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Statement of Environmental Effects

Client: Sam Saboune

Site Address: 13 Cox Street, Mudgee

14 November 2022

Our Reference : 39343-PR01_A

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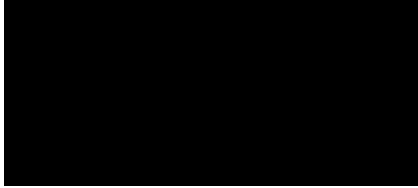
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Project Name:	Secondary Dwelling at 13 Cox Street, Mudgee
Client:	Sam Saboune
Project Number:	39343
Report Reference:	39343-PR01_A
Date:	14 November 2022

Prepared by:	Reviewed by:
	
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1. INTRODUCTION

1.1. Background

Barnson Pty Ltd has been engaged by Sam Saboune to prepare information in support of a Development Application (DA) for a Secondary Dwelling at 13 Cox Street, Mudgee.

The subject site is located on the eastern side of Cox Street in the heart of Mudgee and has a property area of approximately 809m². The site is improved with an existing residential dwelling and shed/outbuilding located towards the rear of the property.

The project will consist of the erection and construction of a secondary residential dwelling on the subject site.

The site is zoned R3 Medium Density Residential pursuant to the provisions under the *Mid-Western Regional Local Environmental Plan 2012*. The proposed development is defined as a 'secondary dwelling', which is permissible with consent in the R3 zone.

This application consists of:

- A completed development application form; and
- PDF copy of this written statement, including plans.

1.2. Proponent

The proponent for the DA is Sam Saboune.

1.3. Consultant

Barnson Pty Ltd

Jack Massey

Unit 4 / 108-110 Market Street

Mudgee NSW 2850

2. EXISTING ENVIRONMENT

2.1. Location and Title

The subject site of this application is Lot 11 Section 1 DP 393, known as 13 Cox Street, Mudgee. The site is located on the eastern side of Cox Street in the township of Mudgee, as shown in Figure 1 below.



Source: (NSW Government Spatial Services, 2022)

Figure 1 – Site Location

The site has an overall area of 809m² (refer to Deposited Plan in Appendix A of this report). The subject site has direct frontage and access to Cox Street and is improved with an existing residential dwelling as shown in Figure 2 of this report.



Source: (NSW Government Spatial Services, 2022)

Figure 2 – Site Aerial

2.2. Land Use

The subject site is located in an established residential area in the township of Mudgee. There are existing residential developments surrounding the subject site with the emergence of infill dual occupancies and multi-dwelling housing developments within proximity. The subject site is surrounded by R3 residential zoned land, with some R1 residential zoned land to the west

2.3. Topography

The subject site is relatively flat with a slight fall towards the east.

2.4. Flora and Fauna

The subject site contains mainly managed grasslands with some scattered trees along the east and west boundaries.

2.5. Natural Hazards

2.5.1. Flooding

The site is not mapped within the flood planning area pursuant to the NSW ePlanning Spatial Viewer or *Mid-Western Regional Local Environmental Plan 2012*

2.5.2. Bush Fire

The site is not mapped within a bushfire prone area pursuant to the NSW ePlanning Spatial Viewer or RFS' Online Bushfire Mapping Tool

2.6. Services

By virtue of the existing dwelling, the site has existing connections to water supply, sewer, stormwater management, telecommunications, NBN, suitable road access and overhead electricity supply. All essential services are available to the subject site.

2.7. Access and Traffic

The subject site has direct frontage to Cox Street (two way, two laned sealed road). An existing access crossover and layback currently provides suitable access to and from the site, associated with the residential use of the land.

2.8. Heritage

The site is not identified as containing a heritage listed item pursuant to the *Mid-Western Regional Local Environmental Plan 2012* (LEP) or State Heritage Register. However the site is identified within the Mudgee Heritage Conservation Area (C1) pursuant to Schedule 5 of the LEP.

An Aboriginal Heritage Information Management System (AHIMS) Search was undertaken for the site and immediate surrounds. The AHIMS search revealed that are no Aboriginal sites recorded within 200m of the subject site. Refer to AHIMS search in Appendix B of this report

3. PROPOSED DEVELOPMENT

The proposed development includes the construction and erection of a secondary dwelling and associated essential service provision works on Lot 11 Section 1 DP 393, known as 13 Cox Street, Mudgee.

The secondary dwelling comprises of the following;

- Timber Deck (covered with lazerlite roofing);
- Open Kitchen/Dining/Living area;
- Laundry;
- Bathroom;
- Raked ceiling with plasterboard lining;
- Split system (reverse cycle) centred in room;
- R1.4 subfloor foam insulation;
- Aluminium windows; and
- "Unipeirs" on timber concrete footings to engineer specifications.

The proposed development shall be afforded the following essential services; reticulated water and sewerage, telecommunications infrastructure, underground electrical infrastructure, stormwater management and suitable road access.

The above services are available to the subject site, and adequate arrangements have been made for them to be connected/established when required.

4. LAND USE ZONING

The subject site is zoned R3 Medium Density Residential pursuant to the provisions under the *Mid-Western Regional Local Environmental Plan 2012* (LEP). The proposed development is for a secondary dwelling (residential accommodation), which is permissible with consent in the R3 zone. The definition of a secondary dwelling is as follows:

secondary dwelling means a self-contained dwelling that—

- (a) is established in conjunction with another dwelling (the *principal dwelling*), and
- (b) is on the same lot of land as the principal dwelling, and
- (c) is located within, or is attached to, or is separate from, the principal dwelling.

Note—

See clauses 5.4 and 5.5 for controls relating to the total floor area of secondary dwellings.

Secondary dwellings are a type of *residential accommodation*—see the definition of that term in this Dictionary.

The permissibility of the proposed development is assessed in terms of the heads of consideration in Section 4.15 of the *Environmental Planning & Assessment Act 1979*, which incorporates consideration of the LEP and the objectives and permissible uses outlined in the R3 zone, as outlined in Section 5 of this report.

5. PLANNING CONSIDERATIONS

5.1. Biodiversity Conservation Act 2016

5.1.1. Is the development likely to significantly affect threatened species?

Clause 7.2 of the *Biodiversity Conservation Act 2016* (BC Act) identifies the following circumstances where a development is likely to significantly affect threatened species:

- (a) *it is likely to significantly affect threatened species or ecological communities, or their habitats, according to the test in section 7.3, or*
- (b) *the development exceeds the biodiversity offsets scheme threshold if the biodiversity offsets scheme applies to the impacts of the development on biodiversity values, or*
- (c) *it is carried out in a declared area of outstanding biodiversity value.*

Each of these is addressed below.

Section 7.3 Test

To determine whether a development is likely to significantly affect threatened species or ecological communities, or their habitats, the following is to be taken into account in accordance with Section 7.3 of the BC Act:

- (a) *in the case of a threatened species, whether the proposed development or activity is likely to have an adverse effect on the life cycle of the species such that a viable local population of the species is likely to be placed at risk of extinction,*
- (b) *in the case of an endangered ecological community or critically endangered ecological community, whether the proposed development or activity:*
 - (i) *is likely to have an adverse effect on the extent of the ecological community such that its local occurrence is likely to be placed at risk of extinction, or*
 - (ii) *is likely to substantially and adversely modify the composition of the ecological community such that its local occurrence is likely to be placed at risk of extinction,*
- (c) *in relation to the habitat of a threatened species or ecological community:*
 - (i) *the extent to which habitat is likely to be removed or modified as a result of the proposed development or activity, and*
 - (ii) *whether an area of habitat is likely to become fragmented or isolated from other areas of habitat as a result of the proposed development or activity, and*
 - (iii) *the importance of the habitat to be removed, modified, fragmented or isolated to the long-term survival of the species or ecological community in the locality,*
- (d) *whether the proposed development or activity is likely to have an adverse effect on any declared area of outstanding biodiversity value (either directly or indirectly),*

- (e) *whether the proposed development or activity is or is part of a key threatening process or is likely to increase the impact of a key threatening process.*

Comment: The site is not mapped with any significant biological values pursuant to the Biodiversity Values Map and Threshold Tool. The proposed development does not include clearing of any significant vegetation and is not identified to be the habitat of threatened or endangered ecological communities or species.

