



# Statement of Environmental Effects for

**Dual occupancy and two  
lot subdivision**

37 Fairdale Lane, Mudgee

Lot 80 in DP 1281961

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## 1.0 INTRODUCTION

This Statement of Environmental Effects (SEE) has been prepared for Maas Group Properties and forms part of a development application submitted to the Council for the construction of a single-storey detached dual occupancy on [REDACTED]

The following details the proposed development:

[REDACTED] dwelling room  
[REDACTED] the car garage  
[REDACTED] dwelling room  
[REDACTED] the car garage  
[REDACTED] water garage and  
[REDACTED] rear boundary  
[REDACTED] dwelling

The proposal, designed by Maas Group Properties, will provide a modern dwelling to the existing streetscape and neighbourhood character, established landscaped setting, solar access, and views. In our opinion, the proposal will be consistent with the bulk and scale of development in the surrounding area. The proposed dwellings will present a modern façade comprising a variety of setbacks, materials and finishes at the street frontage to provide a high level of visual interest in the streetscape.

The proposal is in accordance with the relevant zone objectives in the *Mid-Western Regional Local Environmental Plan (LEP) 2012* and satisfies the relevant objectives of the *Mid-Western Regional Development Control Plan (DCP) 2013*. Importantly, the proposal complies with the key development principles, being setbacks, private open space and landscaping, solar access, streetscape character and privacy.

This document is divided into 6 sections. Section 2 contains a site analysis, Section 3 contains details of the proposal, Section 4 and 5 contains the detailed assessment of the application in accordance with Section 4.15(1) of the *Environmental Planning and Assessment (EP&A) Act 1979*, and Section 6 concludes the report. Documents submitted to support the application include:

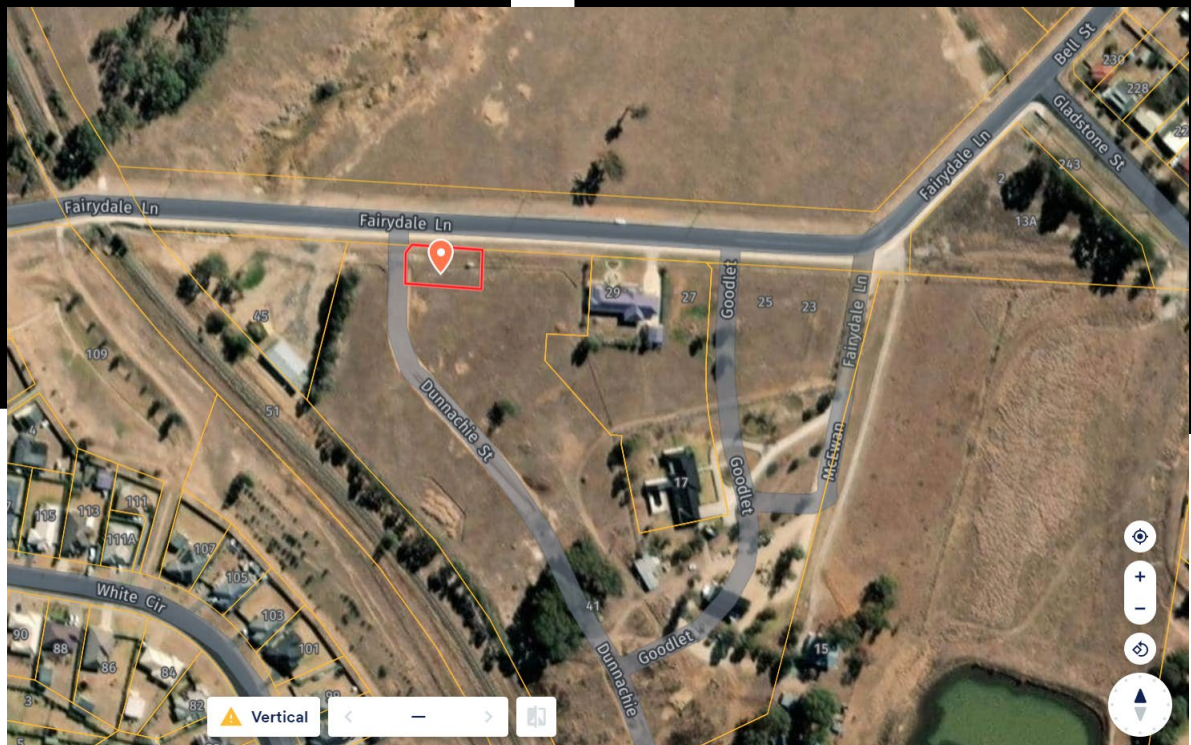
- Drawings by Avalon Drafting Pty Ltd, No.21353, Sheets 1-8, Issue C, dated 25.07.2022;
- Basix Certificate No. 1309593S, dated 10.08.2022; and
- Basix Certificate No. 1309598S, dated 10.08.2022.

