



***STATEMENT OF ENVIRONMENTAL EFFECTS***

***PROPOSED DEVELOPMENT – 4.6 VARIATION TO DEVELOPMENT STANDARD  
4.2B (3)(a) & DEFERRED COMMENCEMENT FOR A DWELLING***

***ADDRESS – 119B LAGOON ROAD WENTWORTH***

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## 1. Introduction

Cadell Consulting Services has prepared this Statement of Environmental Effects report on behalf of the landowner of 119B Lagoon Road Wentworth in accordance with the requirements of *Part 4 Development assessment and consent* of the *Environmental Planning and Assessment Act 1979*.

The application seeks a *Deferred commencement approval* in accordance with Section 76 of the *Environmental Planning and Assessment Regulation 2021*, Section 4.16 (3) of the *Environmental Planning and Assessment Act 1979* and Section 95 of the *Local Government Act 1993*, for the development of a dwelling on the subject site.

In order to enable the submission of the application, a Variation to Development Standards request has also been prepared and is submitted with this development application.

## 2. Subject Site and Surrounding Area

### 2.1 Subject Site

Address	119B Lagoon Road Wentworth
Lot & DP	Lot 119 DP756994
Land size	8.7 hectares
Zone & MLS	RU1 Primary Production

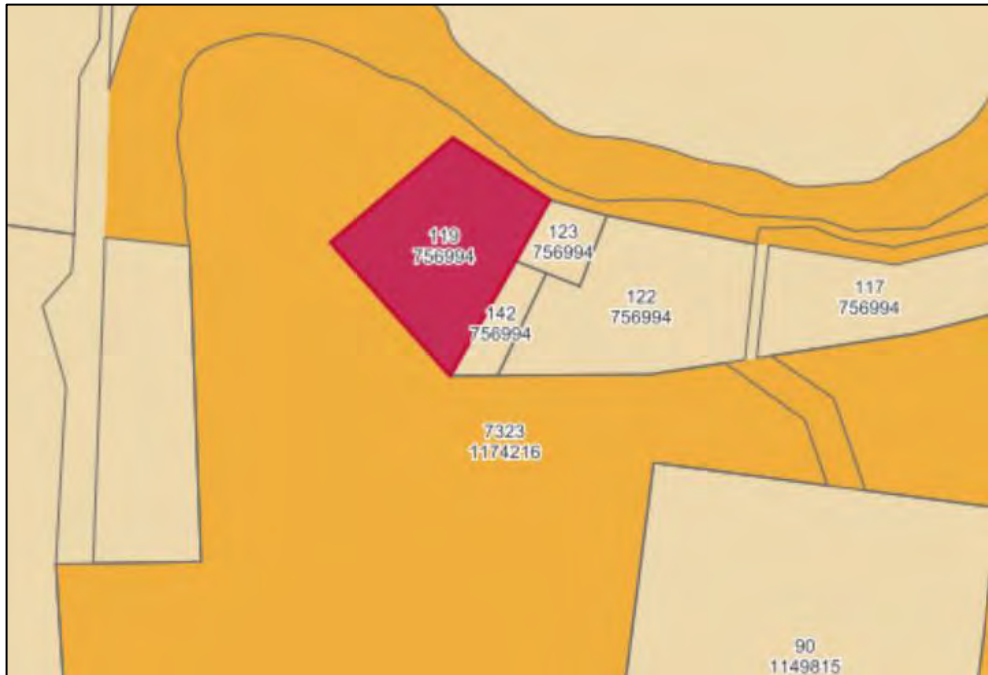


Figure 1 Land Zoning

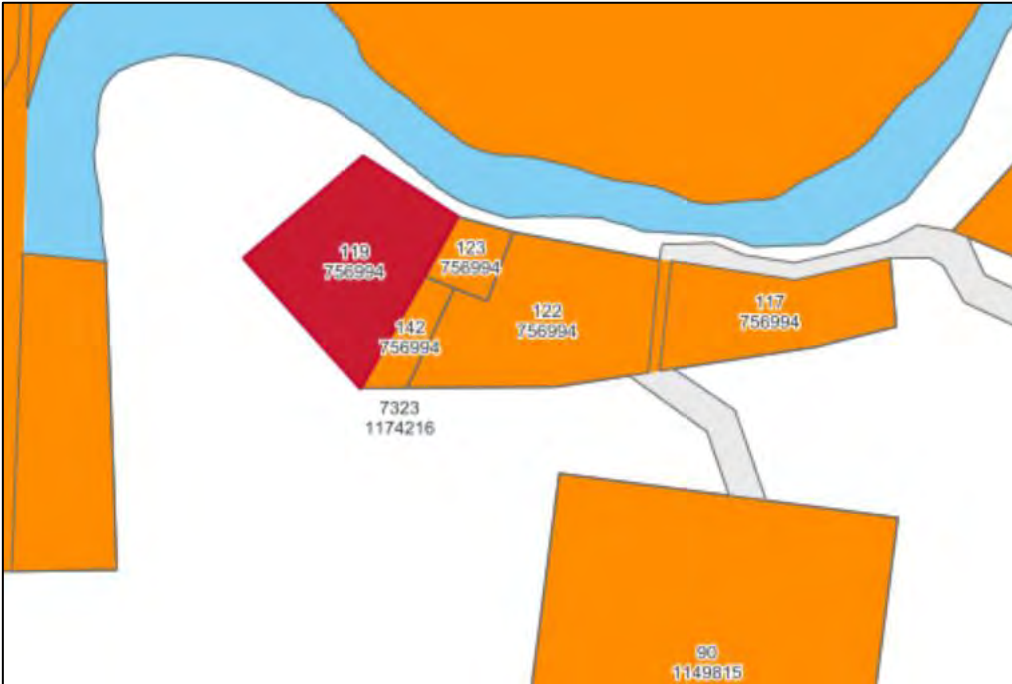
	<p>10,000 hectares MLS</p>  <p><i>Figure 2 Minimum lot size</i></p>
<i>Site description</i>	<p>The subject site is relatively square in nature, with a flat topography. Access to the site is provided via a recently registered access easement approved by NSW DPHI Crown Lands. The easement extends from Lagoon Road, to the gateway on the northern boundary. The site previously contained a dwelling, which is evidenced by the existing overhead water tank on the norther corner of the site.</p>
<i>Current use</i>	The site is currently used for agricultural (horticultural) purposes
<i>Proposed use</i>	The proposed dwelling will facilitate the management of the ongoing use of the subject site for agricultural purposes.
<i>Natural hazards</i>	The subject site is located in flood prone land as per Council mapping.



Figure 3 Flood Planning Area mapping

The subject site is mapped as Vegetation Category 3, with a slither of the property boundary being vegetation category 1 in Bush Fire Prone Land mapping on Council's website.

