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## **Statement of Environmental Effects**



**Demolition of existing structures and construction of seven single storey multi-dwelling housing, community title subdivision, landscaping, driveways and associated site works**

**232 Mortimer Street, Mudgee NSW 2850**

**Lot 1 in DP 865437**

**Mid-Western Regional Council**

**August 2022**

# Document Information

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Article Type: Statement of Environmental Effects  
Date: 23 August 2022

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# Document Control

Version	Date	Author	Author Initials	Reviewer	Reviewer Initials
1.00	20 August 2022	Matthew Choi	MC	Denis Smith	DS
2.00	23 August 2022	Matthew Choi	MC	Denis Smith	DS

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## DEVELOPMENT DOCUMENTATION

The accompanying documentation that has been submitted as part of the development application is as follows:

<b>Document:</b>	<b>Author:</b>
Statement of Environmental Effects	Tomasy Planning
Survey Plan	O’Ryan Geospatial
Architectural Plans	Descon Design and Construction
Landscape Plans	Descon Design and Construction
Notification Plans	Descon Design and Construction
Civil Engineering Design	Triaxial Consulting
BASIX Certificate	Descon Australia Pty. Ltd.
Geotechnical Report	Macquarie Geotech
Waste Management Plan	Descon Design and Construction

# 1. INTRODUCTION

Tomasy Pty. Ltd. has been instructed to prepare a Statement of Environmental Effects on behalf of the proponent, *Mr. Adam Hughes*, to accompany a Development Application for the demolition of the existing structures and construction of a multi-dwelling housing development comprising seven units, associated site and landscape works and community title subdivision at no. 232 Mortimer Street, Mudgee NSW 2850 ('the site').

This Statement of Environmental Effects describes the proposed works as set out within Section 4 of this report and should be read in conjunction with the architectural plans prepared by the project architects, *Descon Design and Construction*, and other relevant supporting documentation. In preparing this document, consideration has been given to the following legislative requirements including:

- *Environmental Planning and Assessment Act, 1979*;
- Environmental Planning and Assessment Regulation, 2000;
- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004;
- Mid-Western Regional Local Environmental Plan 2012 ('MWRLEP2012');
- Mid-Western Regional Development Control Plan 2013 ('MWRDCP2013').

The proposed development involves the construction of seven single storey dwelling units on the site. The height and scale of the dwellings will be compatible with the neighbouring dwellings along Mortimer Street, all of which are single storey in height and have been designed to be well below the maximum permissible building height limit set out within the MWRLEP2012. The dwellings are setback to maintain the predominant front building setback of the adjoining dwellings and will be consistent with the existing built form pattern within the street. The proposed dwelling fronting the street alignment (Unit no. 1) has been articulated and stepped within the built form to comply with the front setback control of MWRDCP2013. The bulk and scale of the development are in keeping with the existing streetscape character.

The multi-dwelling housing development will also continue to provide a high level of residential amenity to the immediate neighbouring dwellings. The eastern and western neighbours will continue to receive the minimum required 3 hours of direct solar access to the living areas and private open space between the hours of 9am – 3pm, 21 June. The development also maintains the visual and acoustic privacy of the adjoining dwellings. To the west, the substantial building separation between the new development and the existing living areas and private open space of the western neighbour will minimise any potential overlooking impacts. To the east, the existing eastern and southern side boundary fencing will screen any cross views between the living areas and the private open space areas. The visual bulk when viewed from the neighbouring premises is also supportable as the height and scale of the development are compatible to the proposed development.

Lastly, the site is adequately sized to accommodate multi-dwelling housing on the site. Clause 4.1A of MWRLEP2012 prescribes that the minimum lot size for multi-dwelling housing development within the R3: Medium Density residential Zone must be equal to, or greater than, 1,200sqm. The site has a lot size of 3,980sqm which will comfortably fit a new multi-dwelling housing development and the number of lots on the site.

This Statement of Environmental Effects describes the proposed development having regard to the Provisions of Section 4.15 of the *Environmental Planning and Assessment Act, 1979* and closely examines the potential environmental impacts with regard to the relevant sections of the Act, State Policies, and relevant requirements of Council's DCP.

The development application should be approved by Mid-Western Regional Council subject to conditions as may be deemed appropriate.

## **2. DEVELOPMENT HISTORY**

There are no earlier development applications that relate to the site that could be found on Council's online DA tracker.

### 3. SITE CHARACTERISTICS

The subject site is formally described as Lot 1 in DP 865437 and is also known as no. 232 Mortimer Street, Mudgee NSW 2850.

The allotment is characterised as being the rear portion of a battle-axe shaped lot with a vehicular access handle that has a direct street frontage to Mortimer Street. The access handle has a site frontage width of 20.225m and a driveway length of 35m. The rear portion of the allotment (excluding the access handle) has a length of 61m along the eastern side boundary and a width of 62m along the northern rear boundary. The site has a total area of 3,980sqm.

The topography of the site is considered to be relatively flat. The site falls approximately 1.6m from the site frontage along Mortimer Street to the rear over a length of 101.3m. The site has an overall slope gradient of approximately 1.5% and a negligible crossfall from east to west across the site.

Neighbouring the site to the east and west is an existing single storey, free standing dwelling. The eastern neighbour is setback approximately 3m from the boundary and the western neighbour is setback approximately 23m from the boundary (measured from the existing dwelling house).

In terms of improvements, the site is currently occupied by an existing single storey free standing dwelling and ancillary structures including sheds, carport and concrete driveways. The site also contains a number of trees located along the northern boundary and on the south-eastern end of the allotment. A fence line is provided along the side and rear boundaries. A low-lying brick fence is provided along the front boundary that adjoins the street alignment of Mortimer Street.

The character of the local area consists mostly of single storey free standing dwellings. The locality is defined by an open street pattern with either no fence or low-lying front fences along the street alignment and front setbacks that are generally free from any structures forward of the front building line. The allotments are generally rectangular in shape with wide street frontages to Mortimer Street. The neighbouring dwellings typically contain a number of ancillary structures to the dwelling houses including garage and storage shed areas located within the rear setback and are generally low-scale residential.





Figure 1: Aerial image of the site (shown yellow)

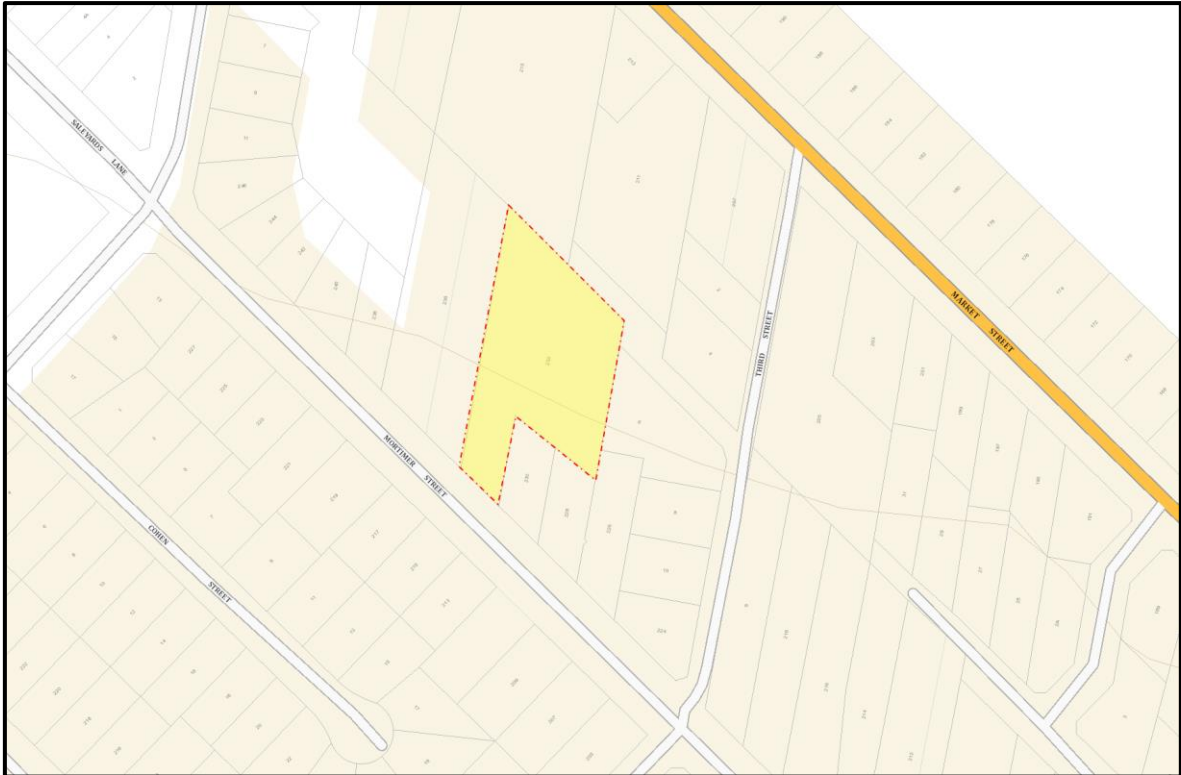


Figure 2: Map overlay image of the site (shown yellow)



**Figure 3: Street view of the subject site when viewed from Mortimer Street**



**Figure 4: Street view image of the immediate western neighbour at no. 234 Mortimer Street, Mudgee**



**Figure 5: Street view image of the immediate eastern neighbour at no. 230 Mortimer Street, Mudgee**

## 4. THE PROPOSAL

The proposed development involves the following:

- Demolition of the existing structures;
- Removal of existing trees;
- Construction of seven single storey multi-dwelling housing units:

Unit no.	Bedrooms	Car Spaces	Gross Floor Area (GFA)	Lot Size
1	3 bedrooms	2 car spaces	139.82sqm	381.83sqm
2	3 bedrooms	2 car spaces	165.38sqm	451.94sqm
3	3 bedrooms	2 car spaces	183.76sqm	451.94sqm
4	3 bedrooms	2 car spaces	160.95sqm	474.59sqm
5	3 bedrooms	2 car spaces	163.31sqm	476.82sqm
6	3 bedrooms	2 car spaces	189.88sqm	457.04sqm
7	3 bedrooms	2 car spaces	177.26sqm	472.24sqm

- Civil works including road construction and underground service utilities;
- Associated site and landscape works;
- Community Title Subdivision into eight lots (seven residential lots and one common property lot).

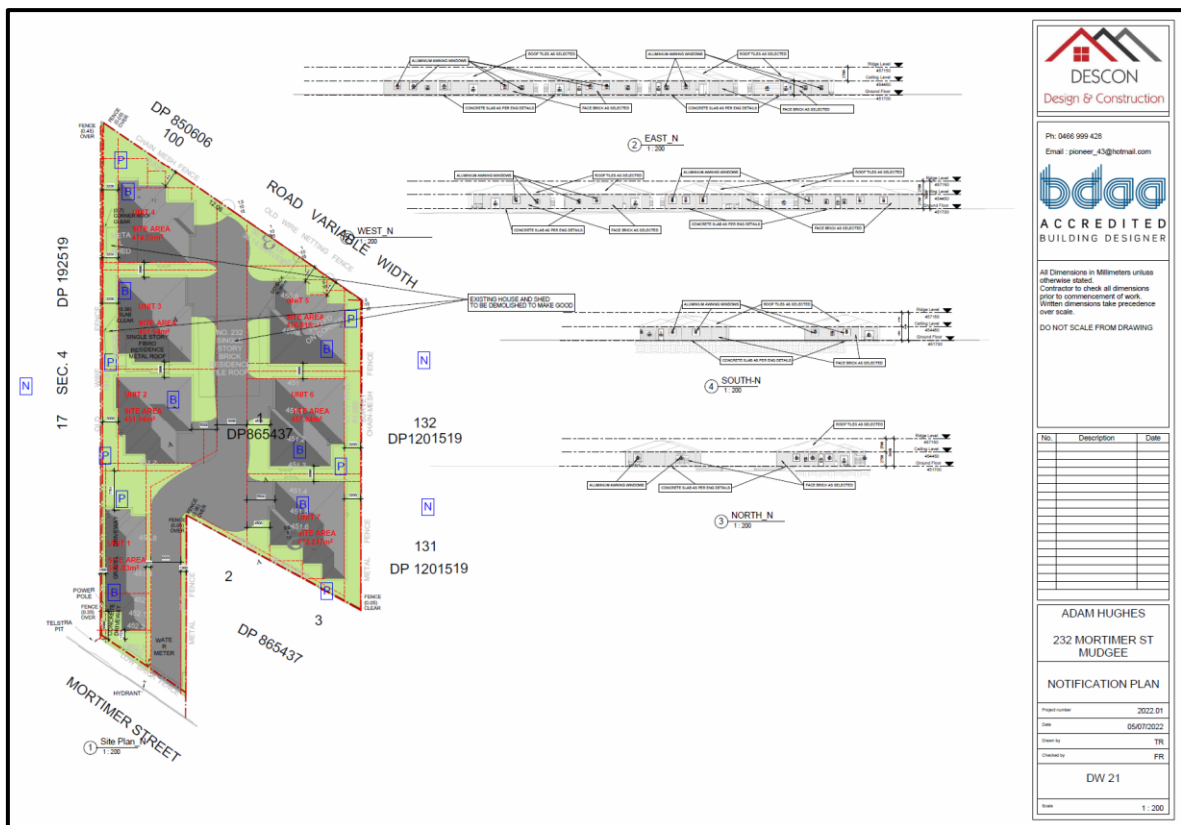


Figure 6: Notification plan of the proposed development

## 5. STATUTORY PLANNING REQUIREMENTS

The statutory planning controls that are relevant to the proposed development are as follows:

- *Environmental Planning and Assessment Act, 1979*;
- Environmental Planning and Assessment Regulation, 2000;
- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004;
- Mid-Western Regional Local Environmental Plan 2012 (MWRLEP2012);
- Mid-Western Regional Development Control Plan 2013 (MWRDCP2013).

