

STATEMENT OF ENVIRONMENTAL EFFECTS

DEVELOPMENT APPLICATION FOR TWO LOT SUBDIVISION

74 Inglis Street, Mudgee



Navigate Planning

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1 PROPOSED DEVELOPMENT

This Statement of Environmental Effects (SEE) supports a development application for a two lot subdivision at Lot 2 DP 817235, 74 Inglis Street, Mudgee.

The development site is zoned R1 General Residential under the Mid-Western Regional Local Environmental Plan 2012 (MWRLEP 2012). Subdivision of land is permissible pursuant to clause 2.6 of the MWRLEP 2012. The minimum lot size for the land is 600m².

The subject land is 1135m² in size. The proposed lot sizes are 600.23m² (Proposed Lot 1) and 534.67m² (Proposed Lot 2). An exception to the minimum lot size development standard is therefore required for proposed Lot 2.

Proposed Lot 1 contains an existing shed but is otherwise vacant of residential development. Demolition of the shed is not proposed at this time, but would be the subject of a future development application for residential development of the lot.

Proposed Lot 2 contains the existing dwelling on site. As is outlined in this report, the proposed boundary between the lots ensures that the existing dwelling maintains adequate amenity, solar access, private open space and opportunity for access and car parking.

The development is not “state significant development”, “regionally significant development”, “designated development” or “integrated development”.

This SEE addresses the environmental, social and economic impacts of the proposed modification. Supporting this SEE are the following plans and reports:

- Identification Sketch Drawing No. 22-930-IDENT Revision 0 by O’Ryan Geospatial (Appendix 1)
- Subdivision Plan Drawing No. 22-930-DA Revision 0 by O’Ryan Geospatial (Appendix 2)
- Exception to Development Standard Report by Navigate Planning dated 21 June 2021 (Appendix 3).

Assessments in relation to the social, economic and environmental impacts of the proposed modification are contained in this Statement of Environmental Effects.

2 SITE ANALYSIS AND SERVICES

The development site has a gentle fall from Inglis Street to Lyons Lane and the former railway line. The site has three frontages, to Inglis Street, Douro Street and Lyons Lane. An existing driveway crossing is off Douro Street to a large garage/shed. Given the extensive frontage, there are a number of opportunities for additional driveway access points.

A dwelling exists on the southern part of the site. The site has a north-south orientation, enabling development that can take advantage of northern sun with minimal impacts on the site and the adjoining land to the west.

There are no defined watercourses in the vicinity of the site. Most vegetation on the site is planted garden shrubs with one potentially remnant tree located in the north-western corner of the site.

The site does not contain a heritage item and there are no heritage items in the vicinity of the site. The site is located in the Mudgee Heritage Conservation Area.

The land is serviced by water, sewer, stormwater, electricity and telecommunications and both proposed lots can be adequately serviced.

3 COMPLIANCE WITH RELEVANT LEGISLATION

3.1 Environmental Planning and Assessment Act 1979 (NSW)

3.1.1 Section 4.5 – Designation of consent authority

Pursuant to clause 4.5 (d) of the *Environmental Planning and Assessment Act 1979* (EPA Act), the Mid-Western Regional Council is the consent authority.

3.1.2 Section 4.13 – Consultation and concurrence

Section 4.13 provides for an environmental planning instrument to identify where consultation or concurrence is required before determining a development application. There are no consultation or concurrence requirements for the modification under any relevant environmental planning instrument.

3.1.3 Section 4.15 – Evaluation

The following matters are relevant to the proposal under section 4.15 of the EPA Act. Detailed assessment against each of these matters is provided in Section 8 of this SEE.

State Environmental Planning Policies

- *State Environmental Planning Policy (Resilience and Hazards) 2021*

Local Environmental Plans

- *Mid-Western Regional Local Environmental Plan 2012*

Draft Environmental Planning Instruments

Nil

Development Control Plans

- *Mid-Western Regional Development Control Plan 2012*

Planning Agreements

Nil

Environmental Planning and Assessment Regulation 2000

The proposed lot boundary provides an adequate setback for the existing dwelling to comply with the Building Code of Australia and therefore there are no fire safety upgrades required to the existing dwelling under the Regulation.