## 2.0 SITE ANALYSIS

This section contains a description of the following: The Locality; Site Description; Existing Character and Context; and Surrounding Road Network.

2.

The site is located within the Mudgee Central Business District (CBD), and is situated within the Mudgee Regional Council.



(Source: Near Maps)

 Subject Site

Figure 1: Location Plan

## 2.2 Site Description

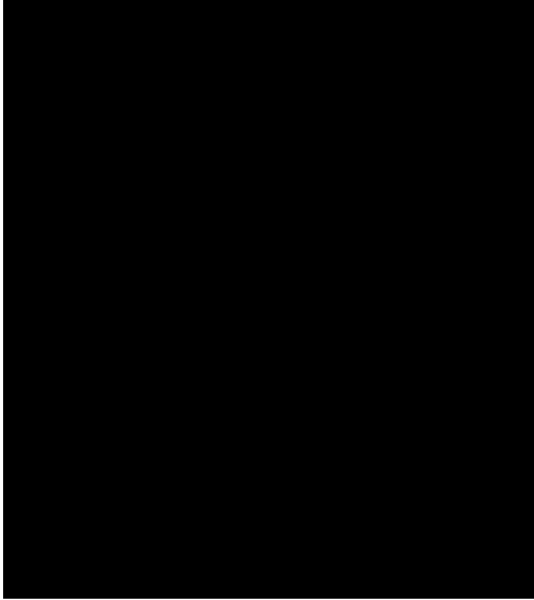
The subject site is described as Lot 80 in DP 1281961, located at 37 Fairydale Lane, Mudgee. The site is a corner lot bordered by Fairydale Lane on the north and Dunnachie Street on the west and is characterised as a rectangular allotment featuring a principal frontage of 36 meters and a secondary frontage of 19.6m. The subject site has an area of approximately 872.3m<sup>2</sup> and is clear of all vegetation and is made ready for residential development.

## 2.3 Existing Character and Context

The surrounding area is predominately residential, characterised by detached and semi-detached single storey dwellings setback from the street boundary. The design of the development is considered to be in keeping with the character of the residential zone and existing streetscape in that it will have no unreasonable impacts upon the function, environmental criteria, built form, urban environment or the residential amenity of the locality.