Therefore, the proposed development is not likely to significantly affect threatened species or ecological communities, or their habitats.

Section 7.4 Test

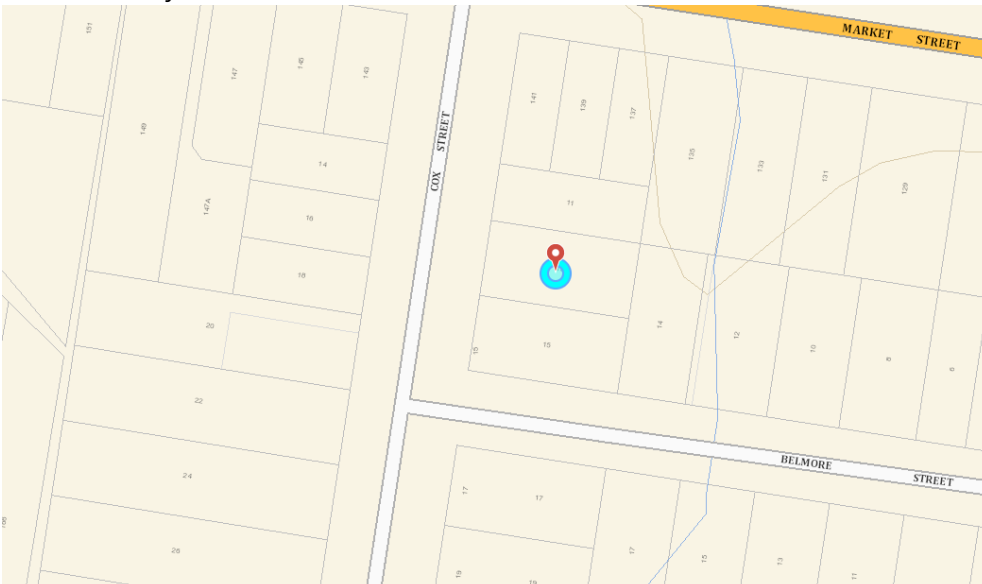
Section 7.4 of the BC Act states:

- (1) *Proposed development exceeds the biodiversity offsets scheme threshold for the purposes of this Part if it is development of an extent or kind that the regulations declare to be development that exceeds the threshold.*
- (2) *In determining whether proposed development exceeds the biodiversity offsets threshold for the purposes of this Part, any part of the proposed development that involves the clearing of native vegetation on category 1-exempt land (within the meaning of Part 5A of the Local Land Services Act 2013) is to be disregarded.*

Comment: The proposed development does not exceed the biodiversity offsets threshold for the purposes of this part. Please refer to the BMAT Report attached in Appendix D of this report.

Declared Area of Outstanding Biodiversity Value

The site is not mapped on the Biodiversity Value Map as being land with a high biodiversity value as defined by the BC Act.



Source: (NSW Government, 2022)

Figure 3 – Biodiversity Value Map

5.1.2. Biodiversity Development Assessment Report

As outlined in Section 5.1.1, the proposed development is not likely to significantly affect threatened species as defined by Section 7.2 of the BC Act. Therefore, a Biodiversity Development Assessment Report is not required to accompany the application for development consent.

5.2. Fisheries Management Act 1994

5.2.1. Applicability

The Fisheries Management Act 1994 (FM Act) applies to:

- (a) in relation to all waters that are within the limits of the State, and
- (b) except for purposes relating to a fishery, or a part of a fishery, that is to be managed in accordance with the law of the Commonwealth pursuant to an arrangement under Division 3 of Part 5 and except for purposes prescribed by paragraph (d)—in relation to any waters of the sea not within the limits of the State that are on the landward side of waters adjacent to the State that are within the Australian fishing zone, and
- (c) for purposes relating to a fishery, or a part of a fishery, that is managed in accordance with the law of the State pursuant to an arrangement under Division 3 of Part 5—in relation to any waters to which the legislative powers of the State extend with respect to that fishery, whether pursuant to section 5 of the Coastal Waters (State Powers) Act 1980 of the Commonwealth or otherwise, and
- (d) for purposes relating to recreational fishing activities engaged in otherwise than by use of a foreign boat (other than recreational activities prohibited or regulated under a plan of management determined under section 17 of the Commonwealth Act)—in relation to any waters to which the legislative powers of the State extend with respect to such activities.

Comment: Not applicable to the proposed development.

5.3. Environmental Planning & Assessment Act 1979

5.3.1. Application of Biodiversity Conservation Act 2016 & Fisheries Management Act 1994

Section 1.7 of the *Environmental Planning & Assessment Act 1979* (EP&A Act) identifies that Part 7 of the BC Act and Part 7A of the FM Act relate to the operation of the EP&A Act in relation to the terrestrial and aquatic environment. These Acts are addressed in Sections 5.1 and 5.2 of this report respectively.

5.3.2. Evaluation

Section 4.15 of the EP&A Act (as amended) requires the Council to consider various matters in regard to the determination of the Development Application.

In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application:

- (a) *The provisions of:*
 - (i) *any environmental planning instrument, and*
 - (ii) *any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and*
 - (iii) *any development control plan, and*
 - (iv) *any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, and*
 - (v) *the regulations (to the extent that they prescribe matters for the purposes of this paragraph), and*
 - (vi) *any coastal zone management plan (within the meaning of the Coastal Protection Act 1979), that apply to the land to which the development application relates,*
- (b) *The likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality;*
- (c) *The suitability of the site for the development,*
- (d) *Any submissions made in accordance with this act or the regulations,*
- (e) *The public interest.*

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

5.3.3. Integrated Development

Development that requires both development consent and another approval listed under Section 4.46 of the EP&A Act is 'Integrated Development'. The proposed development is not considered to be Integrated Development.

5.4. Environmental Planning Instruments

5.4.1. State Environmental Planning Policy (Housing) 2021

Chapter 3 'Diverse Housing' Division 1 'Preliminary' and Division 2 'Secondary Dwellings Permitted with Consent' applies to the proposed development. The divisions are addressed below in Table 1, including the non-discretionary development standards that apply to the proposed development.

Table 1 - SEPP (Housing) 2021 Compliance Table	
Provision	Comment
<i>Division 1</i>	
Application – This part applies to development for the purposes of a secondary dwelling on land in a residential zone if development for the purposes of a dwelling house is permissible on the land under another environmental planning instrument	<p>The proposed development is defined as the erection of a secondary dwelling, in line with the SEPP's definition.</p> <p>The proposed development is on a subject site zoned R3 – Medium Density Residential, in line with the SEPP's residential zone applicability.</p>
No Subdivision – Development consent must not be granted for the subdivision of a lot on which development has been carried out under this part.	<p>Noted.</p> <p>The proposed development does not propose a subdivision as part of this application.</p>
<i>Division 2</i>	
<p>Development consent must not be granted unless –</p> <ul style="list-style-type: none"> a) No dwellings, other than the principle dwelling and the secondary dwelling, will be located on the land, and b) The total floor area of the principle dwelling and the secondary dwelling is no more than the maximum floor area permittee for a dwelling house on the land under another environmental planning instrument, and c) The total floor area of the secondary dwelling is – <ul style="list-style-type: none"> i) No more than 60m², or 	<p>There are no other dwellings other than the primary and secondary dwelling on the subject site.</p> <p>The proposed development has a combined (primary and secondary) floor area which is less than the maximum floor area permitted on the subject site.</p> <p>The total floor area of the secondary dwelling is 27m², which is no more than 60m² as required.</p> <p>The proposed development complies with this provision.</p>

<p>ii) If a greater floor area is permitted for a secondary dwelling on the land under another environmental planning instrument-the greater floor area</p>	
<p>The object of this section is to identify development standards for particular matters relating to development for the purposes of a secondary dwelling that, if complied with, prevent the consent authority from requiring more onerous standards for the matters.</p> <p>Non-discretionary development standards –</p> <ul style="list-style-type: none"> a) For a detached secondary dwelling – minimum site area of 450m² b) The number of parking spaces provided on the site is the same as the number of parking spaces provided on the site immediately before the development is carried out 	<p>The non-discretionary development standards are adhered to as follows;</p> <ul style="list-style-type: none"> a) The proposed development is a detached secondary dwelling, and the site area is 809m², above the minimum requirement of a site area of 450m², and b) The number of parking spaces provided on the site is the same as the number of parking spaces provided on the site currently (before development is carried out). There are no proposed changes to the number of parking spaces on the subject site. <p>The proposed development complies with this provision.</p>

5.4.2. Mid-Western Regional Local Environmental Plan 2012

Land Use Table

The subject site is zoned R3 Medium Density Residential pursuant to the *Mid-Western Regional Local Environmental Plan 2012* (LEP). The objectives of the R3 zone are:

- *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.*

Comment: The proposed development is defined as ‘Secondary Dwelling’, which is considered to be consistent with the zone objectives as it provides for the housing needs of the community and

encourages a higher-density residential development that is sympathetic and compatible with the existing character of the locality. It is permissible with consent in the R3 zone.