Impacts on the built environment

The proposed subdivision approval will have a positive impact on the built environment by facilitating the replacement of a large shed with a new dwelling on a relatively visible site in the Mudgee Heritage Conservation Area. A dwelling on the proposed new lot will have a more positive impact on the Douro Street streetscape than the existing shed.

Impacts on the natural environment

The proposed modification will have minimal impacts on the natural environment. No native vegetation is proposed to be removed as part of the development.

Social and economic impacts

The proposed modification will have positive social and economic impacts on the locality through the provision of an additional housing opportunity and employment opportunities in construction.

Suitability of the site

Although the proposed subdivision does not meet the minimum lot size requirement in MWRLEP 2012, the site is considered to be suitable given the extensive frontage that the site enjoys and the fact that the existing dwelling will maintain an acceptable level of amenity. A report justifying an exception to the minimum lot size requirement has been prepared and is included at Appendix 3.

The Public Interest

The proposed development is in the public interest as it facilitates the provision of an additional housing opportunity in a manner that will have minimal impacts on adjoining properties and the environment and positive impacts on the streetscape.

3.1.4 Section 4.46 – Integrated Development

Section 4.46 of the EPA Act identifies development that requires other approvals and is therefore integrated development. The development is not integrated development. This Section therefore does not apply to the development.

3.1.5 Sections 7.11 and 7.12 – Development contributions

Should development consent be granted, it is anticipated that a condition requiring development contributions for the new lot will be included on the consent.

4 COMPLIANCE WITH PLANNING CONTROLS

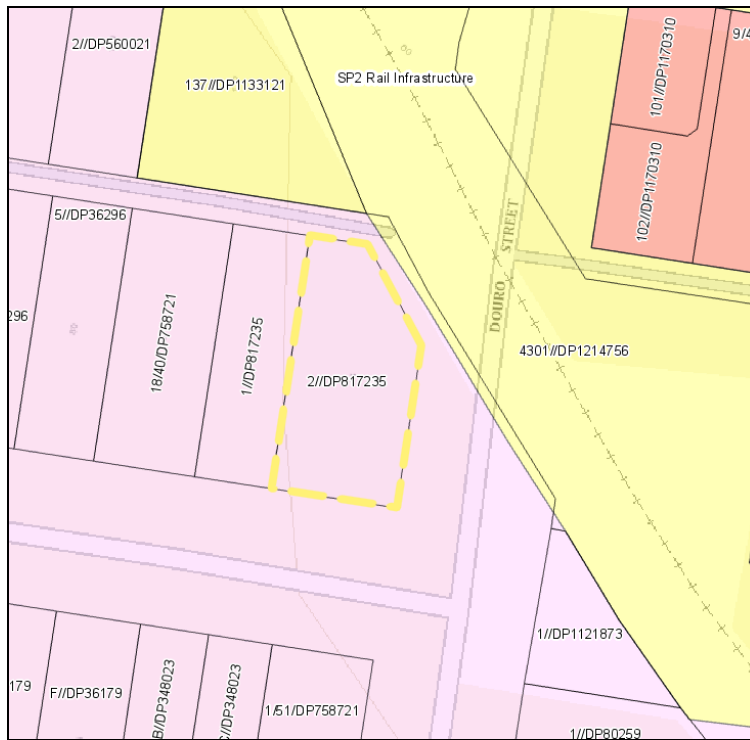
4.1 State Environmental Planning Policy (Resilience and Hazards) 2021

Section 4 of this SEPP relates to the remediation of contaminated land. The subject land has a long history of residential use and no known history of any activities that may have caused contamination. The proposed subdivision does not facilitate a change of use of the land. The site is considered suitable for the proposed subdivision and continuation of the existing residential use of the land.

4.2 Mid-Western Local Environmental Plan 2012

4.2.1 Zoning and zone objectives

The development is proposed on land included within the R1 General Residential zone under the *Mid-Western Regional Local Environmental Plan 2012* (MWRLEP 2012), as shown on the map below.



Source: NSW Planning Portal

The objectives of the R1 General Residential zone are:

- To provide for the housing needs of the community.
- To provide for a variety of housing types and densities.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.

