



PREFERRED DESIGN & DRAFTING

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STATEMENT OF ENVIRONMENTAL EFFECTS - ANNEXURE 1

PROJECT DETAILS

PROJECT	PROPOSED DUAL OCCUPANCY, ALTERATIONS & ADDITIONS TO EXISTING DWELLING - AND PROPOSED SUBDIVISION
PROJECT No	112.21
PROJECT ADDRESS	4 BURRUNDULLA AVE MUDGEE
LOT DP	LOT 10, DP37470

DEVELOPMENT APPLICATION COMPLIANCE - ANNEXURE 1
MWRC - LOCAL ENVIRONMENTAL PLAN 2012

CLAUSE 2.1 - LAND USE ZONES

Zone R3 Medium Density Residential

1 Objectives of zone

- To provide for the housing needs of the community within a medium density residential environment.
- To provide 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.

2 Permitted without consent

Home-based child care; Home businesses; Home occupations; Roads; Water reticulation systems

3 Permitted with consent

*Attached dwellings; Boarding houses; Child care centres; Community facilities; Educational establishments;
Environmental protection works; Exhibition homes; Exhibition villages; Flood mitigation works;
Garden centres; Group homes; Health services facilities; Home industries; Information and education facilities;
Markets; Multi dwelling housing; Neighbourhood shops; Places of public worship; Recreation areas;
Recreation facilities (indoor); Recreation facilities (outdoor); Residential accommodation; Respite day care centres;
Seniors housing; Sewage reticulation systems; Signage; Tourist and visitor accommodation; Water recycling facilities;
Water storage facilities*

4 Prohibited

*Advertising structures; Farm stay accommodation; Hotel or motel accommodation; Rural workers' dwellings;
Any other development not specified in item 2 or 3*

OBJECTIVE OF THE ZONE COMPLIES.

RESIDENTIAL ACCOMMODATION / MULTI DWELLING HOUSING PERMITTED WITH CONSENT

CLAUSE 4.1 - MINIMUM SUBDIVISION LOT SIZE 600 sq m COMPLIES

4.1A Minimum lot sizes for dual occupancies, multi dwelling housing and residential flat buildings

- (1) The objective of this clause is to achieve planned residential density in certain zones.
- (2) This clause applies to the following land:
 - (a) land within Zone R1 General Residential,
 - (b) land within Zone R3 Medium Density Residential,
 - (c) land in Rylstone or Kandos that is within Zone RU5 Village.
- (3) Despite any other provision of this plan, development consent may be granted to development on land to which this clause applies:
 - (a) for the purposes of a dual occupancy (attached), if the area of the lot is equal to or greater than 600 square metres, or
 - (b) for the purpose of a dual occupancy (detached), if the area of the lot is equal to or greater than 800 square metres, or
 - (c) for the purposes of multi dwelling housing, if the area of the lot is equal to or greater than 1,200 square metres, or
 - (d) for the purposes of a residential flat building, if the area of the lot is equal to or greater than 1,200 square metres.

CLAUSE 4.2A -ERECTION OF DWELLING HOUSES AND DUAL OCCUPANCIES ON LAND IN CERTAIN ZONES N/A

4.2A Erection of dwelling houses and dual occupancies on land in certain zones

- (1) The objectives of this clause are as follows:
 - (a) to minimise unplanned rural residential development,
 - (b) to enable the replacement of lawfully erected dwelling houses in rural and environmental protection zones,
 - (c) to control rural residential density affected by historical subdivision patterns in Zone R5 Large Lot Residential.
- (2) This clause applies to land in the following zones:
 - (a) Zone RU1 Primary Production,
 - (b) Zone RU4 Primary Production Small Lots,
 - (c) Zone RU5 Village,
 - (d) Zone R5 Large Lot Residential,
 - (e) Zone E3 Environmental Management.