Height of Buildings

Clause 4.3 of the LEP requires development to not exceed the maximum height shown for the development site on the Height of Building Map.

The proposed development does not exceed the maximum building height of 8.5m mapped for the subject site.

Heritage Conservation

The subject site does not contain any heritage listed items as per Schedule 5 of the LEP, however, it is mapped within the Mudgee Heritage Conservation Area.

The site is improved with one (1) existing dwelling, which is to be retained as part of the proposed development. The existing dwelling and improvements on the land shall remain unchanged, included associated vegetation. The proposed new secondary dwelling shall be located to the rear of on the site, with minimal visibility from the street frontage. The proposed development will not impact on the heritage significance of the area in that:

- The proposed secondary dwelling is of smaller scale to existing dwellings in the locality and is a single storey structure;
- The design of the secondary dwelling does not attempt to mimic the established dwellings in the locality, but proposed a simple contemporary design which compliments the site and the streetscape; and
- The proposed secondary dwelling is to be located to the rear of the site and will not be visible from the street. Existing neighbouring dwellings in the locality shall not be impacted by the construction of the development, nor will they impact on the visual heritage value of the site.

Salinity

Clause 6.1 of the LEP requires the consent authority to consider the following before granting development consent-

- a) Whether the development is likely to have any adverse impact on salinity processes on the land,*
- b) Whether salinity is likely to have an impact on the development,*
- c) Any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.*

Comment: The proposed development is not considered to have an adverse impact on the saline environment or salinity processes on the land, nor is the development considered to be at risk of adverse impacts from the saline environment. The orientation, location, materials and design of

the secondary dwelling consider the potential for saline environmental impacts on the proposed development.

Earthworks

Clause 6.3 of the LEP requires the consent authority to consider the following before granting development consent –

- a) *The likely disruption of, or any detrimental effect on, existing drainage patterns and soil stability in the locality of the development,*
- b) *The effect of the development on the likely future use of redevelopment of the land,*
- c) *The quality of the fill or the soil to be excavated, or both,*
- d) *The effect of the development on the existing and likely amenity of adjoining properties,*
- e) *The source of any fill material and the destination of any excavated material,*
- f) *The likelihood of disturbing relics,*
- g) *The proximity to, and potential for adverse impacts on, any waterway, drinking water catchment or environmentally sensitive area,*
- h) *Any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.*

Comment: The proposed development does not impact on any watercourses, waterways, drainage lines or soil stability in the locality. The proposed development is consistent with the residential use of the subject site and adjoining properties and has proposed minimal earthworks for essential services and construction of the footings.

There is a low likelihood of disturbing relics pursuant to the AHIMS and heritage searches conducted on the subject site showing no known relics within 200m of the subject site.

Groundwater Vulnerability

Clause 6.4 of the LEP requires the consent authority to consider the following before granting development consent –

- a) *The likelihood of groundwater contamination from the development (including from any on-site storage or disposal of solid or liquid waste and chemicals),*
- b) *Any adverse impacts the development may have on groundwater dependent eco-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),*
- d) *Any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development*

Comment: The proposed development does not include substantial earthworks, only for the provision of essential services and to construct the secondary dwelling footings. The proposed development is not considered to be likely to contaminate groundwater or have an adverse impact on groundwater or groundwater dependant eco-systems as a result of the proposed development.

Essential Services

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

- a) *The supply of water,*
- b) *The supply of electricity,*
- c) *The disposal and management of sewerage,*
- d) *Stormwater drainage or on-site conservation,*
- e) *Suitable road access.*

Comment: The proposed development includes the provision of reticulated water, stormwater, sewerage, electrical and telecommunication infrastructure. Access to the proposed development is gained via Cox Street via the existing driveway on the subject site.

5.5. Draft Environmental Planning Instruments

No draft Environmental Planning Instruments are applicable to the subject site or development.

5.6. Development Control Plans

The *Mid-Western Regional Council Development Control Plan 2013 (DCP)* applies to the subject site and proposed development. The relevant provisions of the DCP are addressed in Table 1 below.

Table 2 – DCP Compliance Table	
Provision	Comment
<i>Part 2.2 Dual Occupancy Development</i>	
Minimum Lot Size	The DCP requires a minimum site area of 800m ² . The subject site is 809m ² .
Building Setbacks	The secondary dwelling setback complies with this provision with 1210mm side setback, 3150mm rear setback, and a 30m setback from the street frontage.
Building Height	The proposed building complies with this provision as it is single story, does not overshadow or overlook adjacent properties and does not exceed the max building height of 8.5m associated with the site. It has an FFL less than 1m above the natural ground level.

Design	<p>The proposed development does not mirror reverse or duplicate design of the primary dwelling.</p> <p>Minimum solar access requirements between 9:00am and 3:00pm are achieved.</p> <p>The dwellings are greater than the required 3m apart.</p> <p>The bulk and scale of the secondary dwelling compliments the primary dwelling and is situated toward the rear of the property as to not impact on the visual amenity of the street.</p> <p>The subject site is not a battle-axe arranged lot.</p> <p>There are no windowless facades facing the street and includes at least 5% of openings and is built on-site (not relocated/manufactured/transportable/relocatable home).</p> <p>No proposed garage.</p>
Slope and Cut and Fill	<p>Slope does not exceed 15' and cut is less than 1m.</p> <p>Fill is less than 600mm and will be accompanied by a geotechnical assessment to demonstrate compaction to AS.</p> <p>No fill within water or sewer easements and does not direct stormwater onto adjoining properties or drainage pits.</p>
Open Space	<p>The POS provided associated with the secondary dwelling is located on the northern side of the dwelling, is directly adjacent to the proposed living area, has minimum dimensions of 5m and has an area greater than 80m².</p>
Site Coverage	<p>The proposed secondary dwelling has less than the maximum 35% of site coverage.</p>
Parking	<p>Parking addressed in Table 1 of this report, as State Environmental Planning Policy (Housing) 2021 applies to the proposed development.</p>
Utilities	<p>The proposed secondary dwelling is not located over any utility easements and clear of overhead utility infrastructure.</p> <p>The proposed development includes the provision of reticulated water, stormwater, sewerage, electrical and telecommunication infrastructure. Access to the proposed development is gained via Cox Street via the existing driveway on the subject site.</p>
Fencing	<p>No proposed fencing as part of this application. The existing fencing adheres to the provisions of the DCP for the purposes of this part</p>
Heritage	<p>There are no heritage items listed on the subject site, it is however mapped within the conservation area in Mudgee. The</p>

	proposed secondary dwelling, however, is located toward the rear of the property as to not impact on the streetscape or visual amenity of the locality. It is considered to have no adverse impact on the heritage area in the locality.
<i>Part 3.1 Residential Development</i>	
Building Setbacks	The secondary dwelling setback complies with this provision with 1210 mm side setbacks, 3150mm rear setbacks, and a 30m setback from the street frontage.
Building Height	The proposed building complies with this provision as it is single story, does not overshadow or overlook adjacent properties and does not exceed the max building height of 8.5m associated with the site. It has an FFL less than 1m above the natural ground level.
Site Coverage	The proposed secondary dwelling does not exceed 35% site coverage.
Solar Access	Living area and private open space afforded to the secondary dwelling are located with a northerly aspect.
Privacy	Dwelling has a FFL that is less than 1m above the Natural Ground Level and is single story.
Parking	Parking addressed in Section 5.4.3 of this report, as State Environmental Planning Policy (Housing) 2021 applies to the proposed development.
Landscaping	The proposed landscaping enhances the quality of the built environment, making use of the topography of the site and enabling adequate solar access to the proposed POS. Species and plants have been selected, located and orientated with consideration to low maintenance and water requirements and energy efficiency (passive design elements have been implemented).
Open Space	The POS provided associated with the secondary dwelling is located on the northern side of the dwelling, is directly adjacent to the proposed living area, has minimum dimensions of 5m and has an area greater than 80m ² .
Corner Lots	Not applicable
Fencing	Not Applicable (no proposed fencing)
Infrastructure	No surface infrastructure proposed is visible from the street nor in front of the building line.

