

Statement of Environmental Effects

Proposed Development of 22 Lawson Street Mudgee

August 2021

Development Application Proposal

The proposed development is a staged development of 22 Lawson Street, Mudgee as follows:

- **Stage 1** – 2 lot vacant land Torrens title subdivision.
 - As part of Stage 1, removal of 2 trees as noted on the development plans consisting of a palm tree and a deciduous tree.
- **Stage 2**- Dual occupancy of Lot 2 and subsequent Torrens title subdivision.
- **Stage 3** – Dual occupancy of Lot 1 and subsequent Torrens title subdivision.

The new dwellings will consist of single storey weatherboard and brick veneer with Colorbond roof. The roof lines are hip and valley with gable ends which are in keeping with character of existing dwellings in the immediate area.

Subject Property

Title description:	Parent Lot No: 1 DP: 231976
Address:	22 Lawson Street, Mudgee
Total Lot Area:	2,555m ²
Owner:	J & A Sydney Pty Ltd (ABN 82 614 989 043)

Zoning and Permissibility Overview

The site is zoned R₃ Medium Density Residential under Mid-Western Regional Local Environmental Plan 2012 with a minimum lot size of 600m².

Dual occupancy development forms part of the group defined as residential accommodation which is listed as permissible with consent in the R₃ zone. As residential accommodation is permissible in the R₃ zone, the proposed as dual occupancy development is therefore permissible in the zone.

Existing Environment

LOCATION AND TITLE

The land is known as Lot 1 DP231976 and is located on the western side of Lawson Street, close to the Mudgee Central Business District and is within the Heritage Conservation Zone in Mudgee.

The site is irregular in shape with a frontage to Lawson Street of 34.4m, two southern boundaries of 40.2m and 20.117m, two northern boundaries of 32.1m and 27.4m and a far rear boundary of 46.5m. The total area of the site is 2,555m².

The site is located on the eastern side of the Mudgee Central Business District (“CBD”). See Figure 1 below.



Figure 1 – Location of the Site



Plate 1 – Looking South along Lawson Street from the front of the site



Plate 2 – Looking North along Lawson Street from the front of the site



Plate 3 – Looking East from the front of the site across the road on Lawson Street



Plate 4 – Looking West towards the site from across the road on Lawson Street



Plate 5 – Photograph of the palm tree and deciduous tree proposed to be removed

EXISTING DEVELOPMENT CONSENT AND LAND USE

The site is currently occupied by a number of industrial and commercial sheds. Prior to the commencement of this development, the industrial and commercial sheds will be demolished. A development consent was approved on 26 July 2021 (DA0397/2021) for the demolition of the existing industrial and commercial sheds on the site.

Current access to the site is provided from Lawson Street via two existing vehicle cross overs on either side of the lot frontage. The locality is residential in nature but is close to the business activities in the CBD. Neighbouring development / land use in the surrounds comprises occupied dwelling houses to the north, west and south.

TOPOGRAPHY

The site is relatively flat with a slight fall to the rear of the land.

GROUNDWATER

The subject site is identified as being groundwater vulnerable on the LEP Groundwater Vulnerability Map as shown in Figure 2 below.



Source: NSW Planning Portal

(<https://www.planningportal.nsw.gov.au/spatialviewer/#/find-a-property/address>)

Figure 2 – LEP Groundwater Vulnerability Map

FLORA AND FAUNA

The subject site is largely cleared of vegetation except for a palm tree and a deciduous tree at the street frontage.

NOISE

Noise measurements of background levels have not been undertaken on site. The nature of the area is such that the primary source of noise is traffic and common noise associated with residential areas and the site's proximity to the Mudgee CBD.

NATURAL HAZARDS

Flooding

The land is not mapped as being within the Flood Planning Area (FPA) under Mid-Western Regional Local Environmental Plan 2012.

Bush Fire

The site is not mapped as being bushfire prone.

ACCESS AND TRAFFIC

Access to the site is provided directly from Lawson Street. There are two existing driveway crossovers which are located on the lefthand side and righthand side of the frontage on Lawson Street.

St Matthews Catholic School is located one block away to the west. Although Lawson Street is not a main arterial road into or through Mudgee, it can get busier during the hours of school pick up and drop off.

HERITAGE

The site is located within the Mudgee Heritage Conservation Area and adjoins land to the west which contains a Heritage Item. This Heritage Item is known as 64 Mortimer Street (Item Number I151 in the Mid-Western Regional Local Environmental Plan).

There is one (1) additional item of heritage in the vicinity of the development identified as Item Number I90 which is a residential dwelling at 25 Lawson Street. The items of heritage are located on the Heritage Map as shown in Figure 3 below.



Source: Mid-Western Regional Local Environmental Plan 2012, Heritage Map - Sheet HER_006

Figure 3 – LEP Heritage Map

ABORIGINAL HERITAGE

An Aboriginal Heritage Information Management System (AHIMS) search was conducted on 27 August 2021, refer to **Appendix A**. The search revealed nil items of known Aboriginal places or items were declared to be on the site or within a 200m radius.

As the development site is already significantly disturbed and given the long term industrial and commercial habitation of the land, it is not expected that any items or objects of Aboriginal significance will be found within the site. However, should an item or object be found, any work would cease and the NSW Office of Environment and Heritage notified.

Proposed Development

GENERAL DESCRIPTION

The proposed development consists of the staged development of 22 Lawson Street, Mudgee as follows:

- **Stage 1** – 2 lot vacant land Torrens title subdivision.
 - As part of stage 1, removal of 2 trees as noted on the development plans consisting of a palm tree and a deciduous tree.
- **Stage 2** - Dual occupancy of Lot 2 and subsequent Torrens title subdivision.
- **Stage 3** – Dual occupancy of Lot 1 and subsequent Torrens title subdivision.

Stages 2 and 3 may be undertaken at the same time.