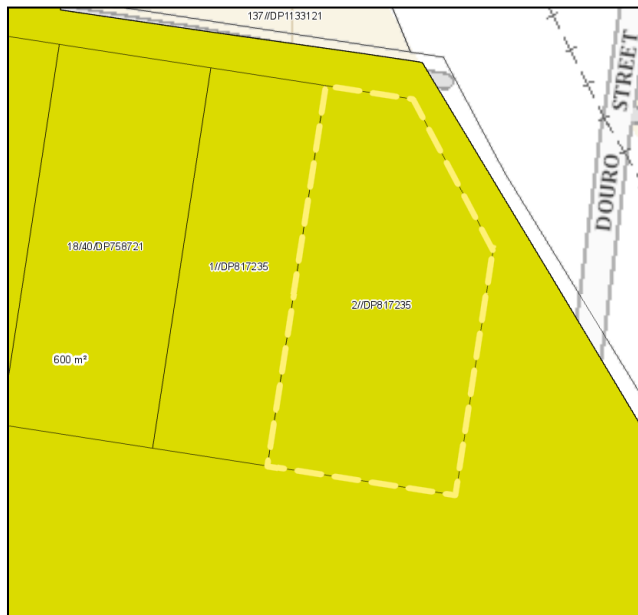
The proposal is considered to be consistent with the objectives of the zone as it provides an additional housing opportunity on a new lot that complies with the minimum lot size. The proposed lot containing the existing dwelling is slightly smaller than the minimum lot size for the land, however this dwelling is afforded good amenity, access and servicing, generally in accordance with the requirements of the Mid-Western Development Control Plan 2012. The application is accompanied by an Exceptions Report that argues that the development is appropriate despite non-compliance with the minimum lot size standard (see Appendix 3).

4.2.2 Land Use Permissibility

Clause 2.6 of the MWRLEP 2012 provides for subdivision, to be permitted with consent. The proposed subdivision is for residential purposes that are permitted with consent in the R1 General Residential Zone.

4.2.3 Lot Size

The land has a minimum lot size of 600m².



The subject land is 1135m² in size and the proposed lots will be 600.23m² and 534.67m² in size.

Clause 4.1 (3) of the MWRLEP 2012 states that the size of any lot resulting from a subdivision of land to which this clause applies is not to be less than the minimum size shown on the Lot Size Map in relation to that land.

The proposal does not comply with this clause. An Exception to Development Standard Report has been prepared and accompanies this Statement of Environmental Effects at Appendix 3.

The proposed variation to the development standard is considered justified for the following reasons:

1. The site is relatively flat, environmentally unconstrained and able to accommodate new residential development without negative impacts on adjoining properties.
2. The existing dwelling will maintain good amenity, access and car parking, private open space and solar access on Lot 2 as proposed.
3. New residential development on the subject lot can easily be serviced with electricity, water and sewer services, and has adequate access.
4. The proposed development will not affect the character of the area or create any land use conflicts.
5. The development is consistent with the predominant lot pattern in the local area where there are numerous examples of similar subdivisions of lots with three road frontages.
6. The development is consistent with the objectives of clause 4.1.
7. The development is consistent with the objectives of the R1 General Residential zone.

4.2.4 Heritage

The site does not contain a heritage item but is located within the Mudgee heritage conservation area. The proposed subdivision will have a positive impact on the heritage conservation area by facilitating the demolition of a large shed and the construction of new residential development that will be an improvement to the existing streetscape. Any future development of the new lot will need to consider how the proposed built form contributes to the conservation area. There are no heritage items in the vicinity of the land that are likely to be impacted by the proposed subdivision.



4.2.5 Flood planning

Clause 5.21 of MWRLEP 2012 requires consideration of the impacts on a development by flooding and of the impacts of development on flood behaviour. The subject land is not identified as flood prone and there are no watercourses in the vicinity of the proposed development.

4.2.6 Earthworks

Clause 6.3 of MWRLEP 2012 requires separate development consent for earthworks unless the earthworks are ancillary to other development for which development consent has been given. There are no earthworks proposed as part of the subdivision.

4.2.7 Groundwater Vulnerability

Clause 6.4 of MWRLEP 2012 requires consideration of the impact of development on groundwater. The subject land is identified as groundwater vulnerable on the Groundwater Vulnerability Map in MWRLEP 2012.



The proposed subdivision does not involve any earthworks. Future residential development on the proposed new lot can be undertaken with minimal impacts on groundwater.