### 5.1 *Environmental Planning and Assessment Act 1979*

In accordance with Clause 4.46(1) of the EP&A Act 1979, integrated development is development (not being State significant development or complying development) that, in order for it to be carried out, requires development consent and one or more of the following approvals:

Act	Provision	Approval	Applicable to the proposed development
Coal Mine Subsidence Compensation Act 2017	s22	approval to alter or erect improvements, or to subdivide land, within a mine subsidence district	Does not apply to the proposal.
Fisheries Management Act 1994	s144 s201 s205 s219	aquaculture permit permit to carry out dredging or reclamation work permit to cut, remove, damage or destroy marine vegetation on public water land or an aquaculture lease, or on the foreshore of any such land or lease permit to— (a) set a net, netting or other material, or (b) construct or alter a dam, floodgate, causeway or weir, or (c) otherwise create an obstruction, across or within a bay, inlet, river or creek, or across or around a flat	Does not apply to the proposal.
Heritage Act 1977	s58	approval in respect of the doing or carrying out of an act, matter or thing referred to in s 57(1)	Does not apply to the proposal.
Mining Act 192	ss63, 64	grant of mining lease	Does not apply to the proposal.
National Parks and Wildlife Act 1974	s90	grant of Aboriginal heritage impact permit	Does not apply to the proposal.
Petroleum (Onshore) Act 1991	s16	grant of production lease	Does not apply to the proposal.

<b>Act</b>	<b>Provision</b>	<b>Approval</b>	<b>Applicable to the proposed development</b>
Protection of Environment Operations Act 1997	sss43(a), 47 and 55  ss43(b), 48 and 55  ss43(d), 55 and 122	Environment protection licence to authorise carrying out of scheduled development work at any premises.  Environment protection licence to authorise carrying out of scheduled activities at any premises (excluding any activity described as a “waste activity” but including any activity described as a “waste facility”).  Environment protection licences to control carrying out of non-scheduled activities for the purposes of regulating water pollution resulting from the activity.	Does not apply to the proposal.
Roads Act 1993	s138	consent to— (a) erect a structure or carry out a work in, on or over a public road, or (b) dig up or disturb the surface of a public road, or (c) remove or interfere with a structure, work or tree on a public road, or (d) pump water into a public road from any land adjoining the road, or (e) connect a road (whether public or private) to a classified road	Does not apply to the proposal.
Rural Fires Act 1997	s100B	authorisation under Section 100B in respect of bush fire safety of subdivision of land that could lawfully be used for residential or rural residential purposes or development of land for special fire protection purposes	Does not apply to the proposal.
Water Management Act 2000	ss89, 90 and 91	water use approval, water management work approval or activity approval under Part 3 of Chapter 3	Does not apply to the proposal.

The proposed development does not trigger any of the above provisions and is therefore not considered to be a form of ‘integrated development’.

## 5.2 State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

In accordance with the Environmental Planning and Assessment Regulation 2000, the proposed development is classified as being a 'BASIX affected development' which is defined as follows:

*BASIX affected development means any of the following development that is not BASIX excluded development:*

- (a) *development that involves the erection (but not relocation) of a BASIX affected building,*
- (b) *development that involves a change of building use by which a building becomes a BASIX affected building,*
- (c) *development that involves the alteration, enlargement or extension of a BASIX affected building, where the estimated construction cost of the development is:*
  - (i) *\$100,000 or more—in the case of development for which a development application or an application for a complying development certificate is made on or after 1 October 2006 and before 1 July 2007, or*
  - (ii) *\$50,000 or more—in the case of development for which a development application or an application for a complying development certificate is made on or after 1 July 2007,*

Clause 6 of the SEPP (Building Sustainability Index: BASIX) 2004 prescribes that the proposed BASIX affected development for which the Regulations under the ACT requires a BASIX Certificate to accompany a development application. A BASIX Certificate has been prepared for each individual dwelling within the site by Descon Australia Pty. Ltd. and submitted as part of this Development Application.

## 5.3 Mid-Western Regional Local Environmental Plan 2012

The relevant clauses of Mid-Western Regional Local Environmental Plan 2012 applicable to the proposed development are as follows:

### 5.3.1 Land Use Zoning

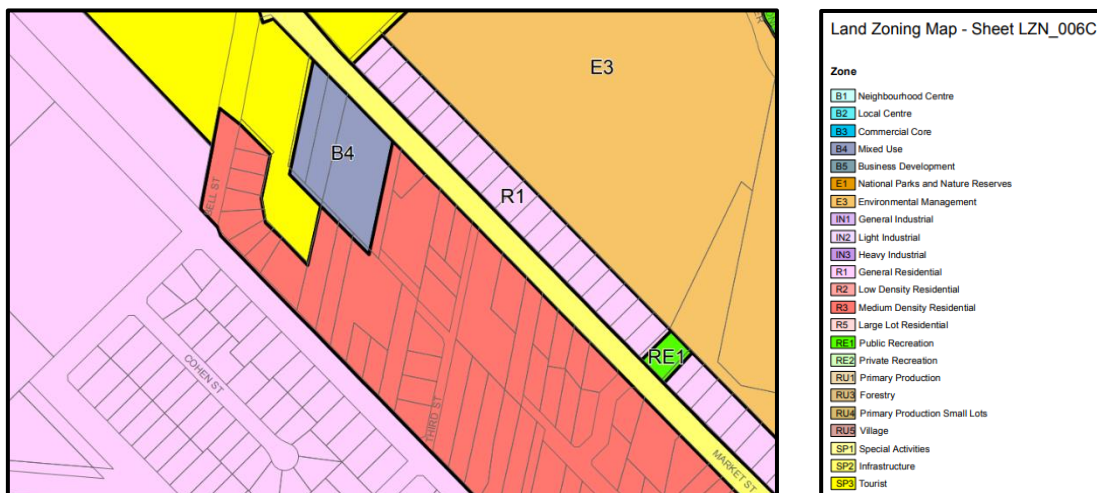


Figure 7: Land Use Zoning Map of the Mid-Western Regional Local Environmental Plan 2012

The subject site is zoned within the R3: Medium Density Residential Zone as shown within the land use zoning map of MWRLEP2012 and is described as follows:

## ***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; Centre-based child care facilities; 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; Oyster aquaculture; Places of public worship; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Residential accommodation; Respite day care centres; Seniors housing; Sewage reticulation systems; Signage; Tank-based aquaculture; 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*

The proposed development involves the construction of 7 x single storey multi dwelling housing, landscaping and associated site works. Multi dwelling housing is defined within the Dictionary section of MWRLEP2012 as follows:

*Multi dwelling housing means 3 or more dwellings (whether attached or detached) on one lot of land, each with access at ground level, but does not include a residential flat building.*

*Note— Multi dwelling housing is a type of residential accommodation—see the definition of that term in this Dictionary.*

Multi-dwelling housing is a permissible form of development with consent in the R3: Medium Density Residential Zone. The proposal will comply with the objectives of the R3: Medium Density Residential Zone in the following ways:

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

**Comment:** The proposed multi-dwelling housing development will provide seven dwellings on the site with the size of the allotments varying between 380sqm to 472sqm. The dwellings and allotments are suitably sized and dimensioned to provide a reasonable area of internal and external amenity for the residents on site. The development will exceed the minimum lot area requirements of 1,200sqm for a multi-dwelling housing development with a site area of 3,980sqm and will comfortably provide seven residential dwellings on the site.



- *To provide a variety of housing types within a medium density residential environment.*

**Comment:** The development will increase the housing diversity and greater housing choice for the local community. The dwellings have been well-designed to ensure the development provides a high-level of residential amenity on the site. The dwellings have also been designed to be well above the minimum area requirements for a three-bedroom multi-dwelling house and can be used for the purposes of residential accommodation for a number of different household types. The community title arrangement will enable greater housing choice and affordability 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.*

**Comment:** The residential units have been designed to cater for a wide range of household types on the site including couples, small and medium sized families and to accommodate a range of facilities and services to meet the needs of the occupants within the building. The dwellings comprise three bedrooms, two bathrooms, open plan living areas and a private open space that adjoins the living areas of the dwelling. The dwellings are adequately sized to provide residential storage and waste storage areas on the site and a functional private open space that can meet the needs of the occupants within the building.

- *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 will provide for higher density residential development given it involves the demolition of an existing dwelling house and the construction of seven residential dwellings as part of a multi-dwelling housing development. It should be noted that the site is not located within the Mudgee Heritage Conservation Area and will not result in any impact to either the heritage fabric, settings, and views.

### **5.3.2 Minimum subdivision lot size for community title schemes**

Clause 4.1A(2) prescribes that this clause applies to a subdivision (being subdivision that requires development consent) under the *Community Land Development Act 2021* of land in the following zones:

- (a) *Zone RU1 Primary Production,*
- (b) *Zone RU4 Primary Production Small Lots,*
- (c) *Zone E3 Environmental Management,*

*but does not apply to a subdivision by the registration of a strata plan.*

The development is not identified within the above zones and therefore this clause is not applicable to the subject application.

### **5.3.3 Minimum lot sizes for dual occupancies, manor houses, multi-dwelling housing and residential flat buildings**

Clause 4.1A(2) prescribes that this clause applies to development within the R3: Medium Density Residential Zone.

Clause 4.1A(3)(c) prescribes that despite any other provision within this plan, development consent may be granted to development on land to which this clause applies for the purposes of a multi-dwelling housing, if the area of the lot is equal to or greater than 1,200sqm.

The allotment consists of a site area of approximately 3,980sqm and exceeds the minimum area requirement of 1,200sqm.

### 5.3.4 Exceptions to minimum lot sizes for certain residential development

Clause 4.1B(1)(b) prescribes that this clause applies to development within the R3: Medium Density Residential Zone.

Clause 4.1B(3) prescribes that development consent may be granted to a single development application for development to which this clause applies that is both of the following:

- (a) The subdivision of land into two or more lots,
- (b) The erection of a dual occupancy (attached), dual occupancy (detached) or multi dwelling housing on each lot resulting from the subdivision, if the size of each lot is equal to or greater than –
  - i. 300sqm for a dual occupancy (attached) or multi-dwelling housing, or
  - ii. 400sqm for a dual occupancy (detached).

The proposal involves the construction of a multi-dwelling housing development and a community title subdivision in accordance with the *Community Land Development Act 2021*. In accordance with Clause 4.1(4)(b) the minimum subdivision lot size requirement in relation to the subdivision of any land – does not apply to any kind of subdivision under the *Community Land Development Act 2021*.

In considering the above, the exceptions to the minimum lot sizes is not applicable to the proposed development.

### 5.3.5 Height of Buildings



Figure 8: Height of Buildings Map of the Mid-Western Regional Local Environmental Plan 2012

In accordance with the Height of Buildings Map, the subject site is identified as being within area 'I' and contains a maximum building height of 8.5m

Clause 4.3(2) of MWRLEP2012 prescribes that the height of a building on any land is not to exceed the maximum height shown on the Height of Buildings Map.

The proposed development will result in a maximum building height of 5.9m and will be well below the maximum 8.5m height requirement.