EXISTING DEVELOPMENT CONSENT

There is an existing approved development consent for the demolition of the existing industrial and commercial buildings on the property (DA0397/2021).

A copy of development consent DA0397/2021 is included in **Appendix B**. It is proposed that DA0397/2021 will be completed prior to the commencement of Stage 1 of this development.

PROPOSED STAGING

The staging of the development is proposed as follows:

- **Stage 1** – Subdivision of the Land into 2 vacant Torrens Title lots and the removal of the 2 trees at the front of the property (palm tree and deciduous tree).
- **Stage 2** - Construction of the dual occupancy on proposed Lot 2 including the concurrent Torrens title subdivision of the two (2) dwellings.
- **Stage 3** – Construction of the dual occupancy on proposed Lot 1 including the concurrent Torrens title subdivision of the two (2) dwellings

Stages 2 and 3 may be undertaken at the same time.

PROPOSED DWELLINGS

Vacant Lot Subdivision and Tree Removal

The proposal seeks development consent for the subdivision of 22 Lawson Street, Mudgee into two (2) vacant lots. The development design plans in **Appendix C** illustrate the proposed development. Specifically the development comprises:

1. Torrens title subdivision into two (2) vacant lots. Lot sizes include:
 - a. Proposed Lot 1: 1,149m²;
 - b. Proposed Lot 2: 1,417m².
2. Removal of the two (2) trees located at the front of the allotment including the palm tree and the deciduous tree.

Dual Occupancy on Proposed Lot 2

The proposal seeks development consent for the erection of a detached dual occupancy development and subsequent Torrens Title subdivision into two (2) lots. The development design plans in **Appendix C** illustrate the proposed development. Specifically, development comprises:

1. Detached single storey dual occupancy development;
2. Dwellings will be known as (in accordance with Council's recent advice):
 - a. 20A Lawson Street, Mudgee (proposed Lot 4 - dwelling to the north);
 - b. 20B Lawson Street, Mudgee (proposed Lot 3 - dwelling to the south).
3. Each dwelling contains:
 - a. Four (4) Bedrooms;
 - b. Three bathrooms including two (2) ensuites and a main bathroom;
 - c. Open plan living / kitchen / dining and a separate media room;
 - d. Additional study room for 20A Lawson Street;
 - e. Alfresco and landscaped private open space attached to the living areas;
 - f. North facing private open space;
 - g. Laundry with direct access outside;
 - h. Double attached garage which includes two (2) carparking spaces;
 - i. 4,000 litre rainwater tank;
 - j. External clothes lines.
4. Torrens title subdivision into two (2) lots. Lot sizes include:
 - a. Proposed Lot 3 (20B Lawson Street): 702m²;
 - b. Proposed Lot 4 (20A Lawson Street): 715m²;
5. Landscaping in accordance with the proposed concept landscape plan;
6. Dwellings to be constructed of weather boards and Colorbond roofing;
7. Dwellings to be detached;
8. Torrens title subdivision of detached dual occupancies once constructed.

Dual Occupancy on Proposed Lot 1

The proposal seeks development consent for the erection of a detached dual occupancy development and subsequent Torrens Title subdivision into two (2) lots. The development design plans in **Appendix C** illustrate the proposed development. Specifically, development comprises:

1. Detached single storey dual occupancy development;
2. Dwellings will be known as (in accordance with Council's recent advice):
 - a. 22 Lawson Street, Mudgee (proposed lot 2 - dwelling to the north);
 - b. 22A Lawson Street, Mudgee (proposed lot 1 - dwelling to the south).
3. Each dwelling contains:
 - k. Four (4) Bedrooms;
 - l. Three bathrooms including two (2) ensuites and a main bathroom;
 - m. Open plan living / kitchen / dining and a separate media room;
 - n. Alfresco and landscaped private open space attached to the living areas;
 - o. North-west facing private open space;
 - p. Laundry with direct access outside;
 - q. Double attached garage which includes two (2) carparking spaces;
 - r. 4,000 litre rainwater tank;
 - s. External clothes lines.
4. Torrens title subdivision into two (2) lots. Lot sizes include:
 - c. Proposed Lot 1 (22A Lawson Street): 594m²;
 - d. Proposed Lot 2 (22 Lawson Street): 555m²;
5. Landscaping in accordance with the proposed concept landscape plan;
6. Dwellings to be constructed of a combination of weather boards and brick veneer and Colorbond roofing;
9. Dwellings to be detached;
10. Torrens title subdivision of detached dual occupancies once constructed.

SERVICES

All essential services are located in the vicinity of the allotment and detailed as follows:

- **Water supply:** Reticulated water supply to the development, extending from council's existing water main along Lawson Street;
- **Sewer:** Effluent disposal is to be achieved for all four (4) dwellings through connecting to the existing reticulated sewer line located along the western boundary of the allotment.
 - A proposed sewer easement will be created during Stage 2 of the development. The proposed dwellings have been positioned 1.5m from the centreline of the sewer main and the easement is proposed to be variable width but cannot achieve a 3m easement in some areas;
- **Electricity:** Electricity connection is to be from existing overhead power lines located at the front of the site which currently service the locality;

- **Telecommunications:** Telecommunications supply is located in the road reserve at the front of the site;
- **Vehicular Access:** The driveway entries are to be constructed to the current engineering requirements of the Council as follows:
 - Lot 1 (22A Lawson Street) – proposed newly constructed vehicular crossing from Lawson Street privately accommodating that allotment;
 - Lot 2 (22 Lawson Street) – proposed newly constructed vehicular crossing from Lawson Street privately accommodating that allotment;
 - Lot 3 (20B Lawson Street) and Lot 4 (20A Lawson Street) – proposed newly constructed vehicular crossing from Lawson Street leading to a battleaxe driveway arrangement. The single entrance point will service proposed Lot 3 and proposed Lot 4. A proposed Reciprocal Right of Carriageway is to be created as part of the development during Stage 2. The concept battleaxe driveway arrangement and traffic vehicle movements are included in the concept engineering designs in **Appendix D**;
- **Stormwater:** Stormwater from the roof area will be detained in the proposed rainwater tanks and will then be discharged to the existing stormwater system in Lawson Street and will dissipate without obstruction via proposed new kerb outlets which will be constructed to the current engineering requirements of Council. The concept stormwater management plans are included in **Appendix D**.