Garages and outbuildings	Not Applicable
Development Near Ridgelines	Not Applicable
Slopes	Proposed cut is less than 1m, fill is restricted to 600mm and any proposed fill will be clean fill and accompanied by a geotechnical assessment. Fill does not direct stormwater onto adjoining properties or drainage pits and is not located within a water or sewer easement.
Access	All weather vehicle access is afforded to the site and is available at all times.
Relocatable Dwellings	Not Applicable
Adaptability	Not Applicable
Design Principles	The proposed development complies with all the provisions from a through to k for the purposes of this part, and is not a proposed dual occupancy where both dwellings are pre-manufactured or relocatable homes.
<i>Part 5 Development Standards</i>	
Car Parking	Parking addressed in Section 5.4.3 of this report, as State Environmental Planning Policy (Housing) 2021 applies to the proposed development.
Flooding	Not Applicable
Stormwater Management	All stormwater will be managed in accordance with the DCP, BASIX requirements and in accordance with the relevant Australian Standards and Building Codes.
<i>5.4 Environmental Controls</i>	
Protection of Aboriginal Archaeological Items	An AHIS search was conducted for the subject site which showed no archaeological significance on the subject site, however, if any relics or items of significance are discovered during construction/earthworks then construction will stop and the relevant authorities will be contacted regarding the relics/items.
Bushfire Management	Not Applicable
Riparian and Drainage Line environments	Not Applicable

Pollution and Waste Management	There are no waste streams besides general waste and recycling from residential use. There are no known adverse impacts on groundwater in the locality from the proposed general residential waste activity.
Threatened Species and Vegetation Management	Not Applicable
Building in Saline Environments	Noted.
House Slabs and Footings	The house will be erected on Unipeir adjustable metal piers on timbre concrete footings to engineer specifications. The requirements under this provision will be met for all proposed footings as part of this development.
Brickwork	Not Applicable
All Buildings	The existing topography and vegetation character were considered and impacts on them minimised during the design of the proposed development. Vapour barriers, damp course and other waterproofing materials proposed will not be impacted by further development as part of this application.
Alterations and Additions	Not Applicable

5.7. Any Planning Agreement entered into

No Planning Agreements entered into are known to exist in relation to the development or site.

5.8. Any Matters Prescribed by the Regulations

For the purposes of Section 4.15(1)(a)(iv) of the EP&A Act, Clause 61 of the *Environmental Planning and Assessment Regulations 2021* (EP&A Regulations) specifies the additional matters a consent authority must take into consideration when determining a DA, none of which apply to the proposed development.

5.9. Any Likely Impacts of the Development

5.9.1. Context & Setting

The subject site is located in a residential locality which is characterised by existing residential and infill development. The proposed development is for a secondary dwelling which is considered consistent with the context and setting of the locality, and as such, would not have adverse impact on the context or setting in the locality.

5.9.2. Access, Transport & Traffic

The proposed development can be accessed utilising the existing access point off Cox Street and proposes no new bedrooms or study rooms, resulting in no increase in traffic for the local road network. It is considered that the proposed development would have no adverse impacts on the existing access point or road network in the locality.

5.9.3. Utilities

The proposed development includes the provision of reticulated water, stormwater, sewerage, electrical and telecommunication infrastructure. Access to the proposed development is gained via Cox Street via the existing driveway on the subject site.

5.9.4. Social and Economic Impacts in the Locality

The proposed development is in line with the zone objectives of the R3 zone and as such, contribute to the housing needs and desired housing character of the locality having positive social impacts on the community. The development will also contribute to economic activity for the local building and construction industry.

5.9.5. Site Design & Internal Design

There are no prohibitive constraints posed by adjacent developments. There does not appear to be any zoning, planning or environmental matters that should hinder the proposed development of the site. In this regard, it can be concluded that the proposed subdivision is suitable for the locality.

5.9.6. Other Impacts

There are no other impacts such as natural hazards that would result from the proposed subdivision.

5.10. Suitability of the Site for the Proposed Development

The suitability of the site for the proposed development has been addressed in the above sections of this report. There are no prohibitive constraints posed by adjacent developments. There does

not appear to be any zoning, planning or environmental matters that should hinder the proposed development of the site. In this regard, it can be concluded that the proposal fits into the locality and the site attributes are conducive for the development.

5.11. The Public Interest

The proposed development is considered to be in the public interest as it provides for a secondary dwelling that provides for the housing needs of the Mudgee area and encourages a higher-density residential area in line with the zones objectives. As outlined throughout this report the development is consistent with the minimum lot size for the area and is not expected to have any adverse off-site impacts.

6. CONCLUSION

It is recommended that the proposed secondary dwelling on Lot 11 Section 1 DP 393, known as 13 Cox Street, Mudgee, be supported on the following grounds:

- The proposal is considered acceptable in terms of the provisions of Section 4.15 of the *Environmental Planning and Assessment Act 1979*;
- The proposal is permissible with consent and consistent with the relevant development standards and provisions of the *Mid-Western Regional Local Environmental Plan 2012*;
- The proposal complies with the relevant provisions of the *Mid-Western Regional Council Development Control Plan 2013*;
- The proposed development is not anticipated to generate any adverse impacts in the locality; and
- The proposed development is considered suitable for the site and its surrounds.

7. REFERENCES

NSW Government. (2022, August 24). *Biodiversity Value Map*. Retrieved from <https://www.lmbc.nsw.gov.au/Maps/index.html?viewer=BVMap>

NSW Government Spatial Services. (2022, August 24). *Six Maps*. Retrieved from <http://maps.six.nsw.gov.au/>

NSW Rural Fire Service. (2006). *Planning for Bush Fire Protection: A Guide for Council's, Planners, Fire Authorities and Developers*. Sydney: NSW RFS.



**LAND
REGISTRY
SERVICES**

NEW SOUTH WALES LAND REGISTRY SERVICES - TITLE SEARCH

FOLIO: 11/1/393

SEARCH DATE	TIME	EDITION NO	DATE
20/6/2022	12:12 PM	9	23/3/2022

LAND

LOT 11 OF SECTION 1 IN DEPOSITED PLAN 393
 AT MUDGEE
 LOCAL GOVERNMENT AREA MID-WESTERN REGIONAL
 PARISH OF MUDGEE COUNTY OF WELLINGTON
 TITLE DIAGRAM DP393

FIRST SCHEDULE

SAM SABOUNE (T AR987626)

SECOND SCHEDULE (2 NOTIFICATIONS)

- 1 RESERVATIONS AND CONDITIONS IN THE CROWN GRANT(S)
- 2 AR987627 MORTGAGE TO COMMONWEALTH BANK OF AUSTRALIA

NOTATIONS

UNREGISTERED DEALINGS: NIL
 *** END OF SEARCH ***

Barnson Pty Ltd (Mudgee)

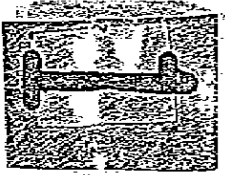
PRINTED ON 20/6/2022

* Any entries preceded by an asterisk do not appear on the current edition of the Certificate of Title.
 Warning: the information appearing under notations has not been formally recorded in the Register.