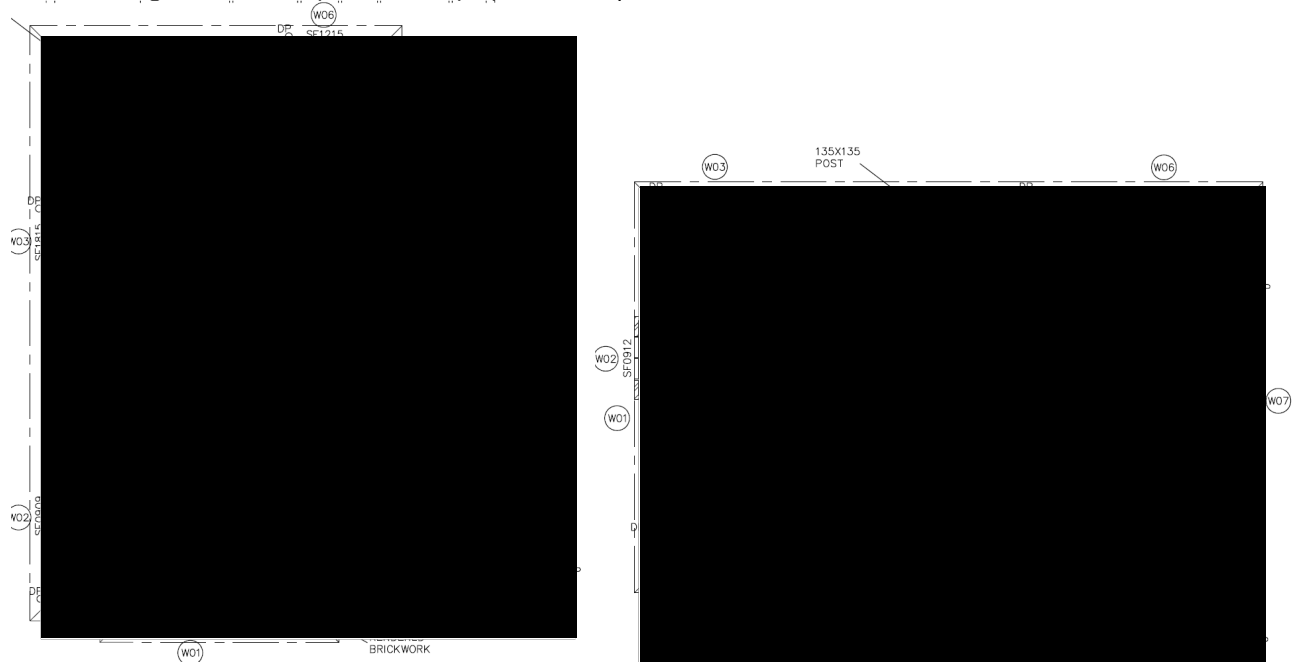
## 2.4 Surrounding Road Network

As indicated, the site has a dual frontage to Fairydale lane with a four-lane carriageway of 30m and Dunnachie Street with a two-lane carriageway of 18m.



### 3.0 DETAILS OF THE PROPOSAL

It is proposed to construct a single storey dual occupancy comprising various living spaces, off-street parking, double garage and landscaping works. The proposed Dwelling A has a Gross Floor Area (GFA) of 203.65m<sup>2</sup> and Dwelling B has a GFA of 193.77m<sup>2</sup>. **Figure 2** below represents the proposed floor plans:



**Figure 2: Floor Plan**

The proposal has been carefully designed to achieve a balance between dimensions (scale), appearance, style, setbacks, fencing, landscaping, orientation and Councils planning controls.

The design intent for the dual occupancy is to reinforce the positive characteristics of the neighbourhood by maintaining a consistent built form and scale of development that is well suited to low density residential areas. Landscaping will provide privacy to the occupants and maintain neighbour amenity, views and streetscape.

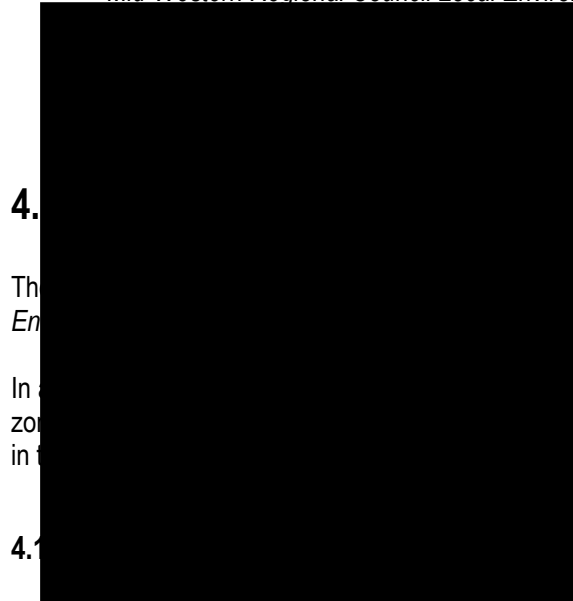
In our opinion the proposal will positively contribute to the development along the Fairydale Lane and Dunnachie Street frontage, and within the wider residential subdivision. The dual occupancy is designed as modern residential dwellings that are in keeping with the desired future character for the area. Furthermore, the proposed development will not adversely impact upon existing resources and infrastructure such as storm water, waste disposal, water, gas, electricity and services as the function and use of the property is in accordance with the residential requirements of the area.