SUBDIVISION TYPE

It is proposed development will be subdivided in a Torrens Title arrangement resulting in a total of four (4) separate Torrens title allotments at the completion of the proposed development.

The two (2) lot subdivision of the existing allotment will be registered as part of Stage 1 and prior to the construction of the dual occupancies which are part of Stage 2 and 3. The following areas are proposed for the Torrens Title subdivisions:

- Stage 1 – subdivision of 22 Lawson Street Mudgee (Lot 1 DP231976):
 - Proposed Lot 1 – 1,149m²
 - Proposed Lot 2 – 1,417m²
- Stage 2 – subdivision of Proposed Lot 2:
 - Proposed Lot 3 – 702m²
 - Proposed Lot 4 – 715m²
- Stage 3 – subdivision of Proposed Lot 1:
 - Proposed Lot 1 – 594m²
 - Proposed Lot 2 – 555m²

Land Use Zoning

Stage 1 Vacant Land Subdivision

The subject site is zoned R₃ Medium Density Residential pursuant to the Mid-Western Regional Local Environmental Plan 2012 (the LEP), which permits the subdivision of land with a minimum lot size of 600m² per lot.

The proposed subdivision is permissible with consent as the lots meet the specified minimum lot size of 600m² per lot for a subdivision in the R₃ zone, pursuant to Clause 4.1(3) of the LEP.

Stage 2 and 3 – Detached Dual Occupancies & Subdivision

The subject site is zoned R₃ Medium Density Residential pursuant to the Mid-Western Regional Local Environmental Plan 2012 (the LEP), which permits dwelling houses and a range of other types of development.

The application seeks approval for the erection of two (2) detached dual occupancy developments (4 dwellings in total) and subsequent subdivisions thereof.

The proposed development is defined as a dual occupancy (attached), being defined in the LEP Dictionary as follows:

dual occupancy (detached) means 2 detached dwellings on one lot of land, but does not include a secondary dwelling.

Dual occupancy development forms part of the group defined as residential accommodation which is listed as permissible with consent in the R₃ zone. As residential accommodation is permissible in the R₃ zone, the proposed as dual occupancy developments are therefore permissible in the zone, by virtue of being a form of residential accommodation.

The proposed subdivision is permissible with consent as the lots meet the specified minimum lot size of 800m² per lot for a detached dual occupancy subdivision in the R₃ zone, pursuant to Clause 4.1A(3)(b) of the LEP.

Planning Considerations

BIODIVERSITY CONSERVATION ACT 2016

Will the development significantly affect threatened species?

Clause 7.2 of the Biodiversity Conservation Act 2016 (BC Act) addresses instances where the development could significantly affect threatened species.

These are addressed below.

Section 7.3 Test

Consideration of threatened species, endangered ecological community or critically endangered ecological communities should be taken into account in accordance with Section 7.3 of the Act to determine if a development could significantly affect threatened species or ecological communities, or their habitats.

Comment: The subject site is heavily disturbed due to previous industrial and commercial activities. There is minimal vegetation on the site and therefore the proposed development will involve minimal clearing of such vegetation. It is therefore considered the development is unlikely to significantly affect any of the listed threatened species, populations or ecological communities or their habitats.

Section 7.4 Test

Section 7.4 of the BC Act addresses proposed developments exceeding the biodiversity offsets scheme threshold and clearing of native vegetation.

Comment: The proposed development does not involve clearing of native vegetation that will exceed the biodiversity offsets threshold for the purposes of this section.

Declared Area of Outstanding Biodiversity Value

The site is not known to be declared as land with outstanding biodiversity values as defined in the BC Act.

Biodiversity Development Assessment Report

As outlined in Section 5.1.1, the proposed development is unlikely to significantly affect threatened species as defined by Section 7.2 of the Act. A Biodiversity Development Assessment Report is therefore not required as part of this development consent.

ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979

Section 79C(1) of the EP&A Act (as amended) requires the Council to consider various matters in regard to the determination of the Development Application.

The proposed development has been designed with consideration to the following matters, as outlined below.

ENVIRONMENTAL PLANNING INSTRUMENTS

State Environmental Planning Policy No. 44 – Koala Habitat

The site is not considered to comprise potential koala habitat as defined by State Environmental Planning Policy No. 44 - Koala Habitat Protection (SEPP 44). Therefore SEPP 44 does not require any further consideration.

State Environmental Planning Policy No. 55 – Remediation of Land

Clause 7 of *State Environmental Planning Policy No.55 – Remediation of Land (SEPP 55)* requires Council to consider the following before granting consent to a DA:

- (a) *it has considered whether the land is contaminated, and*
- (b) *if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and*
- (c) *if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.*

Comment: A brief summary of the history of the site is contained in the Statement of Heritage Impact dated 25 June 2021 prepared by Barbara Hickson (see **Appendix E**) and identifies that the site was used as storage sheds, car tyre services, rented storage space, industrial assembly and recently for the sale of garden paraphernalia. It is not known to have been used for any previous land uses that are listed in Table 1 of the Contaminated Land Planning Guidelines (NSW Department of Urban Affairs and Planning & Environment Protection Authority, 1998).