DYE & DURHAM TERRAIN PTY LTD - hereby certifies that the information contained in this document has been provided electronically by the Registrar General in accordance with section 96B(2) of the Real Property Act 1900.

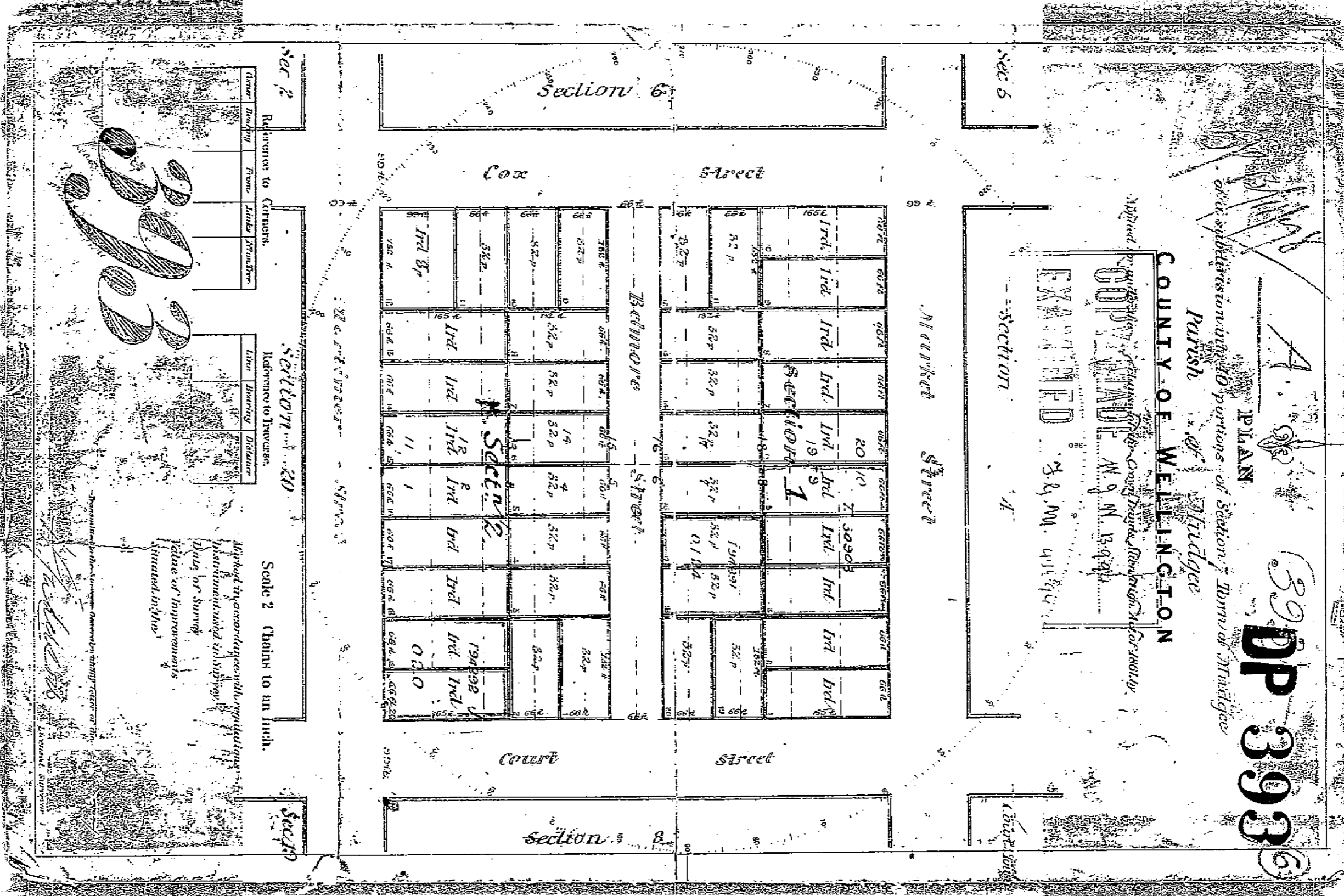
Note: Information contained in this document is provided by DYE & DURHAM TERRAIN PTY LTD (ABN 35 164 894 517), <https://dyedurhamterrain.com/> an approved NSW Information Broker

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I, Bruce Richard Davies, Registrar General for New South Wales, certify that this negative is a photograph made as a permanent record of a document in my custody this 23rd day of May, 1979

100	110	120	130	140	150	160	170	180	190	200	210	220	230	240	250	260	270	280	290	300
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39 DP 393

CONVERSION TABLE ADDED IN REGISTRAR GENERAL'S DEPARTMENT

DP 393	FEET INCHES	METRES
66	-	20.115
99	-	30.175
132	-	40.235
165	-	50.29
AC RD P		SQ M
-	32	809.4
-	1	1012
-	0	1214
-	24	1619
-	2	2025

APPENDIX B

**Aboriginal Heritage Information
Management System (AHIMS)
Search Results**

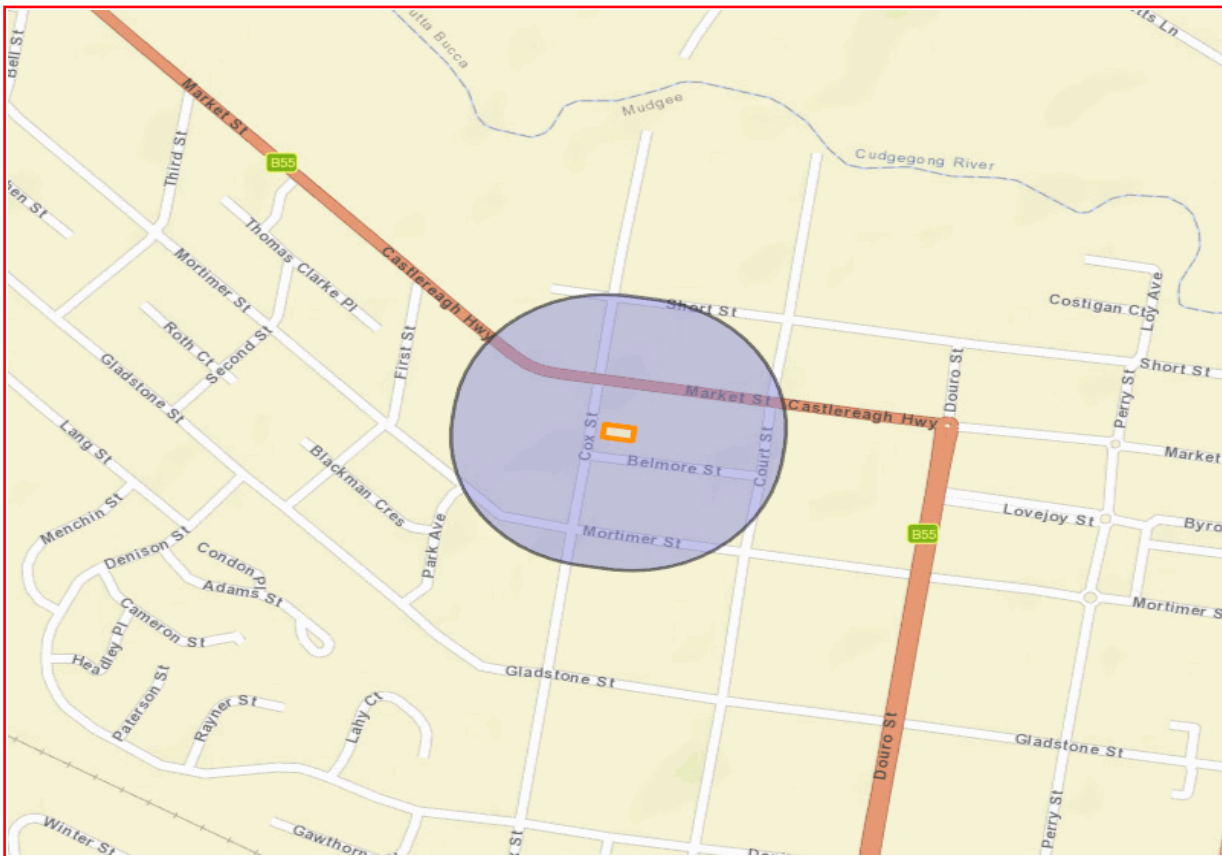
Luke Bonnell
539 Armidale Road
East Tamworth New South Wales 2340
Attention: Luke Bonnell
Email: lbonnell@barnson.com.au

Date: 22 August 2022

Dear Sir or Madam:

AHIMS Web Service search for the following area at Lot : 11, DP:DP393, Section : 1 with a Buffer of 200 meters, conducted by Luke Bonnell on 22 August 2022.