### 5.3.6 Heritage Conservation

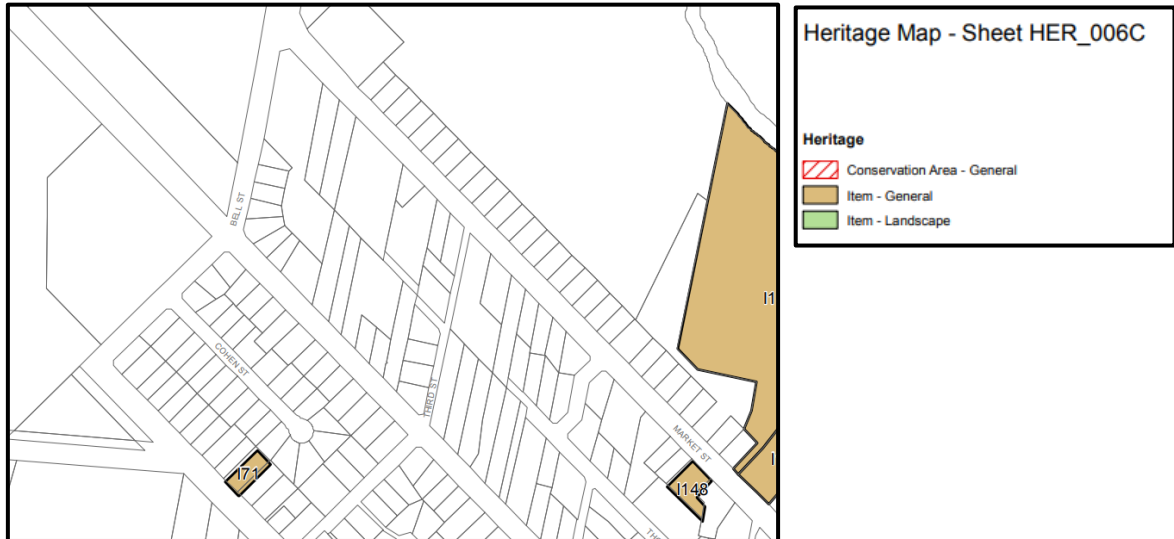


Figure 9: Heritage Map of the Mid-Western Regional Local Environmental Plan 2012

In accordance with the Heritage Map, the subject site is not identified as being located within a heritage conservation area or containing a heritage item.

Not applicable.

### 5.3.7 Flood Planning



Figure 10: Flood Planning Map of the Mid-Western Regional Local Environmental Plan 2012

In accordance with the Flood Planning Map, the subject site is not identified as being located within a Flood Planning Area.

Not applicable.

### 5.3.8 Salinity

Clause 6.1(2) prescribes that 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,

**Comment:** The proposed development is not expected to have any impact on existing salinity processes. The development does not involve any significant excavation works on the site and will generally retain the existing landform across the site with some minor cut and fill proposed across the development. The residential land use is considered to be a low impacting use and will not impact either the groundwater or contribute to salinity on the site.

- (b) Whether salinity is likely to have an impact on the development,

**Comment:** As stated above, the use of the premises will be for residential purposes and is not expected to contribute to salinity on the site. The proposed development involves minimal ground level disturbances which would otherwise increase the risk of salinity and the extent of the works is located at, or close to, ground level (existing). The use of the site is not expected to contribute to additional salinity impacts to the natural environment.

- (c) Any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.

**Comment:** Appropriate measures have been incorporated as part of the redevelopment of the site to minimise any earthworks and site disturbances. The new dwellings and road will be constructed close to ground level (existing) and have been designed to minimise any impacts to the groundwater salinity on the site.

### 5.3.9 Earthworks

Clause 6.3(3) prescribes that 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,

**Comment:** The proposal involves nominal cut and fill to accommodate the proposed dwelling and new roads within the site as the proposed works will be constructed at, or close to, ground level (existing). Appropriate on-site drainage has been provided where stormwater is to be collected through a number of inlet pits located within the proposed roadway that will collect surface water and will be discharged through an outlet on the kerb on Third Street. The proposal does not involve any substantial excavation works and will generally follow the existing sloping topography of the site.

- (b) The effect of the development on the likely future use or redevelopment of land

**Comment:** The proposal does not involve any impact to the likely future use or redevelopment of land. The site is zoned R3: Medium Density Residential and is suitable to be used for the purposes of a multi dwelling housing development which is a permissible land use as per MWRLEP2012. The proposed earthworks will not impact the future use of the land to be used for residential purposes.

- (c) The quality of the fill or the soil to be excavated, or both,

**Comment:** Any fill is to be reused and recycled on the site where possible. Any exporting of new fill required to support the proposed development and the grading for the site will be provided with VENM to ensure that the site is free from any potential contaminants on the site.

(d) The effect of the development on the existing and likely amenity of adjoining properties,

**Comment:** The proposal will generally maintain the existing site topography with minor cut and fill required to provide a pad for the new dwellings and road required on the site. The earthworks required on the site will not contribute to any adverse environmental impacts to the neighbouring sites and will be acceptable having regard to bulk and scale, visual and acoustic privacy, solar access and views. Refer to Section 6 of this Statement of Environmental Effects for detailed assessment. The proposal will not compromise the amenity of the adjoining neighbours and is an acceptable form of development.

(e) The source of any fill material and the destination of any excavated material,

**Comment:** Any source of new fill required on the site will be certified to ensure that it can be demonstrated that it is VENM and is free from contaminants. The ongoing and continued use of the site for the purposes of residential development will ensure that existing soil is retained on the site, subject to being free from any harmful contaminants.

(f) The likelihood of disturbing relics,

**Comment:** The site is not identified as containing any heritage significance on the site. Standardised stop work procedures will be enforced in the event that relics are detected or identified on the site when earthworks are carried out. Any stop work procedures can be suitably conditioned by Council as part of any development consent to ensure that any proposed construction works do not impact any existing relics on the site.

(g) The proximity to, and potential for adverse impacts on, any waterway, drinking water catchment or environmentally sensitive area

**Comment:** The site is not located in close proximity to any existing waterways, drinking water catchments or environmentally sensitive areas. The proposal will not contribute to any disturbances to these areas and will ensure that the quality and quantity of the existing waterways, drinking water catchments and environmentally sensitive areas are preserved.

(h) Any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.

**Comment:** The proposed multi-dwelling housing development and associated road works will be constructed at, or as close as possible to, the ground level (existing) on the site. The development is suitable and will not lead to any adverse environmental impacts to the neighbouring dwellings or the street having regard to bulk and scale, visual and acoustic privacy, solar access and views. The extent of the minor earthworks on the site is supportable and will not contribute to any adverse impacts to the adjoining development or the street.

### 5.3.10 Groundwater Vulnerability

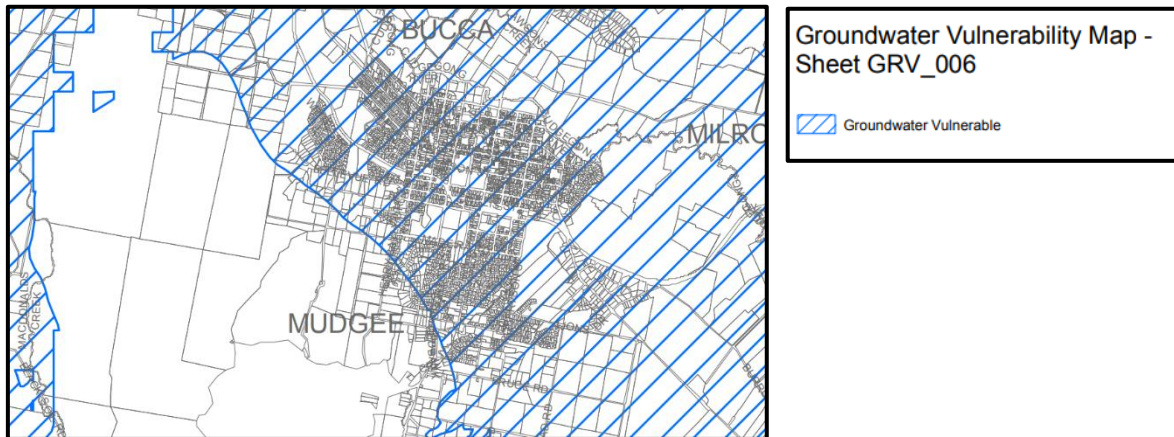


Figure 11: Ground Level Vulnerability Map of Mid-Western Regional Local Environmental Plan 2012

In accordance with the Groundwater Vulnerability Map, the site is identified as being groundwater vulnerable.

Clause 6.4(3) prescribes that before determining a development application for development on land to which this clause applies, the consent authority must 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),

**Comment:** The site has an extensive history of being used for residential purposes only and has not been used for any on-site storage or disposal of solid or liquid waste and chemicals. There is a very low likelihood of any groundwater contamination on the site resulting from liquid waste or chemicals that have been kept or disposed of on site.

- (b) Any adverse impacts the development may have on groundwater dependent ecosystems,

**Comment:** The proposal does not involve any significant earthworks or site disturbance on site that will impact existing groundwater dependent ecosystems. The new dwellings including the building pads and associated road works will be constructed at, or as close to, the ground level (existing) and do not involve any extensive cut and fill across the site. Any cut and fill on the site is appropriate to ensure the levels of the site allow for stormwater drainage and infiltration through the site. The minor cut and fill will not contribute to any significant impacts to the existing ground water dependent systems.

- (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),

**Comment:** The proposal does not involve any adverse impacts on groundwater given the nominal earthworks and site disturbance on the site. The development does not involve any extensive excavation works that would have a detrimental impact on the groundwater as well as any impacts on 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:** Appropriate measures have been incorporated to minimise any impacts of groundwater on the site. The design of the multi-dwelling housing development seeks to maintain the existing site topography and does not involve any significant cut and fill across the site. By reducing the amount of earthworks on the site and ensuring that the works are generally at the ground level (existing)

appropriate measures have been incorporated to ensure any impacts to the groundwater vulnerability have been considered as part of the proposed development.

In addition to the above, Clause 6.4(4) prescribes that 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 environmental impact, or

**Comment:** The proposed development will be for residential uses and all works will be provided at, or close to, ground level (existing). The development does not involve any substantial excavation works that would compromise the quality of the groundwater and the overall building design is above the ground level which reduces any impacts to the groundwater.

- (b) If the impact cannot be reasonably avoided – the development is designed, sited, and will be managed to minimise that impact, or

**Comment:** The proposed development has been designed to reasonably avoid any impact to the groundwater level by reducing the extent of earthworks and site disturbance across the site, where possible. The building design does not involve any works below the ground level (existing) and appropriate consideration has been given as part of the design to ensure that the works are located above the ground level. In considering the above, the impact to the groundwater can be avoided.

- (c) If that impact cannot be minimised – the development will be managed to mitigate that impact

**Comment:** The proposal is acceptable and does not contribute to any unreasonable impacts to the groundwater. See above.

### 5.3.11 Terrestrial Biodiversity

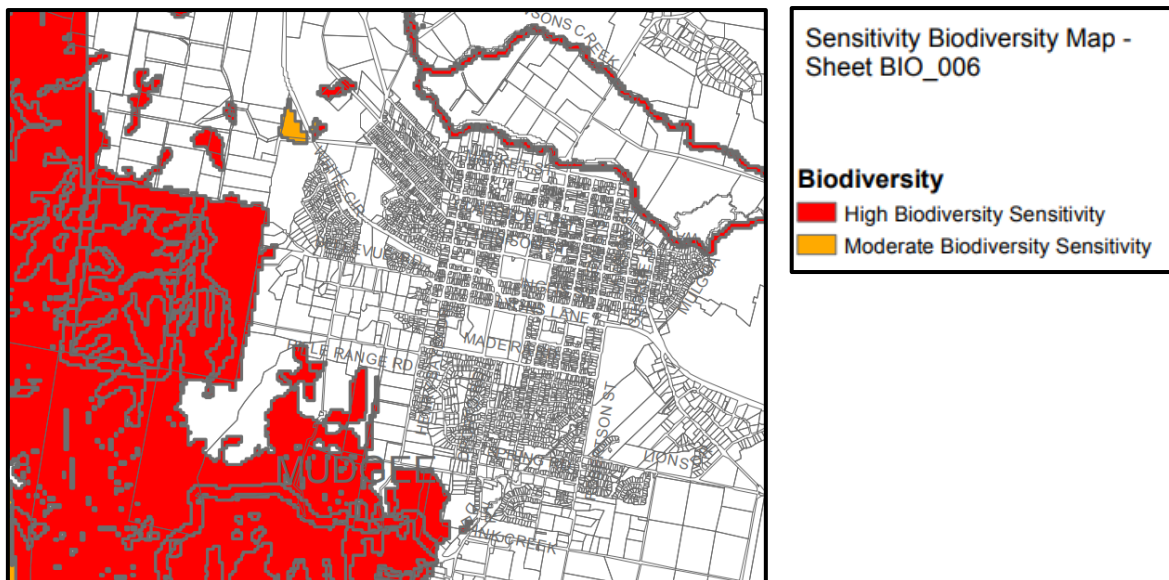


Figure 12: Terrestrial Biodiversity Map of the Mid-Western Regional Local Environmental Plan 2012

In accordance with the Terrestrial Biodiversity Map of Mid-Western Regional Local Environmental Plan 2012, the site does not contain any 'high biodiversity sensitivity' or 'moderate biodiversity sensitivity'.