As discussed throughout the SEE, the proposal is for a contemporary dual occupancy which achieves the desired character of the locality. The proposal has an appropriate relationship with surrounding development through consistency in scale, form, proportion, setbacks, landscaping and materials.

## 4.0 Planning Controls

Pursuant to section 4.15(1)(a) of the EP&A Act, this section will assess the compliance with the planning controls applicable to the site pursuant to the relevant heads for consideration. The relevant controls include:

- *Mid-Western Regional Council Local Environmental Plan (LEP) 2012;*



) – BASIX 2004; and

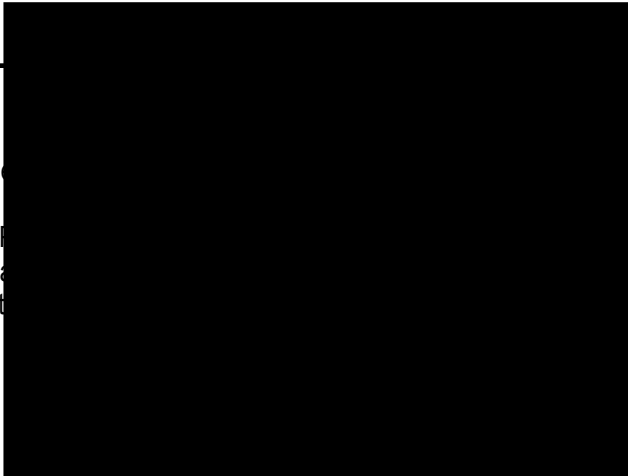
Control Plan (DCP) 2013.

### 4.1 Council Local Environmental Plan

The Local Environmental Plan (LEP) 2012 is a local government instrument that sets out the objectives and policies for the local government area.

In the LEP, the R1 General Residential zone is defined as land zoned for residential use. The objectives of the zone are to provide for the housing needs of the community, to provide for a variety of housing types and densities, and to enable other land uses that provide facilities or services to meet the day to day needs of residents.

### 4.1



The relevant objectives for Zone R1 are stated, inter alia:

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

In our opinion the proposal is consistent with the relevant objectives of the R1 General Residential zone. The proposal is for a single dual occupancy which is consistent with the general residential development pattern of the immediate vicinity. The design will represent an excellent example of contemporary architecture that will make a positive contribution to the streetscape and the built form of the locality. The proposal is appropriate in an area which includes a wide variety of dwelling styles and has been designed to maintain the existing character and amenity of the surrounding dwellings.

A summary of our assessment of the proposed development against the LEP is in the following (see Table 1).