CLAUSE 4.3 HEIGHT OF BUILDINGS PROPOSED ADDITIONS & SECOND DUAL OCC DWELLING IS LESS THAN 8.5m max HEIGHT COMPLIES

4.3 Height of buildings

- (1) The objectives of this clause are as follows:
 - (a) to establish a maximum height limit to which buildings can be designed in particular locations,
 - (b) to enable infill development that is of similar height to existing buildings and that is consistent with the heritage character of the towns of Mudgee, Gulgong, Kandos and Rylstone.
- (2) The height of a building on any land is not to exceed the maximum height shown for the land on the [Height of Buildings Map](#).

CLAUSES 4.4 FLOOR SPACE RATIO N/A

PART 5

CLAUSE 5.4 MISCELLANEOUS PERMISSABLE USE N/A

5.4 Controls relating to miscellaneous permissible uses

- (1) **Bed and breakfast accommodation** If development for the purposes of bed and breakfast accommodation is permitted under this Plan, the accommodation that is provided to guests must consist of no more than 3 bedrooms.

Note—

Any such development that provides for a certain number of guests or rooms may involve a change in the class of building under the Building Code of Australia.

- (2) **Home businesses** If development for the purposes of a home business is permitted under this Plan, the carrying on of the business must not involve the use of more than 40 square metres of floor area.
- (3) **Home industries** If development for the purposes of a home industry is permitted under this Plan, the carrying on of the home industry must not involve the use of more than 40 square metres of floor area.
- (4) **Industrial retail outlets** If development for the purposes of an industrial retail outlet is permitted under this Plan, the retail floor area must not exceed:
 - (a) 30% of the gross floor area of the industry or rural industry located on the same land as the retail outlet, or
 - (b) 400 square metres,whichever is the lesser.
- (5) **Farm stay accommodation** If development for the purposes of farm stay accommodation is permitted under this Plan, the accommodation that is provided to guests must consist of no more than 5 bedrooms.
- (6) **Kiosks** If development for the purposes of a kiosk is permitted under this Plan, the gross floor area must not exceed 75 square metres.
- (7) **Neighbourhood shops** If development for the purposes of a neighbourhood shop is permitted under this Plan, the retail floor area must not exceed 100 square metres.
- (8) **Roadside stalls** If development for the purposes of a roadside stall is permitted under this Plan, the gross floor area must not exceed 20 square metres.
- (9) **Secondary dwellings** If development for the purposes of a secondary dwelling is permitted under this Plan, 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.

CLAUSE 5.10 **HERITAGE ITEM OR HERITAGE CONSERVATION AREA** N/A

CLAUSE 6.1 **SALINITY** N/A

6.1 Salinity

- (1) *The objective of this clause is to provide for the appropriate management of land that is subject to salinity and the minimisation and mitigation of adverse impacts from development that contributes to salinity.*
- (2) *Before determining a development application for development that, in the opinion of the consent authority, may affect the process of salinisation or is proposed to be carried out on land affected by groundwater salinity, the consent authority must consider the following:*
 - (a) *whether the development is likely to have any adverse impact on salinity processes on the land,*
 - (b) *whether salinity is likely to have an impact on the development,*
 - (c) *any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.*
- (3) *Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that:*
 - (a) *the development is designed, sited and will be managed to avoid any significant adverse environmental impact, or*
 - (b) *if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or*
 - (c) *if that impact cannot be minimised—the development will be managed to mitigate that impact.*