4.2.8 Biodiversity

Clause 6.5 of MWRLEP 2012 requires consideration of the impacts of development on biodiversity. The subject land is not identified as containing high biodiversity sensitivity on the Sensitive Biodiversity Map in MWRLEP 2012.

4.3 Mid-Western Regional Development Control Plan 2012

The following provisions of the *Mid-Western Development Control Plan 2012* (MWDCP) are relevant to the proposed modification:

4.3.1 Section 2.1 – General Housing and Ancillary Structures “Deemed to Satisfy” Provisions

The following assessment relates to the proposed lot containing the existing dwelling to demonstrate that this lot is appropriate having regard to the DCP standards and that the dwelling will maintain a good level of amenity.

Issue	Requirement	Comment
Building Setbacks	<ul style="list-style-type: none"> 4.5m to street 900mm to side and rear boundaries 0m for garages in laneways 	<p>The existing dwelling will maintain existing setbacks to Douro and Inglis Street and the western side boundary.</p> <p>The setback to the proposed new side boundary will be 1.7m.</p>
Building height	Single storey	Existing dwelling is single storey.
Privacy	No requirement for single storey dwellings.	Existing dwelling is single storey.
Design	<ul style="list-style-type: none"> 75% of private open space and internal living areas has access to sunlight for 3 hours a day between 9 am and 3 pm with direct access to the main living areas. 80m² of private open space is provided with a minimum dimension of 5 metres. No windowless facades at the street frontage(s). Street elevations are to include at least 5% of openings including windows, doors. Garages – the aggregate width of 	<p>The private open space area for the existing dwelling is located in the south-western corner of the site. Despite this location, there is no existing or proposed development that could cast significant shadows over this area between the hours of approximately 10.30am to 1.30pm.</p> <p>In relation to internal living areas, the proposed subdivision does not change the layout of, or solar access to, the internal living areas of the dwelling.</p> <p>The private open space area designated for the existing dwelling has an area of 110m² and a minimum dimension of 6.5m.</p> <p>The existing dwelling complies with this requirement.</p> <p>The existing dwelling complies with this requirement.</p> <p>The proposed lot containing the</p>

	<p>the garage door or carport shall not exceed 45% of the front elevation of the dwelling.</p> <ul style="list-style-type: none"> • For corner allotments no fences, structures or landscaping exceeding 1 metre in height are to be located within the triangle formed by a sight line 12 metres x 6 metres from the intersection of the two street boundary lines. • Cannot be a transportable or relocated building. 	<p>existing dwelling does not have a garage or carport. Should a carport be proposed in the future over the designated car spaces (or at least over one of the spaces) the width would be significantly less than 45% of the front elevation.</p> <p>The existing fencing and landscaping at the corner of Douro and Inglis Streets complies with this requirement.</p> <p>The existing dwelling is not a transportable or relocatable dwelling.</p>
Parking	<p>Provision for parking of two vehicles behind the building line including at least one space undercover</p>	<p>Two parking spaces can be provided for the existing dwelling in the south-eastern corner with access off Douro Street. While these are forward of the building line and neither are covered spaces (at this time), the availability of space to provide on-site parking for the existing dwelling is considered a positive outcome of the proposed development and acceptable on merit.</p>
Utilities	<ul style="list-style-type: none"> • Buildings and structures are to be located clear of utility infrastructure. • No building can be located within an easement for the purposes of utility infrastructure. • Structures are to be located 1,500 mm for the centre line of the water or sewer main. • Details of water supply and sewer reticulation are to be provided. <ul style="list-style-type: none"> □ If available within 500 m connected to reticulated network. □ Where no water supply is available, a minimum tank storage of 60,000 litres is required, of which a minimum of 20,000 litres is retained for fire fighting purposes. • Where there is no reticulated sewer system than approval is 	<p>The existing dwelling is clear of all utility infrastructure.</p> <p>The existing dwelling is not located within any easement.</p> <p>The existing dwelling has a 1.5m setback from the sewer main that runs along the western boundary of the lot.</p> <p>The existing dwelling is connected to water and sewer services. See section 4.3.2 for discussion in relation to the proposed new vacant lot.</p> <p>Not applicable.</p>