Demolition is currently being undertaken of the existing buildings on the site in accordance with DA0397/2021. In accordance with clause 14 of that DA, if any contaminated, scheduled, hazardous or asbestos material be discovered during construction works, the applicant and contractor shall ensure the appropriate regulatory authority is notified and that such materials is contained, encapsulated, sealed, handled or otherwise disposed of to the requirements of such Authority.

On this basis, no further consideration of SEPP 55 has been undertaken at this stage.

Mid-Western Regional Local Environmental Plan (LEP) 2012

Land Use Zoning

The LEP zoning map shows that the site is zoned R3 Medium Density Residential with a minimum lot size of 600m². The objectives of the R3 Zone are:

- *To provide for the housing needs of the community within a medium density residential environment.*
- *To provide for a variety of housing types within a medium density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To encourage higher-density residential development that is sympathetic to and compatible with the existing character of the Mudgee Heritage Conservation Area*

Comment: The proposed development achieves a medium density type of development for the site which contributes to the diversity of housing alternatives in the Mudgee CBD. The proposed development enhances the range of housing choices in the area and achieves a productive yield of new housing which is considered positive to the local area.

The dwellings have been designed to complement the Mudgee Heritage Conservation Area. The proposed medium density development achieves additional dwellings within close proximity of services and amenities of the CBD which is considered a positive attribute of the development.

The development proposal serves to maintain the residential amenity values with each dwelling having its own private open space and garden, own independent services and own attached lock up garage.

Minimum Lot Size

Clause 4.1A(3)(b) of the LEP provides that the minimum lot size required for a detached dual occupancy development is 800m². The following proposed lot areas comply with this requirement.

- Stage 1 – subdivision of 22 Lawson Street Mudgee (Lot 1 DP231976):
 - Proposed Lot 1 – 1,149m²
 - Proposed Lot 2 – 1,417m²

Clause 4.1B(2)(b)(ii) confirms that subdivision of the detached dual occupancy is permitted subject to each lot having an area of not less than 400m². The proposal complies with the LEP's minimum lot size requirement of 400m² for detached dual occupancy development and the proposed Lot Layout Plans for Stages 2 and 3 in **Appendix C**. The final lot sizes for each dwelling are noted as follows:

- Stage 2 – detached dual occupancy subdivision of Proposed Lot 2:
 - Proposed Lot 3 – 702m²
 - Proposed Lot 4 – 715m²

- Stage 3 – detached dual occupancy subdivision of Proposed Lot 1:
 - Proposed Lot 1 – 594m²
 - Proposed Lot 2 – 555m²

Height of buildings

The height of buildings map identifies that the maximum permissible height is 8.5m. The height of the proposed dwellings is approximately:

- 22A Lawson Street – 5.61m
- 22 Lawson Street – 5.61m
- 20B Lawson Street – 6.43m
- 20A Lawson Street – 5.47m

Heritage Conservation

The site is located within the Mudgee Heritage Conservation Area and adjoins land to the west which contains a Heritage Item. This Heritage Item is known as 64 Mortimer Street (Item Number I151 in the Mid-Western Regional Local Environmental Plan).

There is one (1) additional item of heritage in the vicinity of the development identified as Item Number I90 which is a residential dwelling at 25 Lawson Street. The items of heritage are located on the Heritage Map as shown in Figure 4 below.

Clause 5.10(2)(e)(i) – Erection of a building within a Heritage Conservation Area

Clause 5.10(2)(e)(i) of the LEP provides that erecting a building on land that is within a Heritage Conservation Area requires development consent.

Barbara Hickson (Architect and Heritage Advisor) undertook a Statement of Heritage Impact (“SOHI”) as part of the development application for the demolition of the existing industrial and commercial buildings on the site. It was considered that the demolition of the existing buildings would not pose a material detrimental effect on the significance of the heritage listed items, not was it a material effect on the Heritage Significant of the Mudgee Conservation Area.

It was also considered in that report that there was a positive affect due to the residential development of the site as it would convert the site from an industrial area to a residential area.

The report suggests that any replacement building(s) should respect the nature of the Mudgee Heritage Conservation area by building suitable in scale, setback and bulk. It was recommended that dwellings include:

- Address the street. Gables could be included in front elevations.
- Be of similar height to houses in the area.
- Have a setback similar to those older houses in Lawson street 4.5 – 5m
- Garages should not dominate the street frontage.

The design of the proposed dwellings with a direct frontage to Lawson Street have incorporated all these design aspects.

A copy of the SOHI dated 25 June 2021 is included in **Appendix E**.

Clause 5.10(2)(f) – Subdividing Land within a Heritage Conservation Area

Clause 5.10(2)(f) of the LEP provides that subdividing land within a Heritage Conservation Area requires development consent.

It is considered that the subsequent subdivision of the dwellings will have no additional adverse impact above and beyond the construction of the dual occupancy dwellings.

Earthworks

Pursuant to Clause 6.3 consideration is required of potential impacts resulting from earthworks on the site as part of the proposed development. Noting the grade/slope of the site, the required cut and fill will be minimal and will be further addressed in the Construction Certificate, with little to no VENM (Virgin Extracted Natural Material) required. During earthworks that will take place on the site, there is likely to be very minor and temporary impacts in terms of construction traffic, noise and dust. These would be mitigated by working during daytime hours, ceasing work during windy conditions and use of water to stop the spread of dust from stockpiles or other unstabilised surfaces. If managed correctly the earthworks should not adversely impact the locality.

Groundwater Vulnerability

Clause 6.4 of the LEP applies to land identified as being groundwater vulnerable on the LEP Groundwater Vulnerability Map. Before determining a DA to which this clause applies, council is required to consider the following:

- (a) *the likelihood of groundwater contamination from the development (including from any on-site storage or disposal of solid or liquid waste and chemicals),*
- (b) *any 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) *any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.*

Comment: All waste from the construction of the proposed development shall be stored in waste storage bins appropriate to the waste type generated and will be periodically collected and disposed of. Pollution control measures should be used to ensure pollutants cannot enter the stormwater system. Sewer will drain into Council's reticulated sewer main at the back of the allotments and stormwater will drain into Council's kerb and gutter drainage system. It is therefore considered that the development is not expected to impact on groundwater.