CLAUSE 6.2 **FLOOD PLANNING** N/A

6.2 Flood planning

- (1) *The objectives of this clause are as follows:*
 - (a) *to minimise the flood risk to life and property associated with the use of land,*
 - (b) *to allow development on land that is compatible with the land's flood hazard, taking into account projected changes as a result of climate change,*
 - (c) *to avoid significant adverse impacts on flood behaviour and the environment.*
- (2) *This clause applies to:*
 - (a) *land identified as "Flood planning area" on the [Flood Planning Map](#), and*
 - (b) *other land at or below the flood planning level.*
- (3) *Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that the development:*
 - (a) *is compatible with the flood hazard of the land, and*
 - (b) *is not likely to significantly adversely affect flood behaviour resulting in detrimental increases in the potential flood affectation of other development or properties, and*
 - (c) *incorporates appropriate measures to manage risk to life from flood, and*
 - (d) *is not likely to significantly adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses, and*
 - (e) *is not likely to result in unsustainable social and economic costs to the community as a consequence of flooding.*
- (4) *A word or expression used in this clause has the same meaning as it has in the [Floodplain Development Manual \(ISBN 0 7347 5476 0\)](#) published by the NSW Government in April 2005, unless it is otherwise defined in this clause.*
- (5) *In this clause:*
 - flood planning area** *means the land shown as "Flood planning area" on the [Flood Planning Map](#).*
 - flood planning level** *means the level of a 1:100 ARI (average recurrent interval) flood event plus 0.5 metre freeboard.*

CLAUSE 6.3 **EARTHWORKS** - THE SITE SHALL REQUIRE MINIMAL CUT FOR DUAL OCC DWELLING - GARAGE ONLY
NO OTHER CUT OR FILL AREAS SHALL BE REQUIRED FOR THE DEVELOPMENT
NO DETRIMENTAL EFFECTS TO EXISTING DRAINAGE
NEW DRIVEWAY & EXTENSION PROPOSED

6.3 Earthworks

- (1) *The objective of this clause is to ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land.*
- (2) *Development consent is required for earthworks unless:*
 - (a) *the earthworks are exempt development under this Plan or another applicable environmental planning instrument, or*
 - (b) *the earthworks are ancillary to other development for which development consent has been given.*
- (3) *Before granting development consent for earthworks, the consent authority must consider the following matters:*
 - (a) *the likely disruption of, or any detrimental effect on, existing drainage patterns and soil stability in the locality of the development,*
 - (b) *the effect of the development on the likely future use or redevelopment of the land,*
 - (c) *the quality of the fill or the soil to be excavated, or both,*
 - (d) *the effect of the development on the existing and likely amenity of adjoining properties,*
 - (e) *the source of any fill material and the destination of any excavated material,*
 - (f) *the likelihood of disturbing relics,*
 - (g) *the proximity to, and potential for adverse impacts on, any waterway, drinking water catchment or environmentally sensitive area,*
 - (h) *any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.*

CLAUSE 6.4	GROUNDWATER VULNERABILITY	NEW WORKS WILL HAVE NO ADVERSE EFFECTS ON GROUND WATER OR HYDROLOGICAL FUNCTIONS OF KEY GROUNDWATER SYSTEMS NO DEPLETION OR CONTAMINATION TO GROUNDWATER DUE TO BUILDING WORKS NO ON SITE STORAGE OR DISPOSAL OR SOLID OR LIQUID WASTE OR CHEMICALS DUE TO NEW WORKS PROPOSED NO ADVERSE IMPACTS TO THE GROUND WATER DEPENDENT ECOSYSTEMS OR CUMULATIVE EFFECTS ON GROUNDWATER
6.4 Groundwater vulnerability		
<i>(1) The objectives of this clause are as follows:</i>		
<i>(a) to maintain the hydrological functions of key groundwater systems,</i>		
<i>(b) to protect vulnerable groundwater resources from depletion and contamination as a result of development.</i>		
<i>(2) This clause applies to land identified as “Groundwater vulnerable” on the Groundwater Vulnerability Map.</i>		
<i>(3) Before determining a development application for development on land to which this clause applies, the consent authority must consider the following:</i>		
<i>(a) the likelihood of groundwater contamination from the development (including from any on-site storage or disposal of solid or liquid waste and chemicals),</i>		
<i>(b) any adverse impacts the development may have on groundwater dependent ecosystems,</i>		
<i>(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),</i>		
<i>(d) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.</i>		
<i>(4) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that:</i>		
<i>(a) the development is designed, sited and will be managed to avoid any significant adverse environmental impact, or</i>		
<i>(b) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or</i>		
<i>(c) if that impact cannot be minimised—the development will be managed to mitigate that impact.</i>		
CLAUSE 6.5	TERRESTRIAL BIODIVERSITY	N/A - THE PROPERTY IS NOT IDENTIFIED AS BIODIVERSITY SENSITIVE
CLAUSE 6.6	LOCATION OF SEX SERVICES PREMISES	N/A
CLAUSE 6.7	ACTIVE STREET FRONTAGES	N/A
CLAUSE 6.9	ESSENTIAL SERVICES	THE DEVELOPMENT SHALL BE DUAL OCCUPANCY DEVELOPMENT IN R3 MEDIUM DENSITY ZONE WATER, ELECTRICITY, SEWER & STORMWATER CONNECTION ALL EXISTING TO THE SITE