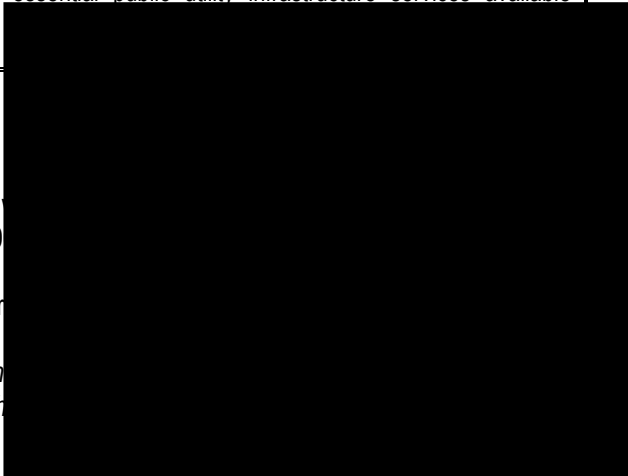
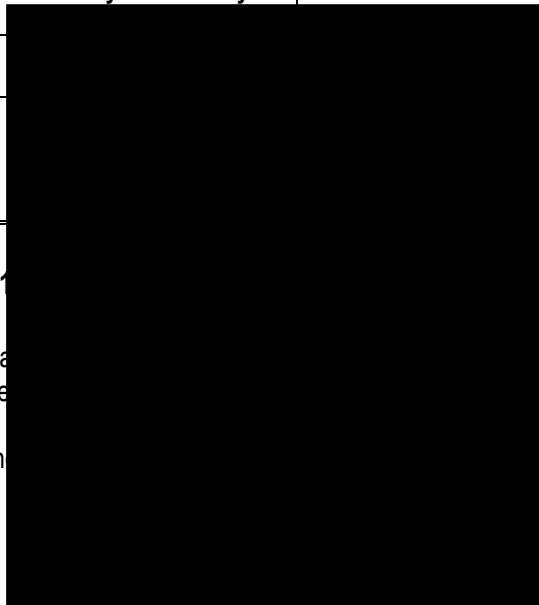
TABLE 1: PROJECT COMPLIANCE – MID-WESTERN REGIONAL LEP 2012		
Site Area: 872.3m <sup>2</sup>		
LEP Provisions		Complies / Comments
Permissibility	R1 General Residential	Proposal is permissible within the zone
Flood planning	No	N/A
Heritage Item	No	N/A
Height of Building	8.5m	Complies

<b>Groundwater vulnerability</b>	Yes (vulnerable)	Dwelling development would increase impervious area over the site, therefore reducing potential of water entering groundwater reserves. In addition, all stormwater on-site would be managed and appropriately discharged to Council's infrastructure within Fairydale Lane.
<b>Sensitivity Biodiversity</b>	No	It is unlikely the proposed development would have any adverse impact on the condition, ecological value, and significance of the flora and fauna on the land.
		The cut/fill associated with the proposal is necessary to prepare the site for standard residential development.
		The proposed development would be suitably serviced by essential public utility infrastructure services available

4.1

Clause 4.1A

The



development controls,

4. to ensure that subdivision does not have an inappropriate impact on the natural environment,
5. The size of any lot resulting from a subdivision of land to which this clause applies is not to be less than the minimum size shown on the Lot Size Map in relation to that land.

Clause 4.1A Minimum lot sizes for dual occupancies, manor houses, multi dwelling housing and residential flat buildings is provided to achieve planned residential density in certain zones. The proposed development is located in zone R1 which is applicable to the Clause. Clause 4.1A(3) has provided that *despite any other provision of this plan, development consent may be granted to development on land to which this clause applies — (b) for the purpose of a dual occupancy (detached), if the area of the lot is equal to or greater than 800 square metres.*

The proposal is for a detached two lot (dual occupancy) subdivision on an allotment of 872.3m<sup>2</sup> in area, providing lot sizes of approximately 436.7m<sup>2</sup> and 435.7m<sup>2</sup>. The proposal will be an appropriate shape and size, will be connected to Council's sewerage reticulation system, and, importantly, will be consistent with the relevant residential development principles as set out in Mid-Western Regional Council DCP 2013.

## 4.2 State Environmental Planning Policy (SEPP) – (Building Sustainability Index: BASIX) 2004

SEPP (Building Sustainability Index: BASIX) 2004 was gazetted on 26 June 2004, and applies to the subject site. SEPP BASIX requires all new residential dwellings in NSW to meet sustainability targets of a 30% reduction in energy use and 40% reduction in water use. In considering the merits of the proposal, it is appropriate to refer to the sustainability targets of the SEPP.