Essential Services

Clause 6.9 of the LEP states:

Development consent must not be granted to development unless the consent authority is satisfied that any of the following services that are essential for the proposed development are available or that adequate arrangements have been made to make them available when required:

- (a) *the supply of water,*
- (b) *the supply of electricity,*
- (c) *the disposal and management of sewage,*
- (d) *stormwater drainage or on-site conservation,*
- (e) *suitable road access.*

Comment: All essential services including electricity, telecommunications and reticulated water and sewer are located in either within the allotment or on the road reserve on Lawson Street. The proposed lot layout has been designed to ensure that the services for each dwelling can be connected independently. Each of these items have been addressed below

- **Supply of Water** – council's water reticulation mains are located in the road reserve in Lawson street and all dwellings will be connected directly to council's main.

- **Supply of Electricity** – electricity is supplied via overhead powerlines in the road reserve in Lawson Street. All dwellings will have separate private electricity connections.
- **Disposal and management of sewage** – there is an existing council sewer main running along the rear of the allotment. Lot 3 and Lot 4 will connect via new sewer junctions within those allotments. Lots 1 and 2 will connect to council’s sewer main via a newly constructed sewer main as shown on the development plans. A proposed sewer easement will be created during Stage 2 of the development. The proposed dwellings have been positioned 1.5m from the centreline of the sewer main and the easement is proposed to be variable width but cannot achieve a 3m easement in some areas.
- **Stormwater Drainage or on-site Conservation** - Stormwater from the roof area will be detained in the proposed rainwater tanks for each dwelling and will then be discharged to the existing stormwater system in Lawson Street and will dissipate without obstruction via proposed new kerb outlets which will be constructed to the current engineering requirements of Council. The concept stormwater management plans are included in **Appendix D**.
- **Suitable Road Access** – Proposed Lots 1 and 2 will have direct road access to Lawson Street. Proposed Lots 3 and 4 will be provided with road access via a battleaxe handle and a Reciprocal Right of Carriageway. Proposed vehicle turning plans have been prepared by a qualified civil engineer which identifies that the vehicles entering Proposed Lots 3 and 4 can enter and exit in a forward direction. The vehicle turning plans are included in **Appendix D**.

Mid-Western Regional Development Control Plan 2013

Introduction

The Mid-Western Regional Development Control Plan 2013 (“the DCP”) applies to the subject site, providing controls and objectives for the development of land within the Mid-Western Region. It includes controls for residential, rural, commercial and industrial development.

Design plans for the proposed development are attached at **Appendix C**. The relevant controls and objectives of the DCP are addressed in the following sections.

Dual Occupancies

Section 2.2 and Section 3.1 of the DCP outlines the Dual Occupancy Development “Deemed to Satisfy” Provisions and Discretionary Development Controls Relating to Dual Occupancies. The relevant controls are outlined in the following table with comments as to how the development addresses each.

STAGE₁ – VACANT LAND SUBDIVISION

Residential Subdivision

Section 7.1 of the DCP outlines the controls relating to residential subdivision in the R₃ zone. The table below addresses each control including comments regarding compliance or non-compliance.

Table 1 - Section 7.1 Urban Subdivision

DCP Control	Comment	Complies
Lot Size		
Minimum lot size of 600m ²	Both lots have a minimum lot size of 600m ² as follows: <ul style="list-style-type: none"> - Proposed Lot 1 – 1,149m² - Proposed Lot 2 – 1,1417m² 	✓
All lots must have a minimum width of 16m at the building line	Both lots have a minimum width of the building line follows: <ul style="list-style-type: none"> - Proposed Lot 1 – 29.57m at the building line - Proposed Lot 2 – 42.095m at the building line 	✓
Battleaxe handles must have a minimum width of 4m in the R ₃ zone	Proposed Lot 2 has a battleaxe handle width of 5m	✓
Lot Design		
<ul style="list-style-type: none"> - Lot orientation should optimise solar access - Lots should be generally rectangular in shape 	Each lot optimises solar access which will enable dwellings to have living areas and private open space areas to the north or north west Proposed Lot 1 is generally rectangular in shape (with the exception of the allowance for the passing pay for proposed lot 2). Proposed Lot has a generally rectangular shape where the dwellings would be located with the exception of the battleaxe driveway.	✓

Table 1 - Section 7.1 Urban Subdivision

DCP Control	Comment	Complies
<p>Utility Services</p>		
<p>A servicing plan shall be submitted with the development application and include</p> <ul style="list-style-type: none"> - the provisions of underground electricity, reticulated sewer and water services, - drainage and telecommunications to the development. 	<p>Additional servicing information has been provided in the dual occupancy section of the report and proposed servicing plans are annexed to this report in Appendix D. In summary services include:</p> <ul style="list-style-type: none"> • Telecommunications – services are currently provided in the street • Electricity – services are currently provided in the street • Water – one connection already exists and the additional connections will be provided at the cost of the developer • Sewer – the sewer runs within an easement along the western boundary of the parent lot and therefore a sewer extension is required to supply the 2 dwellings at 22-22A Lawson Street. • Stormwater – all units can drain to Council’s kerb and gutter system in Lawson Street. Additional inter-allotment drainage may be required which will be detailed further in the CC. 	<p style="text-align: center;">✓</p>

STAGES 2 AND 3 – 2 X DUAL OCCUPANCY DEVELOPMENTS AND SUBDIVISIONS

Section 3.1 of the DCP outlines the controls relating to Residential Development in Urban Areas (Dual Occupancies). The table below addresses each control including comments regarding compliance or non-compliance.