The context area of your search is shown in the map below. Please note that the map does not accurately display the exact boundaries of the search as defined in the paragraph above. The map is to be used for general reference purposes only.



A search of Heritage NSW AHIMS Web Services (Aboriginal Heritage Information Management System) has shown that:

0	Aboriginal sites are recorded in or near the above location.
0	Aboriginal places have been declared in or near the above location. *

If your search shows Aboriginal sites or places what should you do?

- You must do an extensive search if AHIMS has shown that there are Aboriginal sites or places recorded in the search area.
- If you are checking AHIMS as a part of your due diligence, refer to the next steps of the Due Diligence Code of practice.
- You can get further information about Aboriginal places by looking at the gazettal notice that declared it. Aboriginal places gazetted after 2001 are available on the [NSW Government Gazette \(https://www.legislation.nsw.gov.au/gazette\)](https://www.legislation.nsw.gov.au/gazette) website. Gazettal notices published prior to 2001 can be obtained from Heritage NSW upon request

Important information about your AHIMS search

- The information derived from the AHIMS search is only to be used for the purpose for which it was requested. It is not to be made available to the public.
- AHIMS records information about Aboriginal sites that have been provided to Heritage NSW and Aboriginal places that have been declared by the Minister;
- Information recorded on AHIMS may vary in its accuracy and may not be up to date. Location details are recorded as grid references and it is important to note that there may be errors or omissions in these recordings,
- Some parts of New South Wales have not been investigated in detail and there may be fewer records of Aboriginal sites in those areas. These areas may contain Aboriginal sites which are not recorded on AHIMS.
- Aboriginal objects are protected under the National Parks and Wildlife Act 1974 even if they are not recorded as a site on AHIMS.
- This search can form part of your due diligence and remains valid for 12 months.

APPENDIX C
Development Plans



READYBUILT PROJECTS

6 Anderson av,
Hobartville
NSW 2758

List of Consultants

Council: Mudgee LGA
Zoning R2 Low Density
Residential

CLIENT
Samuel Saboune

PROJECT
13 Cox st,
Mudgee
NSW, 2850
Lot 103 DP1243578

DRAWN BY
Joshua Jackett

ISSUES AND REVISIONS
22/06/2022

ISSUED FOR:
Complying Development

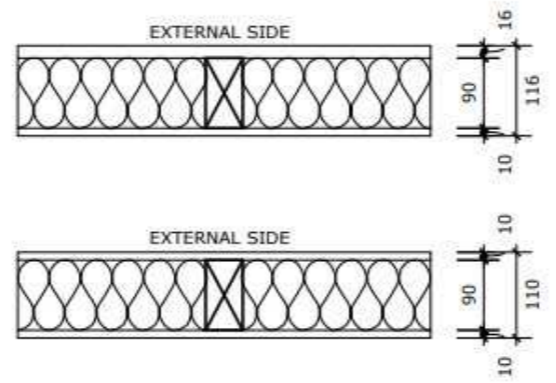
DESCRIPTION
Cover Page

A0.1



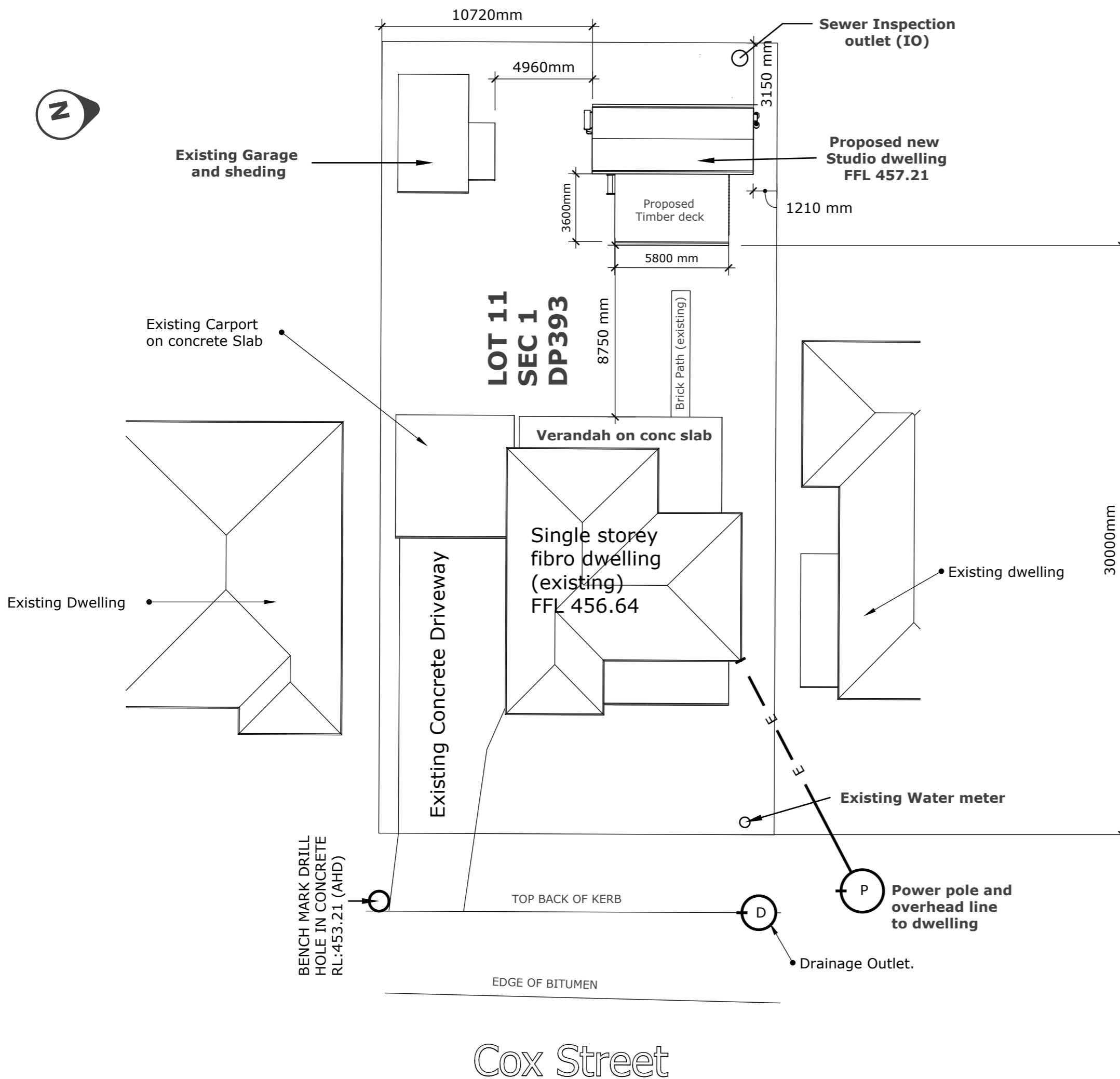
General Legend:
NGL: Natural Ground Level
FFL: Finished floor level
RL: Roof level
TOW: Top of wall
DP: Down pipes
SA: Smoke alarm
MC: Metal Cladding
SK: Skylight
FC: Fibre Cement cladding

Wall Legend:
Exterior Walls
16mm Colorbond Customorb
90x45 Timber stud
10mm Gyprock
Interior Walls
10mm Gyprock
90x45mm timber stud
10 Gyprock
Vills board to wet areas 6mm