BASIX Certificate No. 1309593S and 1309598S have been prepared for the proposed development, (prepared by Avalon Drafting and submitted with application) and indicate that the proposed new dwellings will satisfy the relevant water and energy reducing targets.



### 4.3 Mid-Western Regional Council Development Control Plan 2013

The Mid-Western Regional Council DCP 2013 came into force in 2013. The DCP applies to the site and the proposed development. Part 3 of Council's DCP contains specific desired future character principles relating to single dwellings.

In our opinion, the proposed development is consistent with the design principles for residential dwellings as the proposal is consistent with the surrounding residential area. Importantly, the proposal will enhance the character of the area through the use of single storey dual occupancy and is setback from the front boundary to minimise overlooking.

The proposed development will comply with the requirements of the Mid-Western Regional Council Development Control Plan 2013.

		MID-WE	
		Front	
		Garage	
		Side s	
		Proposed dw	
		Level a	
Site coverage	Stormwater not to exceed infrastructure capacity Dual occupancy does not cover > 50% of site	Adequate infrastructure will be provided on site. Site coverage not > 50%.	YES
Solar access	Living areas and private open space areas are to be located with a northerly aspect (i.e. on the north or eastern side of the building).	Proposed dwellings have living and PPOS orientated to the northerly aspect.	YES
Privacy	Dwellings must be single storey and have a finished floor level less than 1000mm above the natural ground level.	The proposal is for a single storey dual occupancy with minimal cut/fill to bench the site ready for building works.	YES (Please see attached plans)
Parking	Two (2) spaces per dwelling.	Two car spaces are proposed within the double garage for each dwelling.	YES
Landscaping	Landscaping must be of high quality, smart selection and drought tolerant.	Landscaping to be provided where practical and as per the landscaping schedule.	YES (Please see attached plans)

Open space	<p>Private open space to be on the northern or eastern side of the dwelling with direct access to living areas.</p> <p>Area to be 80m<sup>2</sup> with a</p>	<p>PPOS is proposed on the north-eastern side of the dwelling.</p> <p>PPOS area &gt; 80m<sup>2</sup> with a minimum dimension of 5m.</p>	<p>YES</p> <p>(Please see attached plans)</p>
		<p>pond fencing is proposed along the eastern and southern boundaries.</p> <p>Wall fence along northern boundary with a minimum height of 1.8m.</p>	
		<p>water table</p> <p>ge facility</p> <p>ding line</p>	
D		<p>gelines</p> <p>propo</p>	
		<p>is minim</p>	
Slopes	<p>Fill is restricted to 600mm. It must be clean fill and a geotechnical assessment issued for the fill to demonstrate compaction to the Australian Standard.</p>	<p>Fill is minimal to prepare the site for development.</p>	<p>YES</p> <p>(Please see attached plans)</p>
	<p>Any cut and/or fill must be provided with retaining walls, drainage and must be setback a minimum of 300mm from any property boundary.</p>	<p>All cut/fill to be clear of the side boundaries. Appropriate conditions can be incorporated into the consent.</p>	
	<p>Fill must not direct stormwater onto adjoining properties and drainage pits for overland flow paths are to be provided.</p>	<p>All cut/fill will not direct stormwater over boundaries.</p>	
	<p>Cut and fill is not permitted in water or sewer easements.</p>	<p>All cut/fill to be clear of any easements.</p>	
Access	<p>All weather vehicle access is required to ensure that emergency services (fire, ambulance, police) are able to access the dwelling at all times.</p>	<p>Concrete driveway is proposed to facilitate access to the dwellings.</p>	<p>YES</p>
Waste Management	<p>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 waste generated on site during use of the dwellings will be disposed of.</p>	

	All dwellings should provide an external access to the rear of the development (private open space area) to enable bins to be taken to the street without the need for moving the bine through the dwelling	The dwellings have been designed to allow for external access to the rear to enable garbage bins to be taken to the street for collection.	YES
		waste disposal collection will not de or compromise the amenity of future residents.	