6.9 Essential services

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.*

CLAUSE 6.10	VISUALLY SENSITIVE LAND	N/A
CLAUSE 6.11	TEMPORARY WORKERS ACCOMMODATION	N/A
CLAUSE 6.12	DEVELOPMENT IN A DESIGNATED BUFFER AREA	N/A
CLAUSE 6.13	COMMERCIAL PREMISES ON LAND B4 ZONE CARLEAN	N/A
CLAUSE 6.14	MINIMUM SUBDIVISION LOT SIZE ZONE R5	N/A

MWRC DCP - 2013 - AMENDMENT 5

Discretionary Development - Dual Occupancy Part 3 - Discretionary Development Standards

Note - Development primarily complies with 'deemed to comply requirements' excluding the following:
alfresco deck height to dwelling 2
surface stormwater from hard stand discharge to street kerb

MINIMUM LOT SIZE	DUAL OCC DETACHED - 800sq m LOT SIZE MAP Minimum Lot Size -600 sq m	COMPLIES
BUILDING SETBACKS	R3 -1840 sq m Lot Area	
	FRONT Existing 8.105m - - Required 6.5m - to building line	COMPLIES
	SIDE Existing 3.225m- Required - 900mm - Proposed minimum 1.10m	COMPLIES
	REAR Required - 900mm Proposed - 7.07m	COMPLIES
BUILDING HEIGHT	MAX 8.5m ALLOWABLE	
	Max building height to dwelling 2 - 8.315m	COMPLIES
ELEVATED HOUSING	Minimise impact on areas of predominantly single story dwellings Building height to ensure adjacent properties not overlooked or overshadowed	
	Single storey development proposed. Elevated deck to dwelling 2 incorporates privacy screen to minimize overlooking to neighboring properties	COMPLIES
SITE COVERAGE	-MAX 35% for Deemed to Satisfy -MAX 50% for Discretionary Standards	
	The site coverage proposed - 32.10%	COMPLIES
SOLAR ACCESS	Maximise solar access to living areas - northerly aspect Controlled solar access allowing winter sun & excluding summer sun Building envelope - maximise Insulation	
	Living areas oriented to north. Alfresco/deck areas to north or North west of living areas. Solar access compliant	COMPLIES
PRIVACY	Ensure reasonable privacy for new dwellings & adjoining properties	COMPLIES
	Addition to existing dwelling and new dwelling designed to negate overlooking And maximise privacy to adjoining properties	COMPLIES
PARKING	2 spaces per dwelling Parking & Access driveways to be functional in design	COMPLIES
LANDSCAPING	Enhance the quality of built environment Plantings to be low maintenance & water requirements	COMPLIES

OPEN SPACE	Minimum area - 80 sq m with min dimension of 5.0m Located to north, east or western side of dwelling Functional design Direct access from living areas	COMPLIES
FENCING	1.8m high fencing to private open space areas & boundaries	COMPLIES
INFRASTRUCTURE	Must not be visible from street Must not be located within front setback Include in landscape plan	COMPLIES
GARAGES & OUTBUILDINGS		N/A
DEVELOPMENT NEAR RIDGELINES		N/A
SLOPES	Cut & Fill limitations No cut & fill proposed to the site	COMPLIES
ACCESS	All weather access Parking & manoeuvring areas to be hard stand Access driveway to be R/C construction or option for part Contained gravel driveway construction Refer Proposed Architectural Documentation - Site Plan & Stormwater Analysis Report	

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