Not applicable.

### 5.3.12 Visually Sensitive Land



Figure 13: Visually Sensitive Land Map of Mid-Western Regional Local Environmental Plan 2012

In accordance with the Visually Sensitive Land Map of Mid-Western Regional Local Environmental Plan 2012, the site is not identified within an area that is within 'visually sensitive land'.

Not applicable.

### 5.3.13 Development in a Designated Buffer Area

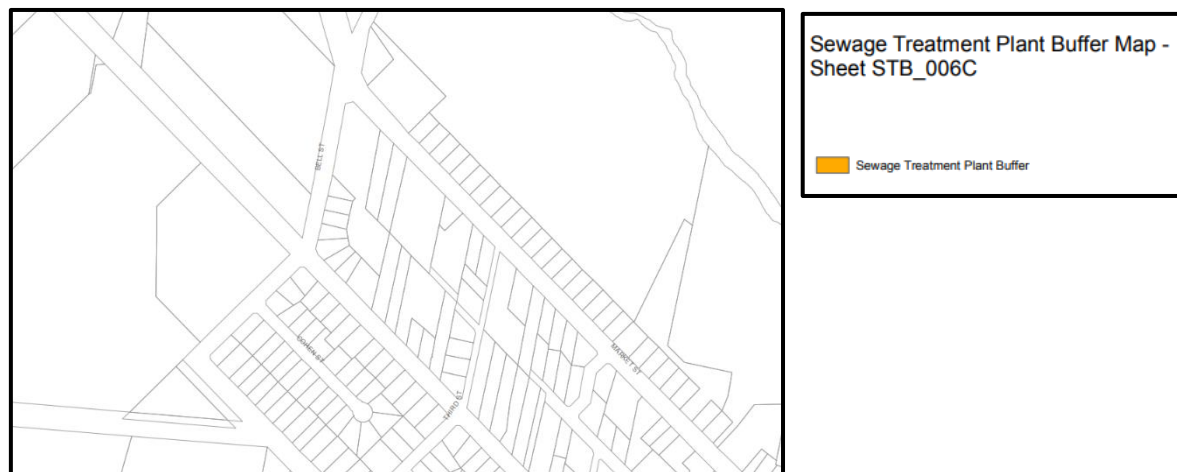


Figure 14: Sewerage Treatment Plant Buffer Map of Mid-Western Regional Local Environmental Plan 2012

In accordance with the Sewerage Treatment Plant Buffer Map of Mid-Western Regional Local Environmental Plan 2012, the site is not identified within an area that is within a 'sewerage treatment plant buffer'.

Not applicable.



## 5.4 Mid-Western Regional Development Control Plan 2013

The MWRDCP2013 Provisions are structured into two components: Objectives and Controls. The Objectives provide the framework for assessment under each requirement and outline key outcomes that a development is expected to achieve. The Controls contain both numerical standards and qualitative provisions. Any proposed variations from the controls may be considered only where the applicant successfully demonstrates that an alternate solution could result in a more desirable planning and urban design outcome.

The relevant Provisions of the DCP are addressed in the table below. (Note: a number of control provisions that are not related to the proposal have been deliberately omitted.)

Control	Requirement	Proposal	Complies (Yes/No)
<b>Compliance Table Mid-Western Regional Development Control Plan 2013</b>			
<b>Part 4: Specific Development Types</b>			
4.1 Multi Dwelling Types	<b>Design</b>		
	a) Where existing buildings are to be retained as part of an overall proposal, those structures are to be upgraded to integrate with the new development.	Not applicable. The proposal does not involve the retention of any buildings.	NA.
	b) Verandahs, steps in the roof line or other architectural features should be incorporated in the design to provide visual relief and to minimise the bulk and scale of development.	The proposed multi-dwelling housing development incorporates a hipped roof form and roof overhang above the verandah that is single storey in height. The roof form does not contribute to any unreasonable visual bulk and scale and will comply with the maximum building height as set out within MWRLEP2013.	Yes.
	c) The design of the proposal must: <ul style="list-style-type: none"> <li>• Optimise solar access and lot orientation; and</li> <li>• Be consistent with the appearance of the streetscape - the scale, spacing, setbacks and landscaping of buildings; and</li> </ul>	The proposed multi-dwelling housing development has been designed to provide direct solar access to the living room and private open space areas of the dwellings located on the site.  The multi-dwellings will also maintain a similar front building setback as the neighbouring dwellings on the street including the	Yes.

Control	Requirement	Proposal	Complies (Yes/No)
	<ul style="list-style-type: none"> <li>• Positively enhance the streetscape.</li> </ul> <p><b>Building Height Scale and Bulk</b></p> <p>a) Development, particularly when viewed from the street should be compatible with the scale of buildings in the immediate locality, consistent with the objectives of the zone and should not be visually obtrusive as a consequence of their height.</p> <p>b) In determining appropriate building heights Council shall have regard for the scale of future development for which provision is made in the locality.</p> <p>c) The maximum height of the building at any point shall be measured as the vertical</p>	<p>immediate eastern neighbours at nos. 224, 226, 228 and 230 Mortimer Street and the western neighbour at nos 236, 238, 240, 242 and 244 Mortimer Street. The dwellings will be generally compatible with the front setback alignment when viewed from the street alignment and does not involve any structures located forward of the front building line.</p> <p>The dwellings are also appropriately articulated and includes a stepped built form, in particular unit no. 1, which is visible from the street and incorporates materials and finishes that are compatible with the existing dwellings within the street. In considering this, the development will not result in any adverse visual impacts to the existing streetscape setting.</p> <p>The proposed multi-dwelling housing development is single storey in height and will be compatible with the existing single storey dwellings along Mortimer Street. The bulk and massing of the development do not contribute to any undesirable visual bulk impacts from the street and the proposal will fully comply with the objectives set out within the R3: Medium Density Residential Zone.</p> <p>The proposed development will have regard to the scale of the future developments as the proposal will fully comply with the relevant building envelope controls and is consistent with the desired future character</p>	<p>Yes.</p> <p>Yes.</p> <p>Yes.</p>

Control	Requirement	Proposal	Complies (Yes/No)
	<p>distance between the ground level (existing) and the highest point of the building, including plant and lift overruns, but excluding communications devices, antennae, satellite dishes, masts, flagpoles, chimneys, flues and the like.</p> <p>d) Buildings shall not exceed two storeys and generally should not exceed 8.5 metres in height.</p> <p>e) Each development or building will be assessed on its merits in terms of its visual impact on the streetscape and impact on the amenity, privacy, views and solar access of the surrounding properties.</p>	<p>area as set out by both the LEP and DCP Controls.</p> <p>Noted. The maximum building height has been measured from the vertical distance between the ground level (existing) and the highest point of the building. This includes plant and lift overruns and excludes communication devices, antennae, satellite dishes, masts, flagpoles, chimneys, flues and the like.</p> <p>The proposed development is single storey in height and will not exceed the maximum 8.5m</p> <p>Unit nos. 2, 3, 4, 5, 6 and 7 will not be visible from the existing streetscape setting given that these units are located at the rear of the site and behind the existing access handle of the site. Unit no. 1, fronting Mortimer Street, is single storey in scale and will be keeping with the bulk and scale as the existing developments within the street.</p> <p>The solar access impacts to the neighbouring dwellings are acceptable. The adjoining neighbours including the eastern neighbour at no. 244 Mortimer Street will comply with the solar access requirements and provide a minimum of 75% of the principal outdoor recreation space. The proposed living areas will receive 3 hours of solar access between 9.00am to 3.00pm, 21 June.</p> <p>The visual privacy within the site is also supportable. The dwellings have been</p>	<p>Yes.</p> <p>Yes.</p>

Control	Requirement	Proposal	Complies (Yes/No)
	<p>f) Council may require an applicant to prepare and submit to Council shadow diagrams in order to determine the impact of a proposal on buildings and landscaped areas. Such diagrams should be based on a survey of the relevant site and adjoining development. It is essential that shadow diagrams be based on such detailed information in view of the fact that the shadows are the result of the relative height of structures and not just the height of a structure above ground level. In this regard the resultant shadow cast by a structure can vary greatly depending on whether the structure is uphill or downhill of the area in question.</p> <p><b>Setbacks</b></p> <p>a) 4.5 metres to street frontage</p>	<p>designed to minimise any direct overlooking between the living areas and habitable rooms of the dwelling. The immediate adjoining neighbours including nos. 230 and 234 Mortimer Street will also maintain a reasonable level of privacy as the existing boundary fencing will screen any direct cross views from the development site.</p> <p>Lastly, the multi-dwelling housing development will not impact any significant views to and from the site. The site is also not located in an area that is considered to be a visually sensitive area as per MWRLEP2012.</p> <p>The development will not contribute to any adverse environmental impacts and will continue to provide a high-level of residential amenity to the neighbours and the existing streetscape setting.</p> <p>Noted. Shadow diagrams have been prepared and submitted as part of this development application. The proposed shadow cast by the development will comply with the required direct solar access to the adjoining neighbours and to the new multi dwelling housing developments.</p>	<p>Yes.</p> <p>Yes.</p> <p>Yes.</p>

Control	Requirement	Proposal	Complies (Yes/No)																
	<p>b) 3 metres to side and rear boundaries</p> <p>c) 3 metres to secondary frontages</p> <p><b>Development Density</b></p> <p>a) The number of units accommodated on a specific site shall be as follows;</p> <p>i. These density standards apply to the towns of Kandos and Rylstone and to the areas of Mudgee and Gulgong outside the conservation areas, on lots with a single frontage of at least 25m or lots with two street frontages.</p> <table border="1" data-bbox="395 1256 858 1585"> <thead> <tr> <th>Unit Type</th> <th>Site Area</th> </tr> </thead> <tbody> <tr> <td>1-bedroom unit</td> <td>1 dwelling unit per 300sqm of site</td> </tr> <tr> <td>2-bedroom unit</td> <td>1 dwelling unit per 380sqm of site</td> </tr> <tr> <td>3-bedroom unit</td> <td>1 dwelling unit per 450sqm of site</td> </tr> </tbody> </table> <p>ii. These density standards apply to the Gulgong and Mudgee Conservation areas:</p> <table border="1" data-bbox="395 1749 858 2067"> <thead> <tr> <th>Unit Type</th> <th>Site Area</th> </tr> </thead> <tbody> <tr> <td>1-bedroom unit</td> <td>1 dwelling unit per 250sqm of site</td> </tr> <tr> <td>2-bedroom unit</td> <td>1 dwelling unit per 280sqm of site</td> </tr> <tr> <td>3-bedroom unit</td> <td>1 dwelling unit per 310sqm of site</td> </tr> </tbody> </table>	Unit Type	Site Area	1-bedroom unit	1 dwelling unit per 300sqm of site	2-bedroom unit	1 dwelling unit per 380sqm of site	3-bedroom unit	1 dwelling unit per 450sqm of site	Unit Type	Site Area	1-bedroom unit	1 dwelling unit per 250sqm of site	2-bedroom unit	1 dwelling unit per 280sqm of site	3-bedroom unit	1 dwelling unit per 310sqm of site	<p>Unit no. 1 consists of a minimum front setback of 4.5m to the street alignment of Mortimer Street.</p> <p>Unit nos. 2, 3, 4, 5, 6 and 7 provides a side and rear boundary setback of 3m or more and will comply with the setback controls.</p> <p>Unit no. 1 will result in a setback of 1m to the western side boundary. Refer to Section 5.5.1 for a detailed assessment.</p> <p>Not applicable.</p> <p>While the site is located outside the Mudgee heritage conservation area, it does, however, have a frontage width of less than 25m with a single street frontage. Notwithstanding this, the proposed lots will provide seven dwellings for 3,980sqm of site area which equates to one dwelling unit per 568sqm and will exceed the minimum requirement of 450sqm for a three- bedroom unit.</p> <p>Not applicable. The site is not located within the Mudgee heritage conservation area.</p>	<p>No. Refer to Section 5.4.1 for detailed assessment</p> <p>NA.</p> <p>Yes.</p> <p>NA.</p>
Unit Type	Site Area																		
1-bedroom unit	1 dwelling unit per 300sqm of site																		
2-bedroom unit	1 dwelling unit per 380sqm of site																		
3-bedroom unit	1 dwelling unit per 450sqm of site																		
Unit Type	Site Area																		
1-bedroom unit	1 dwelling unit per 250sqm of site																		
2-bedroom unit	1 dwelling unit per 280sqm of site																		
3-bedroom unit	1 dwelling unit per 310sqm of site																		

