



STATEMENT OF ENVIRONMENTAL EFFECTS

***PROPOSED DEVELOPMENT – CLAUSE 4.6 VARIATION TO DEVELOPMENT
STANDARD 4.2B (3)(a) & CONCEPT DEVELOPMENT APPLICATION FOR A
DWELLING***

ADDRESS – LOT 1 DP1313154 RIVER ROAD, POMONA NSW 2648

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1. Introduction

Cadell Consulting Services has prepared this Statement of Environmental Effects report on behalf of the landowner of Lot 1 DP1313154 River Road, Pomona in accordance with the requirements of *Part 4 Development assessment and consent* of the *Environmental Planning and Assessment Act 1979*.

The application seeks approval of a Concept Development for the future development of a dwelling on the subject site, in accordance with Section 33 of the *Environmental Planning and Assessment Regulation 2021* and Section 4.4 of the *Environmental Planning and Assessment Act 1979*.

In order to enable the submission of the application, a Variation to Development Standards (Clause 4.2B of the Wentworth Local Environmental Plan 2011) request has also been prepared and is submitted with this development application.

2. Subject Site and Surrounding Area

2.1 Subject Site

<i>Address</i>	River Road, Pomona
<i>Lot & DP</i>	Lot 1 DP 1313154
<i>Land size</i>	1.277 Hectares
<i>Zone & MLS</i>	RU4 Primary production small lots zone & 10 hectares MLS
<i>Site description</i>	The subject site is L-Shaped with access running along the northern boundary of Lot 2. The Darling River runs along the south-eastern boundary of the allotment.
<i>Current use</i>	The site is currently being used for horticulture.
<i>Proposed use</i>	The proposed dwelling will allow the site to be used for small scale agriculture, supported by the dwelling onsite.
<i>Natural hazards</i>	Part of the subject site, being the bank of the Darling River, is in flood prone land as per Council mapping. The flooding extent of the site is 30 metres from the south eastern boundary. Therefore, the setback of the proposed dwelling is located outside of the flood prone area. The subject site is not located in Bush Fire Prone Land as per Council mapping.

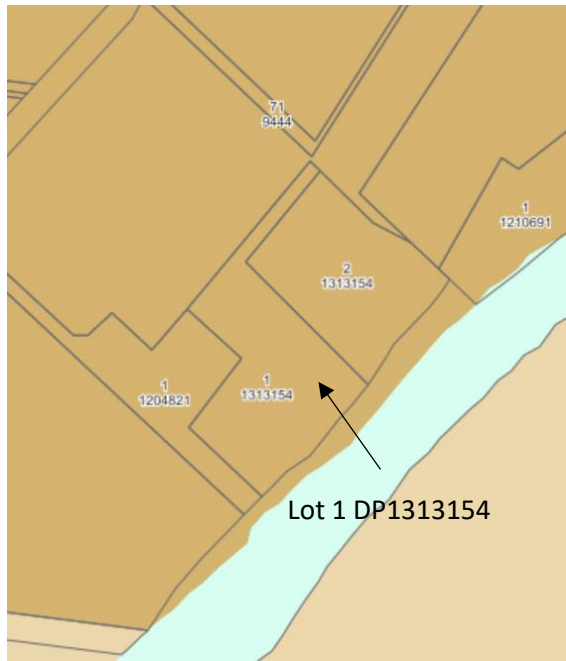


Figure 1: Land zoning (source intramaps)

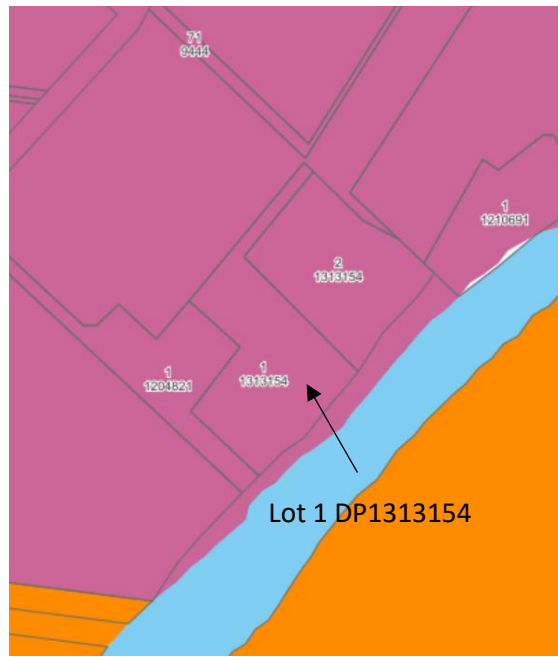


Figure 2: Lot Size (Source Intramaps)



Figure 3: Concept site plan

2.2 Use & Development in Surrounding Area

The surrounding uses and development include a mix of rural residential development and agriculture on allotments of varying sizes. There are several small residential allotments surrounding the subject site, especially along the Darling River to the North-East.