**5.**

The development is unlikely to result in any adverse effects to the micro-climate in the locality.

**5.**

**5.1**

The proposed development is unlikely to result in any adverse effects to the micro-climate in the locality.

**5.1.2 Water & Air Quality Impacts**

The proposed development is, in our opinion, unlikely to result in any adverse effects on the locality in terms of water and air quality. Appropriate measures are to be undertaken in respect of the stormwater and runoff and accordingly, the proposal is, in our opinion, acceptable in this regard.

**5.2 Assessment of Built Environment Impacts – S4.15 (1)(b)**

**5.2.1 Impact on the Areas Character**

The surrounding built environment comprises a mix of single and dual occupancy, one and two storey housing types. A key objective of the desired future character objectives for Mid-Western LGA is the introduction of various dwelling sizes complimenting the existing character of the local area and providing low density housing for the community. In our opinion, the proposal represents a high quality design in keeping with the surrounding streetscape and will be a positive precedent for future development in the locality.

**5.2.2 Privacy, Views & Overshadowing Impacts**

It is noted that we have not undertaken an inspection of nearby properties and our assessment has relied on an inspection of the subject site and survey information. In our opinion the proposed development will not impede the existing privacy or views of the subject or surrounding lots. The development will not present overshadowing within the subject or adjoining lots due to compliant building height and setback controls.

**5.2.3 Aural & Visual Privacy Impacts**

The proposed dual occupancy has been designed to have regard for visual and acoustic privacy of both future occupants and adjoining properties. Where possible, areas of habitable rooms and POS have been orientated to the side and rear of the dwelling.

## 5.2.4 Environmentally Sustainable Development

The proposal has employed numerous environmentally sustainable design (ESD) strategies to maximise energy efficiency and has been submitted with this report confirms that water and energy reduction targets will be maintained.

## 5.3.1 Stability

### 5.3.1.1 Earthquake

As per the Engineering and Design Report, the site is not in an area recognised by Council as being subject to landslip, flooding, bushfire or any other particular hazards. The proposed development will not increase the likelihood of such hazards.

### 5.3.1.2

The site is not in an area recognised by Council as being subject to landslip, flooding, bushfire or any other particular hazards. The proposed development will not increase the likelihood of such hazards.

### 5.3.1.3

The site is not in an area recognised by Council as being subject to landslip, flooding, bushfire or any other particular hazards. The proposed development will not increase the likelihood of such hazards.

## 5.4 The Public Interest – 4.15(1)(e)

### 5.4.1 Social and Economic Impact

The proposal will make a positive contribution to the streetscape of Fairydale Lane and Dunnachie Street with the construction of a well-designed and elegant new dual occupancy which will relate well to the subject site and be set within a high quality landscaped setting. The proposal will provide employment during demolition and construction and in the provision of maintenance services once the dwelling is occupied. Additionally, the development does not provide for lots which exceed the demand for housing in the locality.

### 5.4.2 The Public Interest

The proposal has been designed with consideration of the adjoining residents' amenity and the streetscape. The intention is to provide modern and well-designed residences which will sit comfortably and appropriately in the streetscape and minimise any changes to the amenity currently enjoyed by neighbours. The proposal is a high-quality development which is appropriate in the locality.

## 6.0 Conclusion

The proposed development has been assessed in accordance with Section 4.15(1) of the EP & A Act 1979 and Council's planning instruments. The proposal is permissible in the R1 General Residential Zone under the Mid-Western Regional LEP and in our opinion is consistent with the relevant objectives of the Zone.

As discussed throughout the SEE, the proposal is for a modern dual occupancy with attached double garages which achieves the desired character of the locality. The proposal has an appropriate relationship with surrounding development through consistency in scale, form, proportion, setbacks, landscaping, and materials.

For the above reasons, it is our opinion the proposal results in well-designed contemporary buildings which will positively enhance the streetscape and maintain neighbour amenity. We consider the proposal to be in the public interest and recommend the proposal for approval.