Control	Requirement	Proposal	Complies (Yes/No)								
	<p>b) The minimum floor area (excluding balconies and garages) for multi-dwelling housing are as follows;</p> <table border="1" data-bbox="395 454 858 589"> <thead> <tr> <th>Unit Type</th> <th>Site Area</th> </tr> </thead> <tbody> <tr> <td>1-bedroom unit</td> <td>55</td> </tr> <tr> <td>2-bedroom unit</td> <td>70</td> </tr> <tr> <td>3-bedroom unit</td> <td>85</td> </tr> </tbody> </table> <p><b>Landscaping</b></p> <p>a) Site landscaping must not be less than 40% of the site area.</p> <p>b) Landscaping shall consist of well-advanced trees and shrubs, preferably with a predominance of native species.</p> <p>c) The area of the site between the front building line and the street frontage must be landscaped as common property to a depth of at least 5m.</p> <p>d) Landscaping is to be completed prior to the release of the Construction Certificate.</p> <p><b>Site Coverage and Private Open Space</b></p> <p>a) The maximum site coverage (excluding driveways) for residential development on land identified for medium density development, as a</p>	Unit Type	Site Area	1-bedroom unit	55	2-bedroom unit	70	3-bedroom unit	85	<p>The proposed multi dwelling housing units consists of three bedrooms and will exceed the minimum required floor area of 85sqm.</p> <p>The site consists of 1630.7sqm of landscaped area and equates to 41% of the site area.</p> <p>The proposed landscape plan includes grasses, shrubs and tree planting along the front, side and rear boundary of the site. The landscape planting treatment incorporates a combination of small shrubs (up to 3m), small trees (3m – 7m) and medium size trees at (8m – 15m). The proposed tree planting will incorporate a native plant species that will positively contribute to the landscape character of the Mudgee locality. All shrubs and trees are to be designed and installed as per Council specifications.</p> <p>Not applicable. The front setback of Unit no. 1 fronting Mortimer Street is located within the designated site boundaries of the front facing allotment.</p>	<p>Yes.</p> <p>Yes.</p> <p>Yes.</p> <p>NA,</p> <p>Yes.</p> <p>Yes.</p>
Unit Type	Site Area										
1-bedroom unit	55										
2-bedroom unit	70										
3-bedroom unit	85										

Control	Requirement	Proposal	Complies (Yes/No)
	<p>percentage of the total site area, shall not exceed 40%.</p> <p>b) Each dwelling shall have a principal private open space with a minimum area of 40 square metres and a minimum dimension of 5 metres (width and depth). These areas must be directly accessed from the living areas. For the purposes of this clause, living area means any room or rooms within the dwelling which are generally available for day-to-day use by residents and visitors and include such rooms as lounge, dining and rumpus rooms.</p> <p>c) Rainwater tanks are not to be located within the principal private open space.</p> <p>d) Patios, decks, balconies at or near ground level may only be counted as principal private open space, under the same roof, when they have a direct northerly aspect and are less than 25% of the overall private open space requirement.</p> <p>e) Wherever a dimension is less than 5 metres, it will not be counted as part of the calculation for a principal private open space.</p> <p>f) Where principal private open space in the front setback is permitted, these shall be located behind a suitably landscaped area with a minimum width of 1.5 metres to the front boundary. Such landscaping shall be maintained at all times to Council's satisfaction. Fencing of such areas will be incorporated into the</p>	<p>Noted. Landscaping works to form part of the construction certificate.</p> <p>The maximum site coverage is 35.3% and will not exceed the maximum required 40% as set out within the Council controls.</p> <p>The proposed multi-dwelling housing units nos. 1, 2, 3, 4, 6 and 7 will all provide a private open space area that complies with a minimum area of 40sqm and a minimum dimension of 5m.</p> <p>Unit no. 5 will provide an elongated area of private open space along the rear boundary of the site that extends from the living areas into an open space area that consists of dimensions greater than 5m x 5m and has an area of more than 40sqm.</p> <p>The proposed rainwater tanks are not located within the principal private open space area of the site.</p> <p>The proposed patio (alfresco) area is calculated as part of the principal private open space area and is acceptable as it provides a direct northerly aspect</p> <p>The proposed multi-dwelling housing development units will provide a private open space with a dimension of more than 5m and will</p>	<p>Yes.</p> <p>Yes.</p> <p>Yes.</p> <p>Yes.</p> <p>Yes.</p> <p>Yes.</p>

Control	Requirement	Proposal	Complies (Yes/No)				
	<p>landscaped area. The use of 'Colorbond' or similar fencing of these is prohibited in favour of timber or masonry materials.</p> <p>g) For all forms of development, at least 75% of each required principal private open space area and internal living areas shall receive at least three hours effective sunlight between the hours of 9.00 am and 3.00 pm on 21 June (Winter solstice). Council may require submission of shadow diagrams to demonstrate compliance with the requirement above.</p> <p><b>Vehicular Access and Parking</b></p> <p>a) The table for calculating the total number of car parking spaces required is shown below. One space only is to be allocated as resident parking for each dwelling with the remainder of the total requirement to be provided as visitor car parking, which is to remain available for use at all times. The second space required for a unit must be provided as general visitor parking or as an open space associated with the unit.</p> <table border="1" data-bbox="395 1966 858 2060"> <thead> <tr> <th>Type of Parking</th> <th>Spaces Provided</th> </tr> </thead> <tbody> <tr> <td>Residential Parking</td> <td>1 space per 1 bedroom flat</td> </tr> </tbody> </table>	Type of Parking	Spaces Provided	Residential Parking	1 space per 1 bedroom flat	<p>comply with the minimum requirements.</p> <p>The proposed development will generally provide a private open space area setback from the front building alignment. Unit no. 5 incorporates some private open space area within the front setback when viewed from the internal road however will generally be screened by landscaping and front fence.</p> <p>The private open space areas of the multi-dwelling housing development will generally incorporate a north-facing aspect to the open space zone and receive the required 3 hours of solar access between 9am – 3pm, 21 June.</p> <p>The living areas of the dwelling house incorporates an east and west facing aspect and will provide direct solar access into the living areas of the dwellings and will receive the required 3 hours of solar access during the morning and afternoon periods. It should also be noted that the given the north/south orientation of the proposed allotments the development results in unavoidable overshadowing which falls on the northern elevation of the immediate southern adjoining lots within the site.</p> <p>The proposed development will provide a two-car garage for each of the</p>	<p>Yes.</p> <p>Yes.</p>
Type of Parking	Spaces Provided						
Residential Parking	1 space per 1 bedroom flat						





Control	Requirement	Proposal	Complies (Yes/No)
	<p>f) Driveways are not to be continuous straight lines and are to be offset by landscaped sections and/or unit layout.</p> <p>g) Driveways are to be designed as follows:</p> <ul style="list-style-type: none"> <li>• A pavement width of 3 metres is required for developments of 3 to 4 dwellings.</li> <li>• A pavement width of 6 metres is required for developments of 5 or more dwellings.</li> <li>• Where the length of driveway exceeds 30m, the width of pavement must be 6m at intervals. This width may be varied along its length subject to provision being made for passing along the driveway.</li> </ul> <p>h) Where access is to a major road a pavement width of not less than 6 metres for the first 5 metres of the driveway adjoining the road boundary is to be provided.</p> <p>i) Driveways are to be offset a minimum of 2 metres from any side boundary for the full length of the required front setback (ie. 6 metres or 7.5 metres). The setback area should be suitably landscaped to screen the hardstand driveway surfaces and to provide visual appeal to the streetscape.</p> <p><b>Privacy and Amenity</b> Where windows or balconies of dwellings are within 6 metres and facing windows or balconies of adjacent dwellings, windows must be offset by a minimum of 1 metre from</p>	<p>The site will allow for ingress to or egress from each space can be achieved in one movement.</p> <p>The proposed road alignment allows vehicles to enter and exit the site in a forward direction.</p> <p>The proposed development will comply with the required geometric standards that are applicable for site access and car parking layout as per Council's car parking DCP controls.</p> <p>The proposed driveways leading into the garages of each multi-dwelling housing unit will incorporate significant landscape vegetation which will provide visual balance to the driveway surfaces of each unit.</p> <p>Not applicable. The site provides for more than 4 dwellings.</p> <p>The proposed development will provide for more than 5 dwellings and will provide a driveway pavement width of 6m.</p> <p>The proposed driveway length exceeds 30m and consists of a width of 6m. The driveway is adequate to allow for passing traffic through the site.</p> <p>The site provides a driveway width of 6m at the junction of Mortimer Street and will comply with the</p>	<p>NA.</p> <p>Yes.</p> <p>Yes.</p> <p>Yes.</p> <p>No. Refer to Section 5.4.2 for detailed assessment .</p> <p>Yes.</p>

Control	Requirement	Proposal	Complies (Yes/No)
	<p>the edge of the opposite window and balconies be screened or oriented to ensure visual privacy.</p> <p>Window openings at first floor level and above should be orientated or designed to minimise the potential for overlooking of adjacent properties and the consequent loss of privacy.</p> <p>Windows which are orientated towards adjoining properties and do not adequately restrict overlooking will be required to be opaque finish or located at appropriate heights above floor level to minimise overlooking of adjoining properties.</p> <p>All developments are required to provide a 1.8m high fence on the boundary of the development site and between private open space areas of individual units.</p> <p>All fencing is to be provided at full cost to the developer. All fencing which is in front of the building line shall be constructed of timber and/or masonry materials.</p> <p><b>Acoustic Privacy</b></p> <p>a) Site layout should separate active recreational areas, parking areas, vehicle accessways and service equipment areas from bedroom areas of dwellings.</p> <p>b) Development adjacent to high levels of uncontrollable external noise shall</p>	<p>minimum width requirements.</p> <p>The proposed driveway is setback 1m from the eastern side boundary adjacent to no. 234 Mortimer Street, Mudgee. Refer to Section 5.5.2 of this Statement of Environmental Effects for detailed assessment.</p> <p>The proposed windows between the new multi-housing development are less than 6m between dwellings. However, the variation is acceptable as the development will provide a side boundary fencing between dwellings which will screen any views between habitable room windows.</p> <p>Not applicable. The proposal does not involve the provision of any new first floor levels.</p> <p>The proposed ground floor windows of the multi-housing development will not contribute to any adverse visual privacy impacts to the neighbouring dwellings. A suitably sized boundary fence will screen any potential overlooking impacts and cross views between the proposed dwellings on the site.</p> <p>The proposal will provide a 1.8m high boundary fence on the boundary of the development between private open space areas.</p>	<p>NA.</p> <p>Yes.</p> <p>Yes.</p> <p>Yes.</p> <p>Yes.</p> <p>Yes.</p> <p>Yes.</p>

Control	Requirement	Proposal	Complies (Yes/No)
	<p>incorporate a building design and external wall treatments to minimise the entry of that noise</p> <p><b>Waste Disposal</b> Development applications should provide details of an appropriate means of waste disposal via the provision of individual 240 litre mobile garbage, recycling bins to each dwelling.</p> <p>All dwellings should provide an external access to the rear of the development (private open space area) to enable garbage bins to be taken to the street without the need for moving the bins through the dwelling. A garage can be used for this purpose if it provides direct access to the rear courtyard. All garbage bins should be stored within the private open space or garage of the dwelling.</p> <p>Waste disposal collection points should not compromise the amenity of future residents in terms of noise, odour or aesthetic impact.</p>	<p>Noted. The proposed fencing on the side boundaries and within the site will be at the cost of the developer.</p> <p>The proposal will not contribute to any adverse acoustic privacy impacts from the development. The site layout ensures living room areas are set away from quiet areas of the neighbouring dwellings within the site. The acoustic noise generated by the development is reasonable within the R3: Medium Density Residential Zone.</p> <p>The site is not located within high levels of uncontrollable external noise impacts. No additional noise treatments are required to the site.</p> <p>Adequate waste storage areas are provided within each multi-dwelling housing development. Each dwelling is capable of accommodating an individual 240 litre mobile garbage and recycling bin.</p> <p>Garbage and recycling storage areas can be provided within the setbacks of each dwelling and does not require garbage bins to be pulled through the dwelling.</p> <p>Any new waste collection points will not compromise</p>	<p>Yes.</p> <p>Yes.</p> <p>Yes.</p>