DRAWING LIST
NO. DRAWING NAME
A 0.1 COVER
A 0.2 SITE ANALYSIS
A 0.3 SITE PLAN
A 0.4 FLOOR PLAN (2 BED)
A 0.5 FLOOR PLAN (1 BED)
A 0.6 ELEVATIONS (FRONT, SIDE)
A 0.7 ELEVATIONS (REAR SIDE)
A 0.8 SECTIONS
A .09 SHADOW DIAGRAMS JUNE SOL 9AM
A .10 SHADOW DIAGRAMS JUNE SOL 3PM
A .11 SHADOW DIAGRAMS DEC SOL 9AM
A .12 SHADOW DIAGRAMS DEC SOL 3PM
A .13 WINDOW SCHEDULE AND LANDSCAPE & SITE
COVERAGE

NOTES:
-ALL WORK TO COMPLY WITH THE BUILDING CODE OF AUSTRALIA, LOCAL GOVERNMENTS AND RELEVANT AUSTRALIAN STANDARDS.
-BUILDER TO CONFIRM ALL DIMENSIONS ONSITE (DO NOT SCALE OFF PLANS)
-ALL PRODUCTS ARE TO BE INSTALLED IN ACCORDANCE WITH MANUFACTURERS INSTALLATION GUIDES AND/OR WRITTEN INSTRUCTIONS
-PLANS TO BE READ IN CONJUNCTION WITH CONSULTANTS REPORTS, PLANS AND SPECIFICATIONS
-COPYING OR REPRODUCTION OF THIS DRAWING IS STRICTLY PROHIBITED WITHOUT CONSENT.



READYBUILT PROJECTS

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Mudgee
NSW, 2850
Lot 103 DP1243578

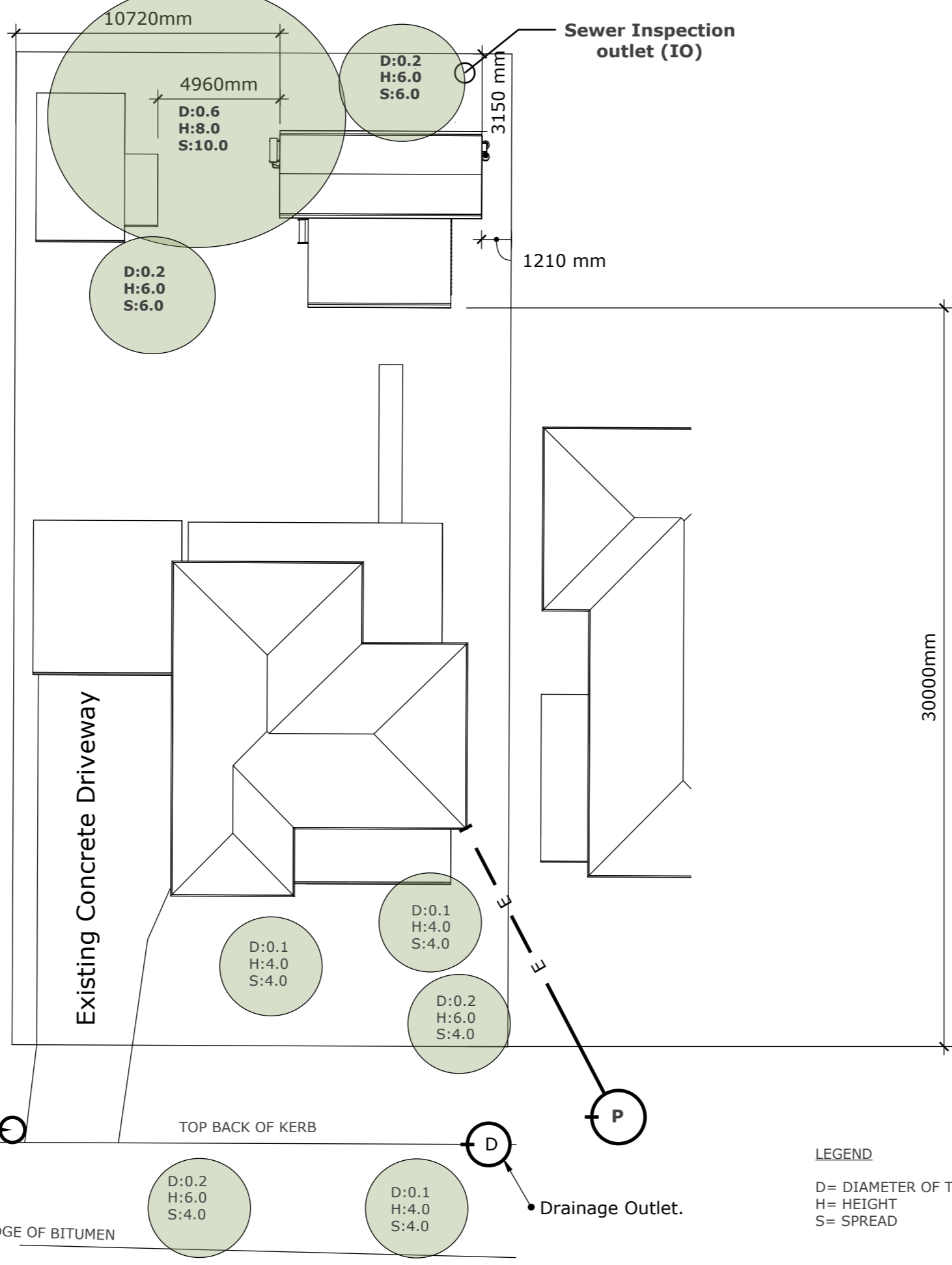
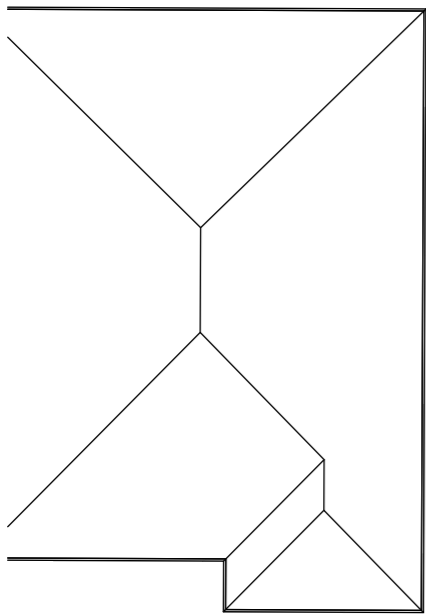
DRAWN BY
Joshua Jackett