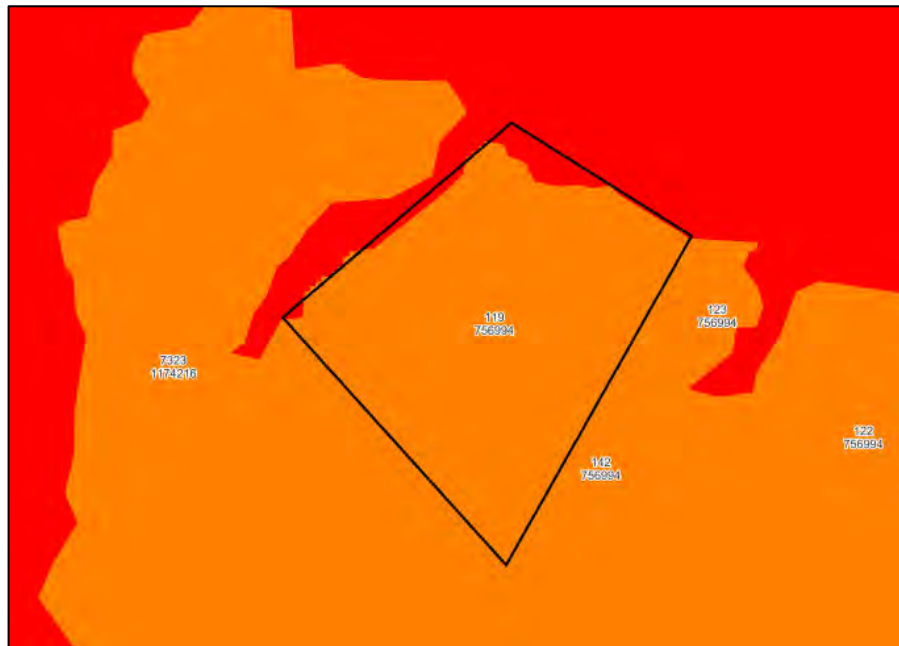


Figure 4 Bush Fire Prone Land mapping

Refer to the attached Planning for Bush Fire Protection Report.

**Additional  
information**

There is a power pole located on the northern boundary of the allotment.  
The allotment has been recently transferred to freehold land.  
There is an existing water allocation for the site for irrigation purposes.

## 2.2 Use & Development in Surrounding Area

There are multiple land uses surrounding the subject site.

There is a large portion of natural vegetation which comprises Lot 7323 DP1174216, registered as Thegoa Lagoon, and under a conservation zone.

There are rural residential properties to the east of the site, which were formally under horticultural crops, but are now no longer are used for agricultural purposes.

A waterway, being the Lagoon itself, is located to the north of the property and Wentworth aerodrome is situated further north.



Figure 5 Surrounding land uses



### 3. Proposed Development

<i>Proposed building(s)</i>	Dwelling (deferred commencement)
<i>Building materials</i>	TBC
<i>Colour scheme</i>	TBC
<i>Intended use</i>	Residential dwelling to support the ongoing agricultural use of the subject site.
<i>Demolition works</i>	NIL
<i>Staging of development</i>	Development would be commenced and completed in one stage
<i>Other works</i>	Works consistent with the construction of a dwelling

The applicant has had a proposed site plan prepared, showing the location of the proposed new dwelling in the north western corner of the allotment. The location of a previous dwelling until its removal some years ago.

