permits a landowner to make an application for the construction of a dwelling house or dual occupancy.

Application to Secondary Dwelling:

- The LOT has an approved CDC, for the establishment of a principal dwelling.
- A secondary dwelling is separately permitted with consent in the R5 zone (LEP Clause 2.3 Land Use Table) and is defined as a self-contained dwelling on the same lot as the principal dwelling.
- The existing dwelling entitlement under Clause 4.2A(3)(e)(i), combined with the permissibility of secondary dwellings, confirms compliance with the LEP. No subdivision is proposed.

Floor Area (FSR)

The proposed secondary dwelling has a floor area of 87 m². Since a secondary dwelling is permissible within R5 Zoning, Clause 5.4 applies:

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.*

The proposed secondary dwelling is 20.4% of the total floor area of the principal dwelling, therefore complies with Clause 5.4.

4.2 Mid-Western Regional DCP 2013 – Setbacks and Variations

The DCP 2013 (Part 2) provides deemed-to-satisfy standards for residential development, including building setbacks. For R5 Large Lot Residential > 5 ha (applicable here):

- **Front Setback:** 60 m
- **Side/Rear Setback:** 20 m
- **Secondary Frontage (Corner Lots):** 15 m

The site is a 'Corner LOT' with a 'paper road' flanking its North.

Detailed Setback Calculations and Justification: The survey plan (24_063) and site analysis confirm the following:

- The proposed secondary dwelling is sited with a front setback from Henry Lawson Drive that varies from the 60 m standard but aligns with the established pattern of neighbouring properties with R5 zoning.
- Neighbouring R5-zoned properties along Henry Lawson Drive exhibit front setbacks typically ranging between 40.441m to 43.735m.
- The proposed siting maintains a similar built form relationship to the road, ensuring visual consistency – taking the average existing front setback of 42.1m
- Side setbacks is 15m as required for a corner LOT.
- Rear setbacks exceed the 15 m requirement.

Performance-Based Justification for Front Setback Variation: The DCP permits merit-based variations where performance outcomes are achieved. The variation is supported by the low-profile design, recessive materials, large lot buffers, and alignment with neighbouring development. Other relevant DCP provisions (design, amenity, landscaping, site coverage, and servicing) are met or exceeded.

4.3 State Environmental Planning Policies

- SEPP (Housing) 2021: Supports secondary dwellings.
- BASIX 2004: Compliant certificate provided.
- Other SEPPs: No significant impacts identified.

4.4 Contributions & Other

Subject to Mid-Western Regional Contributions Plan 2019 as applicable. No flood, bushfire, or heritage constraints.

5. Environmental Impact Assessment

- **Visual/Character:** Single-storey, low-profile design with dark recessive materials integrates into the landscape; minimal clearing required.
- **Amenity:** Complies with DCP privacy, solar access, and open space outcomes.
- **Traffic/Access:** Negligible increase via existing driveway.
- **Stormwater/Services:** On-site management per DCP Part 5; no adverse impacts.
- **Biodiversity/Environment:** Low impact.
- **Bushfire:** Not applicable (site not bushfire prone).
- **Social/Economic:** Enhances housing diversity on underutilised land.

6. Conclusion

The proposed secondary dwelling is permissible and consistent with the Mid-Western Regional LEP 2012 and DCP 2013. The detailed setback calculations, alignment with neighbouring development, and confirmation of no bushfire constraints achieve the performance objectives of the controls, resulting in minimal environmental effects and positive housing outcomes.

Approval is recommended.

Attachments:

- Architectural Plans
- BASIX Certificate
- Survey/Detail Plan (24_063)