Control	Requirement	Proposal	Complies (Yes/No)										
		the amenity of the future residents.											
5.1 Car Parking	<p>Spaces shall be provided to the next highest whole number. Floor space areas refer to gross internal spaces, excluding stairs, amenities and corridors, except as noted in the schedule. Car parking requirements are based on the net increase in demand for parking created by a development. A reference to staff parking includes staff and management. Parking requirement rates are to be pro-rated in accordance with the proposed gross floor area (GFA) and rounded-up.</p> <table border="1"> <thead> <tr> <th>Land Use</th> <th>Car Parking Requirement</th> </tr> </thead> <tbody> <tr> <td>Multi Unit Housing</td> <td></td> </tr> <tr> <td>- Resident Parking</td> <td>1 space per 1 bedroom flat</td> </tr> <tr> <td>- Overflow parking</td> <td>2 spaces per 2 bedroom flat (other than in the Conservation Areas of Mudgee and Gulgong and Village Zones in Rylstone and Kandos where the provision is 1 space per 2 bedroom flat)</td> </tr> <tr> <td></td> <td>2 spaces per 3 bedroom flat or cluster dwelling.</td> </tr> </tbody> </table>	Land Use	Car Parking Requirement	Multi Unit Housing		- Resident Parking	1 space per 1 bedroom flat	- Overflow parking	2 spaces per 2 bedroom flat (other than in the Conservation Areas of Mudgee and Gulgong and Village Zones in Rylstone and Kandos where the provision is 1 space per 2 bedroom flat)		2 spaces per 3 bedroom flat or cluster dwelling.	The proposal will provide 2 spaces per 3 bedroom dwelling and will comply with the minimum car parking requirements.	Yes.
Land Use	Car Parking Requirement												
Multi Unit Housing													
- Resident Parking	1 space per 1 bedroom flat												
- Overflow parking	2 spaces per 2 bedroom flat (other than in the Conservation Areas of Mudgee and Gulgong and Village Zones in Rylstone and Kandos where the provision is 1 space per 2 bedroom flat)												
	2 spaces per 3 bedroom flat or cluster dwelling.												
5.3 Stormwater Management	All development will need to address the issues associated with managing water on the site. Specific design and specification is attached as Appendix B.	A stormwater management plan has been prepared and submitted as part of the development application as prepared by Triaxial Consulting. Refer to Civil Engineering plans for detailed assessment.	Yes.										
Part 7 Subdivision	<p><b>Lot Size</b> The minimum lot size is determined by the Mid-Western Regional LEP 2012 (a) All lots must have street frontage.</p>	The proposed lots will have a street frontage with a new	Yes.										

Control	Requirement	Proposal	Complies (Yes/No)
	<p>(b) As slope increases the minimum size of the lots will be required to increase according to the following:- 0-10° 600m2 10-15° 700m2 15-20° 800m2</p> <p>(c) Development will not be permitted on slopes in excess of 20°. All lots must have a minimum width of 16m at the building line (4.5 metres from the front property boundary) in the case of lots within residential and village zones.</p> <p>Battle axe handles in R1 General Residential and R3 Medium Density Residential and RU5 Village zones must have a minimum width of 4m and R2 Low Density residential and R5 large lot residential zones must have a minimum width of 6m</p> <p><b>Lot Design</b></p> <p>(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> <p>(b) For subdivisions in new release areas and at the edge of established residential areas, orientation should maximise solar access by providing a north-south orientation within the range of 30° east of north or 20° west of north as the preferred option. Lots orientated east-west should have increased width and the midpoint of each lot with access to a minimum of 3 hours sunlight between 9.00 am and 3.00 pm on 21 June (Wintersolstice)</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>private road provided to Mortimer Street.</p> <p>The site has a slope of between 0 – 10 degrees. Nevertheless, the subdivision will form part of a community title and the minimum lot size requirements is not applicable in accordance with the MWLEP2012.</p> <p>Not applicable.</p> <p>The proposed battle-axe handle will exceed the minimum width requirement of 4m with 6m.</p> <p>The proposed lot orientation will maximise the northern orientation of the site and the private open space will receive the required three hours of direct solar access.</p> <p>The proposed subdivision is located within the West Mudgee area. The subdivision has been orientated to maximise direct solar access and will provide a northern orientation of the site.</p> <p>The proposed lots generally comprise of a rectangular allotment shape.</p>	<p>Yes.</p> <p>NA.</p> <p>Yes.</p> <p>Yes.</p> <p>Yes.</p> <p>Yes.</p>

Control	Requirement	Proposal	Complies (Yes/No)
	<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><b>Street Design and Layout</b></p> <p>(a) A Traffic Impact Statement is to be submitted for any subdivision involving 5 or more allotments and in all cases where the creation of a new road is proposed.</p> <p>(b) A subdivision layout will need to detail the road hierarchy and how the development integrates with the existing residential area. New roads associated with subdivisions must provide 'through road' connections between surrounding roads and road heads where they exist in the locality.</p> <p>(c) Where a cul de sac treatment is unavoidable, the applicant will need to incorporate pedestrian linkages between streets throughout the subdivision. Multiple use of cul de sacs and "no through roads" is discouraged.</p> <p>(d) The maximum number of lots services by a cul de sac in a residential zone is 12, or otherwise a cul-de-sac is restricted to less than 150 metres in length.</p> <p>(e) A subdivision involving more than 80 residential lots should be able to accommodate travel without excessive backtracking.</p> <p><b>Road Standards for New Development</b></p> <p>A road hierarchy has been established in Mudgee and distinguishes between, Minor Roads, Collector Roads, Sub Arterial Roads and Arterial Roads. This hierarchy is to be maintained. The following table sets out the required standards for the construction of new roads</p>	<p>Not applicable. The site is not a corner allotment.</p> <p>The proposal includes the provision of a community title subdivision. The site does not involve the creation of 5 or more individual torrens title lots or a new publicly dedicated road.</p> <p>The proposal involves the provision of a private road that will remain common property to the individual residential allotments within the site. The works do not involve the provision of a public road thoroughfare.</p> <p>The proposal includes a cul-de-sac which will remain in private ownership. Pedestrian linkages will be provided through the site.</p> <p>The community title subdivision comprises of 7 residential units and consists of being less than 150m in length.</p> <p>Not applicable. The proposal does not involve the subdivision of more than 80 lots.</p> <p>The proposal does not involve the provision of any new public roads. All roads located within the site will remain within private ownership and will form part of the community title</p>	<p>Yes.</p> <p>Yes.</p> <p>Yes.</p> <p>Yes.</p> <p>Yes.</p> <p>NA.</p> <p>Yes.</p>

Control	Requirement	Proposal	Complies (Yes/No)
	<p><b>Urban Road Standards</b> Access to and within a residential subdivision (the road network and internal roads) are to be upgraded or constructed to the following standards. All roads are to be constructed with asphalt or bitumen in accordance with AusRoads standards.</p> <p><b>Cycle ways and Footpaths</b> (a) Cycle ways and alternative pedestrian networks are encouraged within new subdivisions. Where the site is included in a cycleway plan or pedestrian strategy, the design of the development will need to address this. In other cases, all new residential subdivisions are required to plan and provide combined pedestrian/cycle ways, which will provide direct, convenient and safe access to major facilities e.g. schools, playing fields, playgrounds, shops, bus stops, etc.</p> <p>(b) Ends of cul-de-sacs may be required to include pedestrian pathways (or share ways) preferably in conjunction with stormwater drainage to provide access to adjacent streets or parks. The minimum width of pathway and/or drainage overland flow outlets is 10metres.</p> <p>(c) The developer will be required to pay council a contribution for the installation of cycle ways and footpaths prior to the release of a subdivision certificate.</p> <p><b>Open Space</b> (a) Subdivision of Greenfield sites where more than 20 lots are proposed shall ensure that all lots are within 400m of a local park, playground or passive open space</p> <p>(b) Where on-site detention basins are proposed to double as open space the basin must include a sizeable raised</p>	<p>subdivision. The new road alignment will not have any impact on the existing street alignment.</p> <p>The proposal does not involve any publicly dedicated roads and will remain within private ownership. In considering, the roads will be designed to ensure they are capable of servicing the needs of the occupants within the site and have generally designed to comply with the relevant Australian Standards.</p> <p>The proposal includes a private road reserve which is adequately sized and dimensioned to allow for cyclists and other forms of sustainable transport.</p> <p>The proposed cul-de-sac end has been designed to allow for stormwater drainage through the site. The adjoining owner has provided owners consent to connect to existing stormwater drainage infrastructure.</p> <p>Not applicable. The proposal does not involve a contribution for the installation of a cycleway or footpath prior to the release of a subdivision certificate.</p> <p>Not applicable. The proposal does not involve</p>	<p>Yes.</p> <p>Yes.</p> <p>Yes.</p> <p>NA.</p> <p>NA.</p> <p>Yes.</p>



Control	Requirement	Proposal	Complies (Yes/No)
	<p>level area which incorporates playground or fitness equipment or the like and shading landscaping to ensure that it can be activated for active and passive recreation.</p> <p><b>Landscaping</b> A Landscape plan detailing the proposed treatment of the public domain is required to be submitted with the development application. This plan is to include treatment of the nature strip, street furniture, paving materials etc. Land to be dedicated as a public reserve is to be top soiled, levelled and turfed prior to the release of the Subdivision Certificate. The developer will need to maintain this land for a period of two years and therefore the construction of the public reserves at the start of a green field subdivision is encouraged.</p> <p><b>Street Trees</b> All new lots require the establishment of 2 street trees per lot. The developer is required to pay a levy Council to carry out these works in the future. This is the preferred method for street tree planting as Council can plant these trees after much of the construction work (80% of the lots have been built upon) has taken place. The fee associated with this type of arrangement will be provided in Council's Management Plan.</p> <p><b>Utility Services</b> A servicing plan shall be submitted with the development application and include the provisions of underground electricity, reticulated sewer and water services, drainage and telecommunications to the development.</p> <p>Evidence of consultation with the relevant authorities is to be submitted with the development application. In the R1 General Residential Zone and the R3 Medium Density Residential Zone an initial assessment will be undertaken at the development application to nominate those lots considered suitable for dual occupancy development. This</p>	<p>subdivision of land of more than 20 lots.</p> <p>The proposal does not involve the provision of any on-site detention basins required to support the development. Refer to civil engineering drawings prepared by Triaxial Consulting.</p> <p>The proposal includes a landscape plan prepared by Descon. The proposal includes a variety of landscape treatments including a combination of grasses, medium and large trees across the site. The development does not involve any land to be dedicated as a public reserve as part of the proposed works.</p> <p>Noted. A levy is to be paid to Council regarding the provision of any new street trees on the site.</p> <p>A Civil Engineering Plan has been prepared by Triaxial Consulting and incorporates the underground drainage from the site. All services design to be subject to detailed design.</p>	<p>Yes.</p> <p>Yes.</p> <p>Yes.</p> <p>Yes.</p>

Control	Requirement	Proposal	Complies (Yes/No)
	<p>assessment will have regard to the requirements of this DCP (see Section 2.2 and 3.1) and the suitability of the site. Where a site has been nominated Council will require dual utility services to be provided for those lots. Dual services are to include water,</p> <p><b>Stormwater &amp; Drainage</b> Drainage Refer to section 5.3</p>	<p>Not applicable. The proposal does not involve the provision of any new dual occupancy development lots as part of the proposed development.</p> <p>Refer to Section 5.3 of this Compliance Table for detailed assessment.</p>	Yes.
8.2 West Mudgee	A person shall not subdivide land to which this plan applies (other than by strata subdivision) for the purpose of a dwelling house unless the site are of the lot to be created has an area of not less than 600m <sup>2</sup> and frontage at the front of the building alignment of not less than 15 metres. Any subdivision shall occur generally in accordance with the layout in the plan below	Complies. Refer to section 5.5.3 of this Statement of Environmental Effects for detailed assessment.	Yes.

### 5.4.1 Side Setbacks

The proposed multi-dwelling unit no.1 consists of a western side boundary setback of 1m and is below the minimum requirements of 3m as set out within MWRDCP2013. The variation from the Council control is acceptable given the reduced side setback is not expected to contribute to any unreasonable amenity impacts to the western adjoining neighbour (no. 236 Mortimer Street) or the appearance of the existing streetscape. It is noted that the existing dwelling house to the west incorporates a generous eastern side boundary setback of approximately 23m when measured from the external wall of the dwelling to the common boundary.