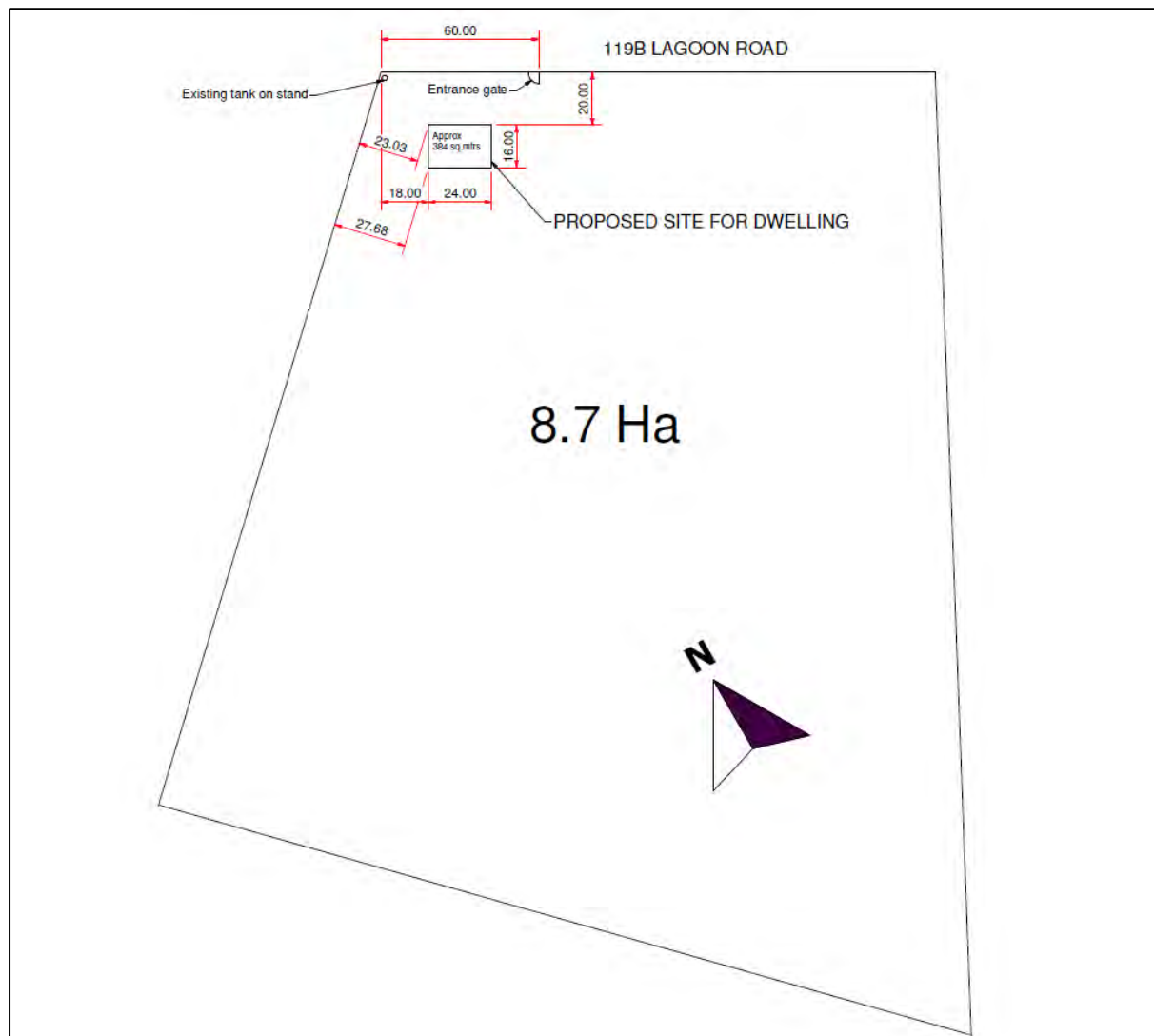


Figure 6 proposed site plan

## 4. Relevant Planning Controls

### 4.1 State Environmental Planning Policy

#### *Statement Environmental Planning Policy (Primary Production) 2021*

##### *Schedule 4 Part 2 Section 3 Subdivision of, or dwellings on, land in certain rural, residential or environment protection zones*

The objective of this SEPP is to minimise potential land use conflict on land that is used for rural purposes.

The following matters are to be taken into consideration when determining an application for a dwelling:

- The existing and approved uses of land within the vicinity of the proposed development
- Whether the proposed development will have a significant impact on the predominant land uses surrounding the subject site
- If the proposed development is incompatible with surrounding and predominant land uses
- Proposed methods to minimise incompatibility with surrounding and predominant land uses

#### Response

As shown in Figure 5 above, there are a blend of land uses within the vicinity of the subject site. Directly to the east of the subject site, the predominant land use is rural residential, while the remainder of land is natural vegetation and waterways.

The necessity for the proposed dwelling is to support the ongoing use of the site for agricultural purposes, which is a use permitted without consent in the RU1 Primary Production zone.

It is considered that the proposed dwelling will be compatible with the existing surrounding development and will not have any negative impact on the existing predominant land uses.

### 4.2 Wentworth Local Environmental Plan 2011

#### *Permissibility of development in the zone*

Dwelling houses are permissible with consent

#### *Consistency with zone objectives*

The proposed dwelling is consistent with the zone objectives as:

- It will enable the use of the subject site for improved, sustainable rural purposes
- It will promote the diversity of the use of the subject site by allowing small scale agriculture to take place
- The proposed dwelling will not create land use conflict with existing surrounding land uses and development

#### *Applicable Principal development standards*

*Clause 4.2B Erection of dwelling houses on land in Zones RU1, RU4, R5, C3 and C4* requires land to be at least the minimum lot size that is specified in the Lot Size Map. The specified minimum lot size for the subject site is 10,000 hectares. The subject site encompasses 8 hectares. As such, this development application also includes a Request to vary the development standard as specified in *Clause 4.6 Exceptions to development standards and in accordance with the Department of Planning and Environment Guide to Varying Development Standards November 2023.*

#### *Applicable Miscellaneous provisions*



*Clause 5.16 Subdivision of, or dwellings on, land in certain rural, residential or conservation zones* reflects the same objectives and matters that must be considered when determining an application as those in the *Statement Environmental Planning Policy (Primary Production) 2021 Schedule 4 Part 2 Section 3 Subdivision of, or dwellings on, land in certain rural, residential or environment protection zones*

Response provided above in Section 4.1

*Clause 5.21 Flood planning* seeks to minimise flood risk whilst allowing development on land that is compatible with flood behaviour. It is anticipated that should development consent be issued, a condition of consent will include that the dwelling is raised 750mm above the AEP flood level.