	<p>required for onsite disposal in accordance with Section 68 of the Local Government Act 1919.</p> <ul style="list-style-type: none"> Stormwater shall be designed to flow to a gravity system. Alternatives are not acceptable No building on overland flow paths. 	<p>The existing dwelling is connected to the street system.</p> <p>The existing dwelling is not on an overland flow path.</p>
Fencing	<ul style="list-style-type: none"> Front fences to be open panels not to include "Colorbond" and are restricted to a maximum height of 1.2metres. Where a street fence is proposed, the section of side fence located in front of the building setback shall be open or a combination of open panels and masonry columns to match the front fence. Dividing fences is not to adversely affect the flow of surface water or create flooding problems to adjoining properties. Maximum height of side and rear fences behind the building line to be 1.8 metres. 	<p>The site already contains boundary fencing that complies with these requirements.</p>
Access	<ul style="list-style-type: none"> All weather two wheel drive access. Driveways to be located a minimum of 6m from an intersection. For rural area the minimum sight distances-is 250m in the 100km/hr speed zone and 180km/hr for the 80km zone. Where the driveway exceeds a slope of 6 % appropriate erosion and sediment control is to be incorporated into the design of the access. 	<p>Access to new parking spaces for the existing dwelling can be provided in compliance with these requirements.</p>
Garages Outbuildings and Carports	<ul style="list-style-type: none"> Maximum size of 50m². A maximum building height of 4.5 metres from natural ground level to the ridge applies in urban areas where the lot is under 2000m² 	<p>Any future garage, outbuilding or carport for the existing dwelling can comply with these requirements.</p>
Ridgelines	<ul style="list-style-type: none"> Development roofline must not project above the ridgeline 	<p>Not applicable</p>

	where visible from any public road or place.	
Slope & Cut and Fill	<ul style="list-style-type: none"> • The slope of the development site cannot exceed 15degrees. • Cut is to be limited to 1,000mm. • Fill is restricted to 600 mm. It must be clean fill and a geotechnical assessment issued for the fill to demonstrate compaction to the Australian Standard. • Any cut and/or fill must be provided with retaining walls, drainage and must be setback a minimum of 300 mm from any boundary. • Fill must not direct stormwater onto adjoining properties and drainage pits for overland flow paths are to be provided. • Cut and fill is not permitted within water or sewer easements. 	Not applicable.
Pools	<ul style="list-style-type: none"> • Pools and fencing to be located behind the building line. • Where visible from a public place or road, details of screening to be provided with DA. • Any associated retaining walls for decks not to exceed 1.0 m above the natural ground surface. • Pool pump enclosure to be placed greater than 15 m from a habitable room in any dwelling adjoining the property or within a sound proof enclosure. • Compliance with the relevant Australian Standards – please check with Council to ascertain the correct standard. • Pools over 40,000 Litres require a BASIX Certificate to be provided with application. 	Not applicable.
Energy Efficiency	<ul style="list-style-type: none"> • New Dwelling – Has a BASIX Certificate. • Alteration and Additions that do not exceed \$50,000 in value 	Not applicable.

	shall provide R3 Ceiling insulation and R1.5 wall insulation (to be shown on the plans).	
Permissibility	<ul style="list-style-type: none"> The lot is to comply with the minimum area as designated on the LEP 2012 Lot Size Map or compliance must be achieved with Clause 4.2A for rural dwellings. 	The lot containing the existing dwelling is less than the minimum lot size of 600m ² . An Exceptions to Development Standard Report has been provided with the application (see Appendix 3).
Heritage	<ul style="list-style-type: none"> Heritage items are excluded from the fast track provisions 	The existing dwelling is not a heritage item.

4.3.2 Section 3.1 - Residential Development In Urban Areas (Single Dwellings And Dual-Occupancies)

In addition to Section 2.1 (see above), Section 3 of the DCP contains a development control for site coverage, with a 35% deemed to satisfy control. With a proposed lot size of 534.67m², the maximum site coverage is 187.13m². The existing dwelling has a footprint of 179.95m² and therefore complies with the site coverage requirement.