Table 2 – Section 3.1 Residential Development in Urban Areas (Dual Occupancies)

DCP Control	Comment	Compliance
Building Setbacks		
Front setback – 4.5m to the building line	Proposed Lot 1 (22A Lawson Street) – 4.5m	✓
	Proposed Lot 2 (22 Lawson Street) – 4.5m	✓
	Proposed Lot 3 (20B Lawson Street) – 5.3m	✓
	Proposed Lot 4 (20A Lawson Street) – 4.3m	X
Front setback – 5.5m to the garage	Proposed Lot 1 (22A Lawson Street) – 5.6m	✓
	Proposed Lot 2 (22 Lawson Street) – 5.8m	✓
	Proposed Lot 3 (20B Lawson Street) – 7.1m	✓
	Proposed Lot 4 (20A Lawson Street) – 7.3m	✓
Side setbacks – 900mm minimum	Proposed Lot 1 (22A Lawson Street) – 900mm and 1,920mm	✓
	Proposed Lot 2 (22 Lawson Street) – 900mm and 1,938mm	✓
	Proposed Lot 3 (20B Lawson Street) – 900mm and 3,000mm	✓
	Proposed Lot 4 (20A Lawson Street) – 900mm and 2,752mm	✓
Site Coverage (22 -22A Lawson Street) – max. 50%	Site coverage 603m ² – land size 1,149m ² = 52.48% site coverage	X
Site Coverage (20A – 20B Lawson Street) – max. 50%	Site coverage 586m ² – land size 1,417m ² = 41.35% site coverage	✓

Table 2 – Section 3.1 Residential Development in Urban Areas (Dual Occupancies)

DCP Control	Comment	Compliance
<p>Solar access – north or east facing living area – north or east facing garden area</p>	<p>Proposed Lot 1 (22A Lawson Street) Yes – living area faces north west Yes – garden area faces north west</p>	<p>✓ ✓</p>
	<p>Proposed Lot 2 (22 Lawson Street) Yes – living area faces north west Yes – garden area faces north west</p>	<p>✓ ✓</p>
	<p>Proposed Lot 3 (20B Lawson Street) Yes – living area faces north west Yes – garden area faces north west</p>	<p>✓ ✓</p>
	<p>Proposed Lot 4 (20A Lawson Street) Yes – living area faces directly north Yes – garden area faces directly north</p>	<p>✓ ✓</p>
<p>- 75% of internal living areas shall receive at least 3 hours of effective sunlight between the house of 9am and 3pm on 21 June (winter solstice)</p>	<p>Proposed Lot 1 (22A Lawson Street) Elevation shadow diagrams show that sunlight enters the living area from 12pm until 3pm for the minimum height of at least half the window area for the north facing living room window. In addition, skylights and triangle high windows have been positioned over the living area to allow additional uninterrupted sunlight to enter the living area from the north.</p>	<p>✓</p>
	<p>Proposed Lot 2 (22 Lawson Street) Shadow diagrams show that there is a minimum of at least 3 hours effective sunlight between the hours of 12pm and 3pm. In addition, skylights and triangle high windows have been positioned over the living area to allow additional uninterrupted sunlight to enter the living area from the north.</p>	<p>✓</p>
	<p>Proposed Lot 3 (20B Lawson Street) Shadow diagrams have been provided in the design drawings. Living areas have been positioned on the northern side of the dwelling with triangle high windows have been positioned over the living area to allow sunlight to enter the living area from the north.</p>	

Table 2 – Section 3.1 Residential Development in Urban Areas (Dual Occupancies)

DCP Control	Comment	Compliance
	<p>Proposed Lot 4 (20A Lawson Street)</p> <p>Shadow diagrams have been provided in the design drawings. Living areas have been positioned on the northern side of the dwelling with triangle high windows have been positioned over the living area to allow sunlight to enter the living area from the north.</p>	
Privacy – floor level <1m above ground level	FFLs are <1m above ground level for all dwellings	✓
Parking – 2 spaces provided per dwelling	Proposed Lot 1 (22A Lawson Street) – Double attached garage which includes 2 car spaces	✓
	Proposed Lot 2 (22 Lawson Street) – Double attached garage which includes 2 car spaces	✓
	Proposed Lot 3 (20B Lawson Street) – Double attached garage which includes 2 car spaces	✓
	Proposed Lot 4 (20A Lawson Street) – Double attached garage which includes 2 car spaces	✓
<p>Private Open Space</p> <ul style="list-style-type: none"> - minimum 80m² -no more than 25% of the private open space requirement - with minimum dimension 5m - located behind the front building line on the north, east or west side of the dwelling - 75% of POS shall receive at least 3 hours of effective sunlight between the house of 9am and 3pm on 21 June (winter solstice) 	<p>Proposed Lot 1 (22A Lawson Street)</p> <ul style="list-style-type: none"> - 147m² - Not required to utilise alfresco as part of POS - Minimum dimensions 14.780m x 9.979m - Located on the western side of the dwelling behind the building line and includes a north aspect - Shadow diagrams of the POS show that receives minimum of 3 hours sunlight between the hours of 12pm and 3pm during the winter solstice <p>Proposed Lot 2 (22 Lawson Street)</p> <ul style="list-style-type: none"> - 98m² - Not required to utilise alfresco as part of POS - Minimum dimensions 12.310m x 6.157m - Located on the western side of the dwelling behind the building line and includes a north aspect - Shadow diagrams of the POS show that receives minimum of 3 hours sunlight between the hours of 12pm and 3pm during the winter solstice 	<p>✓</p> <p>✓</p>

Table 2 – Section 3.1 Residential Development in Urban Areas (Dual Occupancies)