The extensive side boundary setback on the neighbouring site will minimise any solar access impacts as a result of the non-compliant side setback as any additional overshadowing will not fall on either the principal outdoor recreation space or living areas to the western neighbour and will comply with the solar access requirements of MWRDCP2013. With respect to visual and acoustic privacy, the increased building separation of more than 23m will also offset any potential overlooking impacts into the private living areas and open space. An existing freestanding garage structure and densely vegetated shrubs along the western boundary will also minimise any cross-viewing from the proposed development into the adjoining neighbour. The reduced setback to 1m is acceptable and will not contribute to any adverse environmental impacts to the neighbouring dwellings.

The proposal is also reasonable when considering the impacts to the existing streetscape setting. There are a number of existing dwelling houses along Mortimer Street which are set 1m from the

side boundary setback and define the building edges of the street. Nos. 226, 228, 238 and 240 Mortimer Street, all located on the northern side of the street, consist of a side boundary setback of approximately 1m. Subsequently, the proposed reduced setback to 1m is acceptable having regard to the setbacks of the existing dwellings and will not be out of character when viewed within the streetscape setting. It is clear that a streetscape precedent has been set and the proposal is in keeping with the streetscape presentation.

The development is acceptable having regard to the potential amenity impacts and the neighbouring dwellings. The proposal will contribute to an acceptable streetscape outcome.

#### **5.4.2 Driveway Setbacks**

The Council controls within MWRDCP2013 prescribe that driveways are to be offset a minimum of 2m from any side boundary for the full length of the required front setback. The required front setback of the site is 4.5m as per the Setback Controls of the DCP. The proposed driveway is setback 1m along the driveway access handle to the eastern side boundary and does not comply with this requirement.

The area of non-compliance is acceptable and will not contribute to any adverse impacts to the amenity of the eastern neighbour when considering the merits of the proposal. The new driveway is immediately adjacent to an existing driveway of no. 230 Mortimer Street which is used to provide vehicular access to a garage at the rear of the site. An existing 1.8m high colourbond boundary fence and proposed landscape strip of 1m (capable of providing vegetative planting) can provide a visual and acoustic buffer of the driveway and minimise vehicular noise generated by the new driveway access handle. It should also be noted that the area of non-compliance, being the front setback of the site, will be forward of the front building alignment of the existing dwelling house to the west and is not expected to contribute to any amenity impacts.

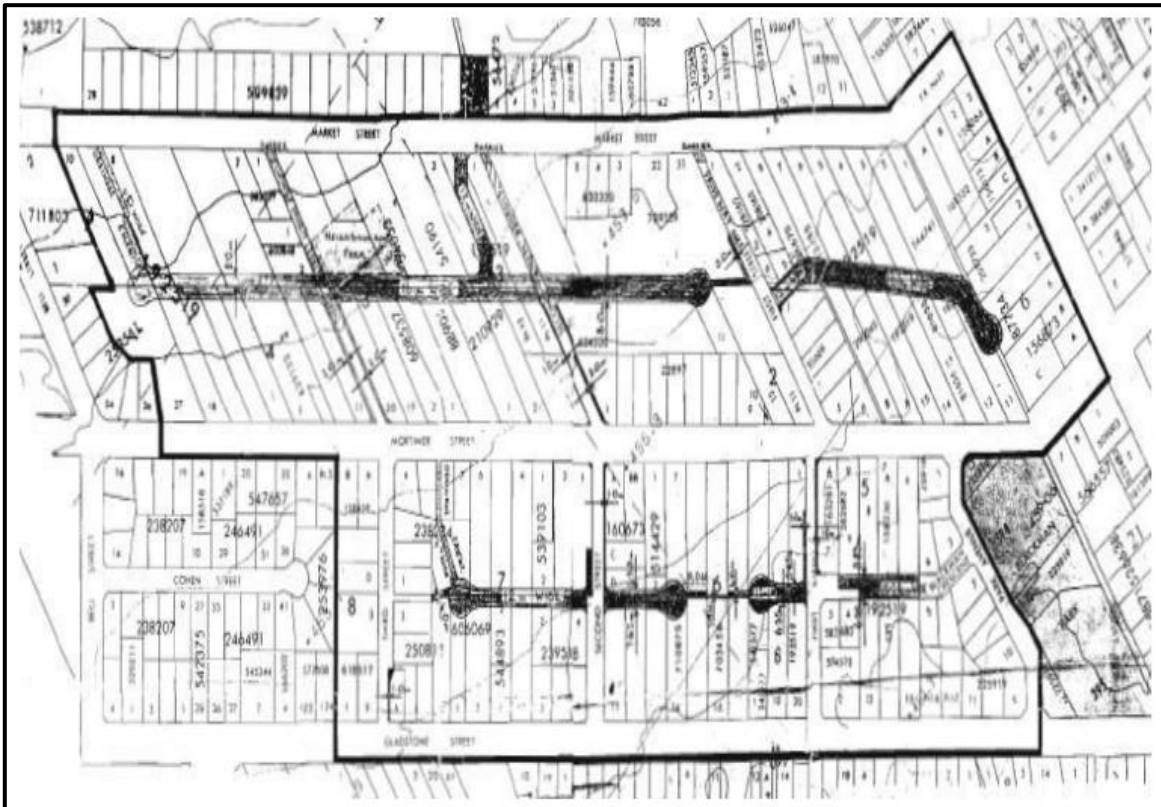
In considering the number of dwellings, the proposal is not expected to give rise to any adverse noise impacts and the numerical non-compliance control is acceptable.

#### **5.4.3 West Mudgee**

MWRDCP2013 provides specific controls relating to sites identified as being located within 'West Mudgee'. The controls for West Mudgee prescribe that a person shall not subdivide land to which this plan applies (other than strata subdivision) for the purpose of a dwelling house unless the site of the lot to be created has an area of not less than 600sqm and a frontage at the front of the building alignment of not less than 15m.

In regard to the above control, the proposal involves a new multi-dwelling housing development with a community title subdivision comprising seven residential lots and one common property lot. In considering the proposal does not involve subdivision of land for the purposes of a dwelling house, the above site area controls of 600sqm and a frontage width of 15m are not applicable to the proposed development.

Notwithstanding the above, an additional control is included which prescribes that any subdivision shall occur generally in accordance with the layout plan below. An illustration is provided as part of this control shows the requirement of a new publicly dedicated road located at the rear of the lot with direct vehicular access provided via Third Street which is located to the east of the site. See Figure 15 for further details of the proposed road alignment.



**Figure 15: West Mudgee Road alignment of the Mid-Western Regional Development Control Plan 2013**

The proposal involves a community title subdivision which is considered to be a form of subdivision. Therefore, this control is applicable, and a road reserve is required to be provided at the rear of the allotment and must be consistent with the above plan.

The proponent has reviewed the above requirement and it would be unreasonable and unnecessary to provide a continuation of this road alignment for the following reasons:

- The success and delivery of the future road alignment is largely dependent on a number of allotments located within the defined subdivision pattern to publicly dedicate a new road alignment towards the rear of the existing block. It is well understood that there are a number of dwellings resulting from the subdivision of land that have been approved and have not provided a continuation of the rear road alignment. The continuation of the road is therefore not achievable to comply with the above requirement.
- It is noted that the above road alignment is not identified as being part of any road widening requirement specified within MWDCP2013. The proposed road alignment set out within the controls is arbitrary and does not provide any specific design details of the road reserve including road carriageway, kerb, or footpath. There are legitimate concerns on the functionality of this road for its intended use and the long-term viability of this road without any specific design parameters, in particular treatments at the road street boundary.
- It is noted that the above road alignment is not identified as being part of the Land Reservation Acquisition Map of MWLEP2012. Without any requirement of acquisition of land as a public road, the road can remain in private ownership and require a number of legal access requirements that would benefit the adjacent lots. This would also result in the road remaining as a private roadway.
- Any requirement to publicly dedicate the proposed road will result in a loss of yield and should be compulsory acquired in accordance with the *Land Acquisition (Just Terms Compensation) Act 1991* No. 2 either by way of an agreement or a through a compulsory process as per the Just Terms Act.

In considering the above, it would be unreasonable to require the provision of a carriageway located at the rear of the site without due consideration with the above matters. In considering the lack of guidance on the proposed road dedication, the design and delivery of the road and the existing approvals that impact the continuity of the road alignment it is impractical to require the road be established.

## **6. SECTION 4.15 OF THE *ENVIRONMENTAL PLANNING AND ASSESMENT ACT 1979* - MATTERS OF CONSIDERATION**

In assessing the development application, the consent authority is required to consider the relevant planning criteria in Section 4.15 (formerly Section 79C) of the *Environmental Planning and Assessment Act, 1979* (as amended). Section 4.15 is addressed as follows:

### **6.1 Statutory Policy and Compliance – S4.15(1)(a)**

Relevant statutory planning policies have been assessed with respect to State Environmental Planning Policies, Local Environmental Plans and Development Control Plans as addressed within Section 6 of this Statement of Environmental Effects.

The planning provisions that are relevant to the proposed development include the following:

- *Environmental Planning and Assessment Act, 1979 (as amended)*;
- Environmental Planning and Assessment Regulation 2000;
- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004;
- Mid-Western Regional Local Environmental Plan 2012;
- Mid-Western Regional Development Control Plan 2013.

Refer to Section 5 of this Statement of Environmental Effects for a full assessment of the above planning policies.

### **6.2 The Natural Environment – S4.15(1)(b)**

The proposed multi-dwelling housing development will provide a positive contribution to the natural environment. The development will provide a compliant area of landscaping with 40% of the site provided as landscaped area as per MWRDCP2013. Soft landscaping will be provided within the front, side, and rear setbacks of the site with a range of plantings provided within the site including native grasses, shrubs, small trees (3m – 7m in height) and medium trees (8m – 15m in height) all of which are endemic within the local area. The selected planting species are native plant species and will add to the landscape character of the immediate locality.

The front setback of the site also incorporates soft landscaping treatment which will be compatible with the front landscaping of the adjoining neighbours. The communal driveway also provides landscaping on either side of the internal road and will soften the amount of hard paved surfaces that are provided within the site. Landscape planting is also provided between the individual units nos. 1 – 7 of the multi-dwelling housing development and provides clear separation between the buildings and contributes to the visual balance between the built form by adding landscaping to the front façades of the dwellings.

The removal of the trees located at the rear of the site are acceptable and suitable native plant species replacements will be provided within the site. The landscape planting is acceptable and will improve stormwater infiltration and will contribute to the natural site aesthetics.

### **6.3 The Built Environment – S4.15(1)(b)**

Consideration of the built environment impacts to the neighbouring buildings and the streetscape is as follows:

### **6.3.1 Solar Access**

The solar access impacts within the development and adjoining the development are as follows:

#### **Within the Development**

The proposed development will generally comply with the solar access controls set out within MWRDCP2013. The DCP prescribes that 75% of the private open space and living areas receive direct solar access between 9am – 3pm, 21 June. The private open spaces of units 2 – 7 are typically located along the northern, eastern, and western side boundaries and will enjoy a direct northern orientation providing uninterrupted direct solar access complying with the minimum required 75%. The private open space of Unit no. 1 is located directly to the south of Unit no. 2; however, it will continue to receive the required 75% of solar access during the morning and afternoon periods.

The private living areas of Unit nos. 2 – 7 will incorporate either an east and/or west facing window openings to the living areas of each dwelling and receive direct solar access during, either, or both, the morning and afternoon periods. Relocating the windows to the northern elevation of the site does not contribute to good urban design or a better planning outcome given the living room windows on the northern orientation will overshadow themselves as a result of the direct north/south orientation of the site. Unit no. 1 consists of a direct north-facing orientation and provides a generous northern setback to Unit no. 2 which will allow the north-facing living room windows to receive more than the required 3 hours of solar access between 9am – 3pm, 21 June.

#### **Adjoining the Development**

The proposed development will also provide a compliant amount of direct solar access to the immediate eastern and western neighbours at nos. 230 and 234 Mortimer Street, Mudgee, respectively. The eastern neighbour (230 Mortimer Street) and western neighbour (234 Mortimer Street) will receive the required 3 hours of direct solar access to the living areas and the private open space between 12pm – 3pm, 21 June and will comply with the minimum requirements for solar access as set out within MWRDCP2013.