Figure 4: Surrounding land uses and development (Source Nearmap)

3. *Proposed Development*

<i>Proposed building(s)</i>	Concept development application for a Dwelling
<i>Building materials</i>	To be approved via a subsequent development application
<i>Colour scheme</i>	To be approved via a subsequent development application
<i>Intended use</i>	Residential dwelling to enable small scale horticulture on site and support surrounding horticulture
<i>Demolition works</i>	NIL
<i>Staging of development</i>	Development would be commenced and completed in one stage, following the issue of consent of a subsequent development application
<i>Other works</i>	Works consistent with the construction of a dwelling

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 4 above, there are a mix of land uses within the vicinity of the subject site. Directly to the northeast of the subject site, the predominant land use is horticulture, while the properties further northeast, are rural residential.

The necessity for the proposed dwelling is to allow for small scale agriculture, which is a use permitted without consent in the RU4 Primary Production Small Lots 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. Given that several surrounding residential properties are smaller in lot size, the proposed development will not look out of character with the surrounding development and use of the area.

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 hectares. The subject site is 1.277 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

This clause 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

The objectives of this clause are to minimise flood risk to life and property, allow for compatible development on flood prone land, avoidance of cumulative impacts on flood behaviour and ensuring safe occupation and evacuation in the event of a flood.

The proposed development does not contravene these objectives, in that the proposed dwelling will be located outside of the flood prone area. This will ensure that the development and use of the site will not alter the behaviour and movement of flood water. The site has safe and adequate access to ensure that the evacuation of the site during a flood event.

Applicable Additional local provisions

Clause 7.6 Development on river front areas

The proposed development will not be located on land in a river front area due to the proposed building envelope setback of approximately 40 metres.

Clause 7.7 Riparian land and Murray river and other watercourses – general principles

The proposed development will not impact the water quality, stability or the bed and bank of the Darling river, the riparian habitats or ecological processes within the watercourse or riparian area.

4.3 Wentworth Development Control Plan 2011

Chapter 5 Development Control Plan Rural Development Controls 5.3 Rural dwellings

The general requirements for dwellings in the RU4 Primary Production Small Lots zone, are:

- Orientation of living areas to the north
- Front setback of 15 metres
- 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
- Fences are to be sympathetic to the rural environment
- Dwelling setbacks from river of 100 metres, not consistent with WLEP 2011
- 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 above requirements will be considered in the preparation of development plans to be lodged as a separate development application, subsequent to the consent for this variation request and concept development application for a dwelling.

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 concept development for a dwelling will not be visually prominent due to the size 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 anticipated privacy, overshadowing, acoustic or impact on the views or amenity of the surrounding development and residents.

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

There is legal access through to the subject site via a carriageway easement on Lot 3 DP1313154. There is no new access 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

There is access to power and a water supply to support the proposed concept development application.

Stormwater will be collected and retained on site.

An appropriate wastewater system will be required to be installed for sewer use.

Telecommunication providers can be accessed, as required.

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. Refer to the attached AHIMS Report.

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 horticulture. There is some remnant riparian vegetation and 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 will be collected and retained onsite. Overflow of stormwater will be directed appropriately.

The development will include adequate rainwater tanks for a potable water supply.

Additional details will be provided with the subsequent development application.

Social and Economic impacts

Will the development result in:

- *Any economic impacts?*
- *Any social impacts?*
- *Any issues relating to safety, security or crime?*

Response

There will be economic benefit to the landowner with the ability to reside on the site to enable improved monitoring, management and operation of a small-scale 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.

There are social benefits to the local Pomona community by increasing the number of residents within that small, rural community.

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.

6. Conclusion

It is concluded that the Request to Vary a Development Standard and the application for the Concept development 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 development concept of a dwelling will not be out of character with the existing surrounding development, will not have a negative impact on surrounding agricultural land uses and will enable and support the intensification of the agricultural use of the subject site and potential expansion of the small rural enterprise.

Note: A subsequent development application will be required to be lodged for Council's approval, prior to the application of a Construction Certificate.

SITE PLAN LOT 1 DP1313154

Concept building envelope approximately 96m x 28m