DCP Control	Comment	Compliance
	Proposed Lot 3 (20B Lawson Street) <ul style="list-style-type: none"> - 83m² - Not required to utilise alfresco as part of POS - Minimum dimensions 7.090m x 11.748m - Located on the north-western side of the dwelling behind the building line - Shadow diagrams of the POS show that receives minimum of 3 hours sunlight between the hours of 12pm and 3pm during the winter solstice 	✓
	Proposed Lot 4 (20A Lawson Street) <ul style="list-style-type: none"> - 87m² - Not required to utilise alfresco as part of POS - Minimum dimensions 5.003m x 10.222m and 5.003m x 7.211m - Located on the northern side of the dwelling behind the building line - Shadow diagrams of the POS show that receives minimum of 3 hours sunlight between the hours of 12pm and 3pm during the winter solstice 	✓
Design		
- Council will not consider mirror reversed or duplication of design for 2 dwellings when fronting streets - Garage door shall not exceed 45% of front elevation	22 -22A Lawson Street <ul style="list-style-type: none"> - dual occupancies are not mirror reversed nor are they duplication of designs - garages are <45% and are calculated as 42% of front elevation of each dwelling 	✓
	20A – 20B Lawson Street <ul style="list-style-type: none"> - not applicable as the dwellings do not front the street - garages are significantly less <45% of front elevation 	✓
- For attached and detached dual occupancies, any separation between the two dwellings is to be a minimum of 3 metres apart	22 -22A Lawson Street – 2.82m separation	X
	20A – 20B Lawson Street – 11.89m separation	✓

Compliance Comments

Based on the proposal achieving compliance for all of the relevant provisions of the DCP, it is considered acceptable on merit with minimal adverse impacts considered to result to the occupants and surrounds.

Non-compliance Comments

Front setback Proposed Lot 4 (20A Lawson Street)

Consideration is being requested for the front setback of 20A Lawson Street to be reduced to 4.3m instead of 4.5m. The following reasons for this request include:

- The dwelling is not visible to the street so it does not negatively impact the streetscape;
- The dwelling has a sufficient setback from the other dwelling (20B Lawson Street) of 7.3m so meets the required separation for fire safety;
- Both dwellings have sufficient car turning space in accordance with the Barnson proposed vehicle turning plan;
- The average setbacks of the direct neighbouring properties on Lawson Street are 1.5m:
 - o 20 Lawson Street – 3m setback
 - o 58 Mortimer Street (side setback to garage) – 0m setback

It is therefore considered that a reduced front setback will not negatively impact the neighbouring properties, either dwelling in this development or the amenity of the dwelling itself.

Site Coverage - (22 -22A Lawson Street) – max. 50% - Site coverage 603m² – land size 1,149m² = 52.48% site coverage

There is a minor non-compliance with respect to the site coverage which is 2.48% (or 28.5m²) above the required maximum discretionary development standard of 50%. The minor non-compliance is a result of both units having 4 bedrooms each rather than reducing one unit to 3 bedrooms. If the area of the building is reduce further, it would reduce the size of the living areas and decrease the number of bedrooms which would have a negative impact on the amenity of the dwelling(s).

The minor increase to the site coverage is not considered to cause any adverse visual impacts to the streetscape of the development and has not compromised the compliance of the private open space or privacy amenity. The private open space in both area and

dimension for each dwelling is significantly larger than required being 98m² and 147m² so there is no negative impact on the amenity for either dwelling.

Adequate space for the battleaxe driveway is more positively considered than the slight negative impact of the increased site coverage. This will enable an adequate battleaxe driveway to access a proposed multi-dwelling development at the rear of the neighbouring allotment which is owned by the applicants. Any increase to the land size would result in a reduced width to the battleaxe driveway which may be considered negatively on the adjoining duplexes.

It is therefore considered that a slight increase in the site coverage will not negatively impact the neighbouring properties, either dwelling in this development or the amenity of the dwelling itself.

22 -22A Lawson Street – 2.82m separation

Consideration is being requested for separation of the dwellings for the following reasons:

- Adequate space for the battleaxe driveway is more positively considered rather than the slight negative impact of a reduced separation by 180mm. This will enable an adequate battleaxe driveway to access a proposed multi-dwelling development at the rear of the neighbouring allotment which is owned by the applicants.
- The position of the dwelling at 22 Lawson Street provides additional setback from the battleaxe driveway to the north which is considered positive.
- The dwellings still comply with the separation required for fire safety and the minimum 900mm setbacks for single dwelling developments.
- The development is still able to complement, and be compatible with, the Lawson Street streetscape.
- The proposed development will not cause any significant negative amenity impacts on adjoining properties.
- Any increased overshadowing is very minimal due to the minimal departure of 180mm and any impact on overshadowing to 22A Lawson Street is improved by additional sky lights to that dwelling.

It is therefore considered that a reduced separation will not negatively impact the neighbouring properties, either dwelling in this development or the amenity of the dwelling itself. The positive impact of the 22 Lawson Street being positioned slightly further away from the battleaxe driveway is considered a positive amenity for that dwelling.

1.1.1 Stormwater Management

Section 5.3 of the DCP outlines the controls relating to stormwater management. The table below addresses each control including comments regarding compliance or non-compliance.

Table 3 – Section 5.3 Stormwater Management

DCP Control	Comment
5.3 Stormwater Management	
Single Dwelling and Dual Occupancy Development <ul style="list-style-type: none"> • BASIX • Quantity Management During Operation • Quality management During Construction 	<p>Appendix F includes BASIX Certificates for each Unit.</p> <p>Rainwater tanks with a minimum capacity of 4000L will be installed for each unit. Rainwater will be collected from the roof area of each unit and will be used for all toilets and at least one outdoor tap in the garden of each respective unit. Stormwater from the roof area will be detained in the proposed rainwater tanks and will then be discharged to the existing stormwater system in Lawson Street and will dissipate without obstruction via proposed new kerb outlets which will be constructed to the current engineering requirements of Council. The concept stormwater management plans are included in Appendix D.</p> <p>Erosion and Sediment control measures will be installed prior to construction. Proposed E&SCP will be provided at CC stage.</p>

1.1.2 Environmental Controls

Section 5.4 of the DCP outlines the controls relating to the environment. The relevant controls are outlined in the following table with comments as to how the development addresses each.