### **6.3.2 Bulk and Scale**

The visual bulk and scale impacts to the existing streetscape and to the neighbouring dwellings are as follows:

#### **Streetscape**

The proposed multi-dwelling housing development is supportable with respect to the visual bulk and scale impacts when viewed from the street. The dwellings have been designed as single storey and will be compatible with the scale of the existing single storey dwellings located within the existing streetscape setting. The dwellings have been designed to be well below the maximum building height of 8.5m and the substantial setback of unit nos. 2 – 7 of more than 40m from the street alignment will reduce the visibility of the dwellings located within the site. Unit no. 1 has been designed to maintain a similar front setback, siting, alignment as the existing dwellings along Mortimer Street and will be compatible with the scale and built form of the dwellings within the street. The reduced side boundary setback of 1m to the western boundary is acceptable as it is in keeping with the side boundary setbacks of the existing single dwellings along Mortimer Street.

#### **Neighbouring dwellings**

In respect to the neighbouring dwellings, the adjacent developments will not be impacted by adverse bulk and scale impacts when viewed from the adjacent sites. Unit no. 7 will provide an adequate setback to the southern boundary adjoining nos. 234 and 236 Mortimer Street and the single storey scale of the building will not contribute to any appreciable bulk and scale impacts when viewed from the adjoining neighbours. The driveway along the eastern side of the access handle will also increase the building separation to Unit no. 1 and ameliorate any bulk and scale from this dwelling.

To the west, the existing colourbond side boundary fencing and proposed landscaping vegetative buffer along the western side boundary will screen the bulk and scale of unit no. 1. It should be noted

that the western neighbour also provides an extensive eastern side boundary setback of 23m to the development site. The extensive building separation when viewed from the living area of the neighbouring dwellings will reduce the perceivable visual bulk and scale of the development and from the private open space area.

### **6.3.3 Visual Privacy**

#### **Within the Development**

The proposal will not contribute to any visual privacy impacts within the development site and the adjacent multi-dwelling housing units. A fence will be provided between the multi-dwelling housing units and will screen any cross views between the habitable rooms of the existing dwellings. A vegetative landscape screen can also be provided adjacent to the side boundary which will act as an additional landscape buffer between the residential dwellings. The fence is appropriate in providing a screen to reduce any cross views and ensure the new dwellings are provided with a reasonable level of amenity to the neighbouring dwellings within the site.

#### **Adjoining the Development**

The proposal will also continue to provide a high level of privacy to the western neighbour (no. 234 Mortimer Street). The western neighbour provides a significant building separation of approximately 23m and any potential overlooking into the habitable rooms will be screened by an existing free standing garage structure on the neighbouring site as well as the vegetative landscape screen along the northern boundary. The significant separation and screen structures will minimise any overlooking into the living areas and private open space of the eastern neighbour.

The eastern neighbours (no. 228 and 230 Mortimer Street) will also screen any visual privacy impacts as a result of the existing 1.8m high colourbond fence. The fence will screen any potential overlooking from the window openings to the north and west of the site being unit nos. 1 and 7. The proposed driveway on the eastern side of Unit no. 1 will also provide an increased building separation from both the living areas and habitable rooms to the west of the site. The increased setback will ameliorate any potential overlooking impacts to either the living areas or the private open space of the adjacent neighbour.

The proposal will provide an acceptable visual privacy impact to the adjoining neighbours of the site.

### **6.3.4 View Loss**

The proposed development is not identified as being in an area that is located within a 'visually sensitive land' as per the Visually Sensitive Land Map of Mid-Western Regional Local Environmental Plan 2012. Therefore, the relevant Clause 6.10 of MWRLEP2012 is not applicable to the proposed development. In addition, the proposed development will not result in any view loss impacts from either the immediately adjoining neighbours or within the existing public domain. The development will comply with the view loss planning principles set out within *Tenacity Consulting vs. Warringah City Council [2004] NSWLEC140*.

### **6.3.5 Noise**

The proposed development is not expected to contribute to any adverse noise impacts generated from the proposal. The proposed land use being for the purpose of a multi-dwelling housing development is permissible within the R3: Medium Density Residential Zone. Any noise generated by the proposed development will be ordinarily incidental from the use of the premises for the purposes of a 'dwelling house'.



### **6.3.6 Parking, Access, and Traffic**

#### **Access**

The proposal incorporates a shared driveway via the access handle that leads into Mortimer Street. The proposed driveway has been designed to allow for two-way traffic and allows vehicles to enter and exit the site in a forward direction. The driveway complies with the minimum 6m width requirement for any new multi-dwelling housing development that provides more than five dwellings as set out within MWRDCP2013. The driveway access will also comply with the relevant Australian Standards and minimises pedestrian and vehicular conflicts by providing visual sightlines through the site and ample visibility of bypassing and oncoming traffic entering the site. The driveway will form part of the community title scheme and will form part of the common property.

#### **Car Parking**

Each dwelling will provide for up to two car spaces within a garage and another two car spaces within the driveway of each individual allotment. WRDCP2013 prescribes that a minimum of two car parking spaces is required for each three-bedroom dwelling. The proposal will comply with the minimum off-street car parking demands of the site and will result in an acceptable form of development.

#### **Traffic**

The traffic generated by the proposed development is nominal and will not contribute to any undue demand on the existing road traffic network. The existing infrastructure on the site is capable of supporting the proposed additional seven dwellings on the vehicular road network and does not require any significant upgrades to road infrastructure requirements. No additional traffic modelling is required to support the subject development application.

The proposal will provide appropriate street access leading into the site and will provide a compliant number of car parking spaces to accommodate the off-street parking demands.

### **6.4 Social and Economic Impacts – S4.15(1)(b)**

The proposal is for the purpose of a multi-dwelling housing development and will not result in any adverse social and economic impacts to the wider local community.

### **6.5 Suitability of the Site – S4.15(1)(c)**

The proposal is for the purpose of a multi-dwelling housing development which is a permissible form of development within the R3: Medium Density Residential Zone. The proposed development is not expected to contribute to any adverse impacts to the neighbouring dwellings within the street. The adjoining neighbours will continue to receive direct solar access, visual and acoustic privacy and the bulk and scale is reasonable when viewed from the neighbouring sites and the street. When viewed from the streetscape, the new dwelling house will be entirely compatible with the bulk and scale of the single storey dwellings within the street and does not contribute and will be in keeping with the local street character.

Given the development does not involve any adverse environmental impacts and is complementary to the existing street character, the development is supportable and is suitable for the site.

### **6.6 Submissions made in accordance with the Act – S4.15(1)(d)**

The proposal will be notified in accordance with Mid-Western Regional Council's Community Participation Plan 2019.

As per the Mandatory Community Participation Requirements, the proposed development will require a minimum exhibition period of 14 days. The Community Participation Plan also prescribes the provisions for no public exhibition and advertising requirements which are as follows:

***Development that does not require public exhibition includes:***

- *Single storey dwelling;*
- *Single storey additions to a house;*
- *Minor dwelling additions such as carports, pergola and verandahs;*
- *Private swimming pools;*
- *Detached garage or shed associated with a dwelling to be used in conjunction with the dwelling (i.e., not for commercial/industrial use)*
- *Subdivision creating less than 5 lots;*
- *Commercial or industrial development within a business or industrial zone that does not adjoin a dwelling;*
- *Attached dual occupancy within the R5 Large Lot Residential zone.*

***Development that requires advertising as follows:***

- *Demolition of a building identified as a heritage item in Schedule 5 of the Mid-Western Regional Local Environmental Plan 2012;*
- *Major Council projects (not including utility service infrastructure) with a value exceeding \$1.0 million or likely to be of significant community interest;*
- *Non-residential uses in or adjacent to the R1 General Residential and R2 Low Density Residential zones;*
- *Subdivision creating 20 or more allotments;*
- *Sex services premises;*
- *Within the R1 General Residential, R2 Low Density Residential or RU5 Village Land zones, development applications for the purposes of multi-dwelling housing, residential flat buildings, senior housing, hostels, boarding house, group homes, tourist, and visitor accommodation (excluding B&Bs), caravan parks, exhibition villages and childcare centres.*

**Comment:** The proposal does not fall under the category of being either development that does not require public exhibition or development that requires public advertising and therefore a minimum public exhibition period of 14 days is appropriate in this instance.

During the public exhibition period, Council will make the relevant development application available for public inspection. These documents can be accessed via the following:

- At Council's website
- At Council's main administration centres during normal business hours, and
- In advertisements placed in the local newspaper (where applicable).

Further, when a Development Application is required to be placed on public exhibition, a direct written notice will be sent to adjoining property owners. Direct notification provides an opportunity for potentially affected people to raise any concerns, provide support, make a comment, or provide useful information before a planning decision is made. The written notice will include as a minimum:

- A brief description of the proposal;
- The site address and name of the applicant;
- Where and when the relevant plans and documentation can be viewed;
- The public exhibition period; and
- Details for making a written submission.

For the purposes of notification to adjoining property owners, this will include all property owners with a shared boundary and directly opposite the proposed development site.

**Comment:** The proponent will respond to any submissions received as part of the public notification period.

## **6.7 The Public Interest – S4.15(1)(e)**

The proposed development will not contribute to any adverse amenity impacts to the neighbouring dwellings and will not compromise the appearance of the existing building within the existing streetscape setting. The proposal is considered to be within the public interest.

## 7. CONCLUSION

The proposal has been considered under the Provision of Section 4.15 of the *Environmental Planning and Assessment Act, 1979* and is considered a development that can be supported by Council and worthy of an approval for the following reasons:

*The proposal will not contribute to any visual bulk and scale impacts from the neighbouring buildings or the streetscape.*

The proposal involves the construction of a multi-dwelling housing development comprising seven single storey dwellings. The dwellings will maintain the front building alignment of the neighbouring dwellings within the street and the single storey scale of the dwelling will be compatible with the height and scale of the dwellings along Mortimer Street. The dwellings have been designed to be significantly below the maximum building height and will generally comply with the side and rear setback controls as set out within MWRDCP2013 (aside from a minor area of non-compliance limited to the eastern side boundary of Unit no. 1).

The materiality and finish of the dwellings consist of a facebrick finish and tiled roof form which will be compatible with the existing materiality treatment of the existing dwellings within the street. The dwellings have been appropriately articulated building facades and will incorporate a stepping within the building façade that modulates the building mass of the dwelling houses when viewed from the street. The hipped roof design will also minimise the visual bulk of the building from the street and will be compatible with the predominant roof form pattern from the street. The dwellings will provide a contemporary addition to the street and will not look out of character with the bulk and scale of the existing dwellings within the streetscape.

*The proposal will provide a reasonable level of amenity in terms of solar access, visual privacy and building bulk.*

The proposal will continue to provide a reasonable level of amenity to the neighbouring dwellings within the street. The development will continue to provide more than the minimum number of hours for direct solar access to both the private living areas and the open space of the immediate adjoining neighbours at nos. 228, 230 and 234 Mortimer Street. The solar access within the development site is also acceptable as the site provides openings along both the eastern and western elevations and will provide solar access into the living areas during the morning and afternoon periods.

The development also maintains a reasonable level of visual privacy to the adjoining neighbours. To the east, the existing eastern and southern side boundary fence will screen any direct overlooking from unit nos. 1 and 7 and will not contribute to any overlooking into either the private open space or the living areas of the neighbouring dwellings. To the west, the neighbouring site consists of a significant building separation of approximately 23m that will reduce any overlooking impacts into the private open space or living areas of the adjacent premises.

In terms of the building bulk, the single storey scale of the dwelling house will be commensurate to the height and scale of the neighbouring developments and will be in keeping with the dwellings along the existing streetscape setting.

*The proposal will not result in any view loss.*

The proposed development is not identified as being in an area that is located within a 'visually sensitive land' as per the Visually Sensitive Land Map of Mid-Western Regional Local Environmental Plan 2012. Also, the proposed development will not result in any view loss impacts from either the immediately adjoining neighbours or within the existing public domain. The proposed development does not result in any view loss impacts and is an acceptable form of development.

The development includes a proposed community title subdivision, which would constitute subdivision and, accordingly, Section 8.2 of the DCP applies. However, this SoEE seeks an exemption from the dedication of any land for future road purposes as it would be impossible for Council to

implement the future road due to various decisions made regarding subdivisions, and approvals for dwelling houses that would prohibit the implementation of a future road as shown on the DCP. It is submitted that the exemption sought has been adequately justified.

In considering the above, in accordance with Section 4.15 of the *Environmental Planning and Assessment Act 1979* the proposed development warrants Council's support subject to conditions of consent that may be deemed appropriate by the consent authority, Mid-Western Regional Council.