*Applicable Additional local provisions*

*Clause 7.4 Terrestrial biodiversity* aims to protect native flora and fauna whilst ensuring ecological processes are protected to encourage the conservation and recovery of native flora and fauna their habitats. The proposed development will not cause damage or impact to the conservation or recovery of natural habitats. This is due to the fact the site has historically been cleared and used for agricultural purposes, and the proposed dwelling will support this ongoing use.

*Clause 7.5 Wetlands* seeks to ensure that the natural wetlands are protected and preserved from development impacts. This application does not contravene the objectives of this clause as the site does not contain any existing native flora and fauna or natural habitats due to being historically used for agricultural purposes. There will be no impact on the surrounding wetland and vegetated area from the proposed development.

#### **4.3 Wentworth Development Control Plan 2011**

##### **Chapter 4 Flood Affected Land**

The general requirements of this section of the DCP aim to minimise the impact and risk on development located in areas subject to flooding. Generally, the requirements include:

- Applicants having regard for the flood clauses in the Wentworth LEP 2011
- Construction of habitable buildings on pier and beams to allow for floodwaters to flow under the building
- Minimising cut and fill on flood affected land
- Habitable buildings being constructed with a floor level at 750mm or above the 1 in 100 AEP

##### **Chapter 5 Development Control Plan Rural Development Controls 5.3 Rural dwellings**

The general requirements for dwellings in the RU1 Primary Production zone, are:

- Orientation of living areas to the north
- Front setback of 15 metres, where the lot is located in a 10 hectare MLS area
- Front setback of 50 metres, where the lot is located in a 10,000ha area
- Colours to be consistent with the rural character of the area
- Siting of dwelling is to respect the amenity of the site and neighbours
- Not to be developed near intensive agriculture development
- Avoid damage to, or removal of, environmental features, native vegetation, watercourses, drainage channels
- Removal of any existing illegal structures
- Provision of a minimum of 46,000 litres or more of potable water (rainwater)
- An approved wastewater management system being 100 meters from any intermittent watercourse.
- Fences are to be sympathetic to the rural environment

- Dwelling setbacks from river is not applicable in this instance
- The land capability requirement is to be waived as the agricultural land use of grazing, has been ongoing for many years. The aim of the proposed development is to facilitate intensification of the use by managing additional stock on the site.

The inconsistency with the setback of 50 metres for land in a minimum lot size area of 10,000 ha is considered justifiable given the allotment size being 8.7 ha. Additionally, the proposed development will:

- not impact the surrounding amenity or character of the area
- not destroy or have any negative impact on native vegetation or natural habitats
- ensure waste management systems are located more than 100 metres from the lagoon
- provide for adequate potable water supply for domestic and firefighting purposes
- ensure all future fencing is sympathetic to the environment.

## 5. Assessment

### **Context Analysis**

*Will the development be:*

- *Visually prominent in the surrounding area?*
- *Inconsistent with the existing streetscape?*
- *Out of character with the surrounding area?*
- *Inconsistent with surrounding land uses?*

*Response*

The proposed dwelling will not be visually prominent due to the size and location of the allotment. It will be consistent with the existing, surrounding development, in character with the surrounding area and consistent with surrounding land uses.

### **Privacy, view and overshadowing**

*Will the development result in:*

- *Privacy issues?*
- *Overshadowing of adjoining properties?*
- *Acoustic issues from excessive noise?*
- *Impacts on views?*

*Response*

There will be no privacy, overshadowing, acoustic or impact on the views or amenity of the surrounding development and residents. The proposed setback of the new dwelling will be 20 metres from the northern boundary and approximately 450 metres from the closest, neighbouring dwelling to the east.