Table 4 – Section 5.4 Environmental Controls

DCP Control	Comment
5.4 Environmental Controls	
Protection of Aboriginal Archaeological Items	A search was conducted of the Aboriginal Heritage Information Management System (AHIMS) with a 200m buffer. There are no known items or places of Aboriginal cultural heritage on or within the vicinity of the site. Due to the long-term use of the site for commercial and industrial activities and the cleared and graded state of the site, it is not expected that any items or objects of significance will be found on the site during construction. However, should any item or object be found, work would cease and the Office of Environment and Heritage shall be notified.
Threatened Species and Vegetation Management	The long-term continuous use of the land for commercial and industrial purposes has resulted in the native vegetation being cleared from the site. As such, given the modified state of the land, it is unlikely that the minimal vegetation existing on the site would provide suitable habitat for protected, vulnerable or endangered native species. No trees are proposed to be removed as part of this application.

1.1.1 Residential Subdivision

Section 7.1 of the DCP outlines the controls relating to residential subdivision. The table below addresses each control including comments regarding compliance or non-compliance.

Table 5 - Section 7.1 Urban Subdivision

DCP Control	Comment	Complies
Lot Size		
All lots must have street frontage	Yes – All lots have a frontage to Lawson Street	✓
Lot Design		
<ul style="list-style-type: none"> - Lot orientation should optimise solar access - Lots should be generally rectangular in shape 	Yes – all lots optimise solar access with north-west facing living areas and private open space areas to the north or north-west	✓
Utility Services		
Dual Services for dual occupancy lot including water, sewer, stormwater, electrical and telecommunication services	Yes – all lots are serviced as follows: <ul style="list-style-type: none"> • Telecommunications – services are currently provided in the street. • Electricity – services are currently provided in the street. • Water – one connection already exists and the additional connections will be provided at the cost of the developer. • Sewer – the sewer runs within an easement along the western boundary of the parent lot and therefore a sewer extension is required for the 2 dwellings at 22-22A Lawson Street. • Stormwater – all units can drain to Council’s kerb and gutter system in Lawson Street. Additional inter-allotment drainage may be required which will be detailed further in the CC. 	✓

LIKELY IMPACT OF THE DEVELOPMENT ON ADJOINING PROPERTY

Noise

The site is located on the eastern side of the Mudgee CBD within the Heritage Conservation Area. Due to the residential nature of the area, the types of noise levels in the area are as a result of vehicle movements, provision of services and other central business activities. Noise from the proposed development is in keeping with the surrounding areas and is comparable with the nature of the area.

Privacy, Views and Sunlight

Visual Privacy

The proposed dwellings are single storey and do not overlook other neighbouring properties in the area.

It is proposed that a 1.8 metre high fence be constructed on the boundaries between the all four proposed dwellings which will provide privacy to each dwelling. Existing fences surrounding the existing site are in decay and will be replaced by the applicant during Stage 1 of the development. The new proposed fencing will consist of 1.8 metre high Colorbond steel fencing to create privacy between the neighbouring properties and the proposed development.

Acoustic Privacy

Noise from driveways, traffic, between dwellings or mechanical sources will have minimal impact on proposed development and is consistent with the residential nature of the surrounding area.

Sunlight

The dwelling design has been considered so it will not reduce sunlight received to the living areas or private open space areas of each unit in the proposed development or the neighbouring properties.

Flooding and Stormwater

The site is located above the 100-year flood level. The site has existing kerb and gutter frontage with stormwater draining to Council's kerb and gutter system in the road reserve. The site has a slight fall to the rear of the block. Concept stormwater designs are included in **Appendix D**. It is proposed that that stormwater for all units will be designed to drain to Council's kerb and gutter system in Lawson Street. If additional inter-allotment drainage is required, it will be detailed further in the CC.

Other Amenity Impacts

Access and Traffic

Direct road access is provided from Lawson Street which is a flat and straight road which provide satisfactory sight distance. The volume of traffic generated by the proposed development is not considered to have an adverse impact on the neighbouring properties.

Social & Economic Impact

Providing four new residential dwellings is considered to have a positive impact to the community and therefore the social and economic impacts of the proposed development are not considered to place an adverse impact on the surrounding community.

The use is permissible in the zone and is not considered to put an adverse impact on the community for servicing. It is considered that there are no adverse land use impacts as the residential dual occupancy proposals are in keeping with the types of development in the local area.

Heritage

The site is located within the Heritage Conservation area of Mudgee. A Statement of Heritage Impact Report has been prepared by a qualified heritage architect as part of the demolition DA previously submitted to council and is annexed as **Appendix E**.

The heritage impact has been addressed earlier in this report.

Conclusion

This Statement of Environmental Effects when read in conjunction with the appendices, clearly outlines the proposed development and demonstrates that there will be no adverse impacts on the environment or locality.

The proposed development is permissible with the standards contained in the Mid-Western Regional Local Environmental Plan. The units have been designed to meet guidelines of the Mid-Western Regional Council - Residential Development Control Plan.

The proposed development ultimately provides two (2) dual occupancy housing developments close to the Mudgee CBD, complements the existing housing types in the immediate area and provides a more appealing contribution to the existing streetscape than the previous use on the land.

The proposed development is therefore considered suitable for the site and its surrounding area.

Appendix A – AHIMS Search

Appendix B – Development Consent DA0397/2021

Appendix C – Development Design Plans

Appendix D – Concept Engineering Design Plans

Appendix E – Statement of Heritage Impact

Appendix F – BASIX Certificates