4.3.3 Section 7.1 – Urban Subdivision

Issue	Requirement	Comment
Lot Size	(a) All lots must have street frontage.	Both lots have street frontage. Proposal complies.
	(b) Slope 0-10degrees – 600m ²	Site is flat to gently sloping. Proposal complies.
	(c) All lots must have a minimum width of 16m at the building line (4.5m from the front property boundary).	The width of both proposed lots is greater than 16m at the building line. Proposal complies.
Lot design	(a) For infill developments in established areas, lot orientation should optimise solar access while taking account of the existing pattern and solar orientation of development.	<p>The existing lot has a north-south orientation. The proposed new lot is located in the northern part of the site, with future residential development able to take advantage of good solar access.</p> <p>The proposed lot containing the existing dwelling can also maintain good solar access, subject to an assessment of future residential development on the new vacant lot. Irrespective of the design of new development, the existing dwelling will maintain solar access all morning and the proposed private open space area on the western side of the dwelling will maintain solar access all afternoon.</p>

	<p>(b) Applies to subdivision in new release areas.</p> <p>(c) Lots should be generally rectangular in shape. Lots on the southern side of the road should provide a greater frontage to allow better solar orientation of the future dwelling.</p>	<p>Not applicable.</p> <p>Both proposed lots will be generally rectangular in shape, having regard to the existing lot shape. The main frontage for both lots is Douro Street along the eastern frontage.</p>
	<p>(d) Corner lots should be created of a sufficient area to allow development for the purposes of dual occupancies with the supply of appropriately located independent utility connection points.</p>	<p>The subject land is currently a corner lot and could facilitate a dual occupancy development. However, the proposed subdivision renders this control irrelevant to the subject land.</p>
Street Design and Layout	Applies to subdivisions creating new streets.	Not applicable.
Cycleways and footpaths	Applies to subdivisions creating new streets.	Not applicable.
Open Space	Applies to greenfield subdivisions.	Not applicable
Landscaping	Applies to the public domain.	Not applicable
Utility Services	A servicing plan is required to be submitted.	The Identification Sketch at Appendix 1 shows an existing sewer line traversing the western side of the land. Future development on the proposed new lot can easily connect into this sewer line. There are similarly no constraints to connecting the proposed new lot to existing water mains, power lines and telecommunication services. Conditions relating to service connections are anticipated to be included on the development consent, if granted.
Drainage	Refer to section 5.3 Stormwater and Drainage.	Stormwater from future development on the land can be directed to Council's stormwater infrastructure in Douro Street.

4.3.4 Section 5.4 Environmental Controls

Issue	Requirement	Comment
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Protection of Aboriginal Archaeological items	Development should not disturb or destruct relics without a permit.	As the proposed development is a subdivision with no earthworks proposed, there will be no impact on any sub-terranean artefacts and no further assessment of Aboriginal cultural heritage is considered warranted.
Bushfire Management	Buildings should be designed to withstand bushfire.	The subject land is not mapped as bushfire prone.
Riparian and drainage line environments	Development should be set back from waterways.	There are no riparian lands or drainage lines on or near the site.
Pollution and Waste Management	Development should address all waste streams and avoid pollution.	The proposal will not result in any pollution or waste.
Threatened Species and Vegetation Management	The impact of development on native flora and fauna should be assessed.	There is no native vegetation on the land that will be affected by the proposed subdivision.
Building in Saline Environments	Development should be constructed to avoid problems associated with saline soils.	The subject land is not known to be highly saline.

5 CONCLUSION

The proposed development is a two-lot subdivision of land that is ideally suited to further residential development. The proposal does involve a relatively minor non-compliance with the minimum lot size standard and a report justifying an exception to the minimum lot size standard accompanies this Statement of Environmental Effects at Appendix 3.

The proposed subdivision creates one new vacant lot (currently containing a shed) that is over 600m² in size, meeting the minimum lot size standard. The other proposed lot will contain the existing dwelling and this lot will be 534.67m² in size. The variation to the development standard is 65.33m², representing a variation of 10.88%. A ten percent variation is generally considered a minor variation and this proposal is right on the edge of being minor.

The proposed subdivision is considered worthy of approval as it creates a lot for new residential development that meets the minimum lot size standard and ensures that the existing dwelling on the site maintains a good level of amenity, solar access and private open space.

The proposed subdivision is permissible with consent. Subject to the variation to the minimum lot size standard being approved, there is no impediment to the development application for a two lot subdivision being approved.

APPENDIX 1 – IDENTIFICATION SKETCH

APPENDIX 2 – SUBDIVISION PLAN

APPENDIX 3 – EXCEPTIONS TO DEVELOPMENT STANDARD REPORT