### **Access & Traffic**

*Will the development:*

- *Have legal and practical, or require new access?*
- *Increase local vehicle movements?*
- *Require onsite vehicular manoeuvring and onsite parking?*
- *Require offsite parking?*

*Response*

Access to site is provided via an easement, established by Crown Lands, from Lagoon Road to property entry. No new access is proposed.

The future vehicle movements will only be related to the residents of the proposed new dwelling. There is no requirement for offsite or additional onsite parking or vehicular manoeuvring.

### **Infrastructure & Utilities**

*Will the development require:*

- *Power?*
- *Water?*
- *Sewer?*
- *Stormwater?*
- *Telecommunication?*

*Response*

Power will be utilised from an existing power pole located along the northern boundary. An onsite wastewater management system will be installed to support the proposed new dwelling. The management of stormwater will be contained on site.

The provision of telecommunication services is accessible to the area.  
 An existing water allocation licence is currently available for the site.  
 A potable and firefighting water supply will form part of the overall, final development.

#### **Environmental impacts**

*Will the development likely result in:*

- *Air pollution?*
- *Water pollution?*
- *Noise impacts?*
- *Necessary excavation or filling?*
- *Erosion or sediment run-off?*
- *Soil contamination?*
- *Environmentally sustainable development, is a BASIX certificate require?*
- *Negative impacts on heritage items or items of cultural significance?*
- *Disturbance of aboriginal artefacts or relics?*

#### **Response**

The proposed new dwelling will not cause or result in environmental impacts such as, air or water pollution, noise impact, excavation, erosions and sediment run-off or soil contamination.  
 There are no known heritage listed items or areas of cultural significance on or surrounding the subject site.  
 Noise applicable to the construction of a dwelling can be expected during construction period.  
 During soil and site preparation, should any aboriginal artefacts or relics be found, works will be ceased immediately and the Local Aboriginal Land Council will be notified.

#### **Biodiversity impacts**

*Will the development result in:*

- *The removal of any native vegetation on the site?*
- *Any impact on threatened species or native habitat?*

#### **Response**

The subject site has historically been cleared of vegetation for irrigation purposes.  
 The proposed development will not result in the removal of any native vegetation or impact on threatened species or native habitat.

#### **Waste & Stormwater disposal**

- *How will effluent be managed? Sewer or onsite?*
- *How will stormwater be disposed? Drainage system or other?*
- *Will liquid trade waste be discharged to Council's sewer?*
- *Will the development result in hazardous waste or disposal issues?*
- *Have all stormwater risks been considered?*
- *Will the development include rainwater tanks?*

#### **Response**

Wastewater will be managed onsite through the installation of an approved system.  
 Stormwater and any overflow, will be collected and retained onsite.  
 The development will include adequate rainwater tanks for a potable water supply.

<b>Social and Economic impacts</b>
<p><i>Will the development result in:</i></p> <ul style="list-style-type: none"> <li>• Any economic impacts?</li> <li>• Any social impacts?</li> <li>• Any issues relating to safety, security or crime?</li> </ul> <p><i>Response</i></p> <p>During the construction phase the proposed development may provide jobs for local trade persons in the building industry.</p> <p>There will be economic benefit to the landowner as the ability to reside on the site will enable improved monitoring, management and operation of the rural enterprise on the subject site, whilst supplementing off-farm income. Additionally, the proposed dwelling will negate the necessity and cost or investment associated with living in alternative accommodation, increasing the ability for future investment and potential for expansion of the rural enterprise.</p> <p>There are security benefits from the proposed development to the subject site and surrounding landowners, through the presence of additional local residents. This will also assist with deterring theft and illegal trespassing in the area.</p>



## 6. Conclusion

It is concluded that the Request to Vary a Development Standard and the application for the Deferred commencement of a Dwelling on the subject site, as outlined in this Statement of Environmental Effects report and the attached documentation, should be granted development consent by Wentworth Shire Council.

This conclusion is made on the basis that the proposed variation request and subsequent dwelling will not be out of character with the existing surrounding development, will not have a negative impact on surrounding agricultural and natural land uses and will enable and support the ongoing use of the agricultural activities on the subject site.