ISSUES AND REVISIONS
22/06/2022

ISSUED FOR:
Complying Development

DESCRIPTION
Site plan

A0.2



LEGEND
D= DIAMETER OF TRUNK
H= HEIGHT
S= SPREAD

Cox Street



READYBUILT PROJECTS

6 Anderson av,
Hobartville
NSW 2758

List of Consultants

Council: Mudgee LGA
Zoning R2 Low Density
Residential

CLIENT
Samuel Saboune

PROJECT
13 Cox st,
Mudgee
NSW, 2850
Lot 103 DP1243578

DRAWN BY
Joshua Jackett

ISSUES AND REVISIONS
22/06/2022

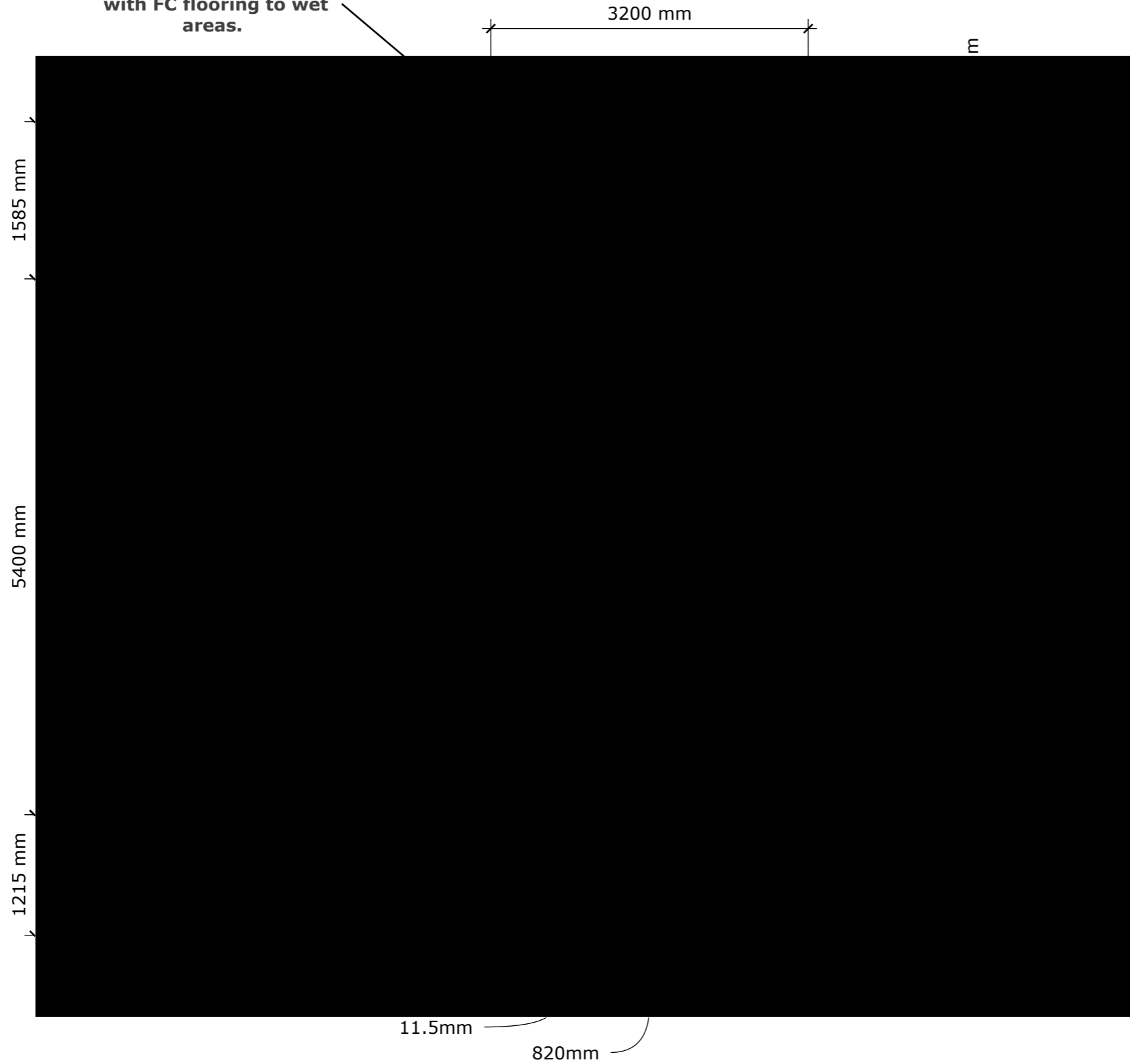
ISSUED FOR:
Complying Development

DESCRIPTION
Existing Vegetation

A0.3



Yellow tounge flooring
with FC flooring to wet
areas.



READYBUILT PROJECTS

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Residential

CLIENT
Samuel Saboune

PROJECT
13 Cox st,
Mudgee
NSW, 2850
Lot 103 DP1243578

DRAWN BY
Joshua Jackett

ISSUES AND REVISIONS
22/06/2022

ISSUED FOR:
Complying Development

DESCRIPTION
Existing Vegetation

A0.4



Pergola to be lazerlite roof over timber frame

Colourbond roof 5 degree pitch with anticon underlay

558 mm

2440mm

2890 mm

3729 mm

FFL

Select grade decking over H# treated pine joist supported by 90x90 timber posts.

Gas bottles for water heater

Rinnai 25 gas water heater (or similar)

Colourbond fascia and gutter

191 mm

Split system AC external unit

FC Cladding to walls

2682 mm

439 mm

2923 mm

Treated pine entry steps

Stainless steel wire handrail at 90mm cc max with timber handrails

Unipeir adjustable metal piers on timber concrete footing to engineers specification.



READYBUILT PROJECTS

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Zoning R2 Low Density
Residential

CLIENT
Samuel Saboune

PROJECT
13 Cox st,
Mudgee
NSW, 2850
Lot 103 DP1243578

DRAWN BY
Joshua Jackett

ISSUES AND REVISIONS
22/06/2022

ISSUED FOR:
Complying Development

DESCRIPTION
Existing Vegetation

A0.5



READYBUILT PROJECTS

6 Anderson av,
Hobartville
NSW 2758

List of Consultants

Council: Mudgee LGA
Zoning R2 Low Density
Residential

CLIENT
Samuel Saboune

PROJECT
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Mudgee
NSW, 2850
Lot 103 DP1243578

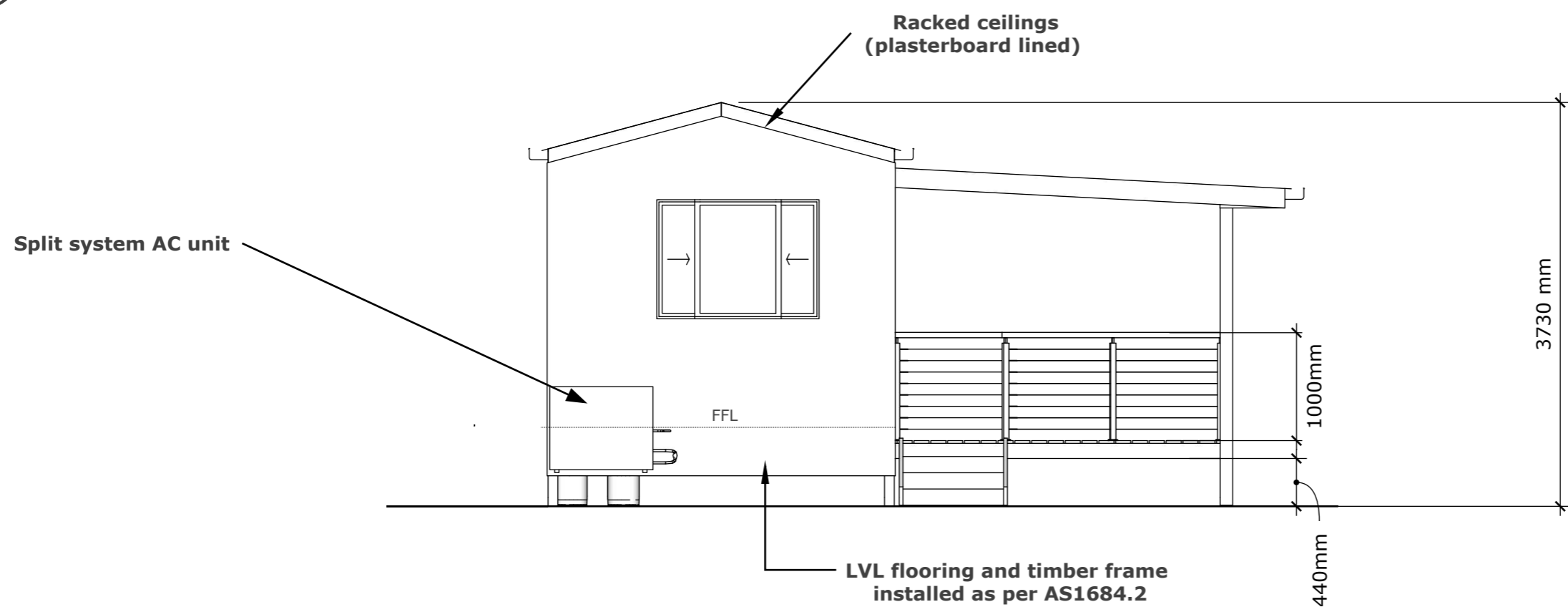
DRAWN BY
Joshua Jackett

ISSUES AND REVISIONS
22/06/2022

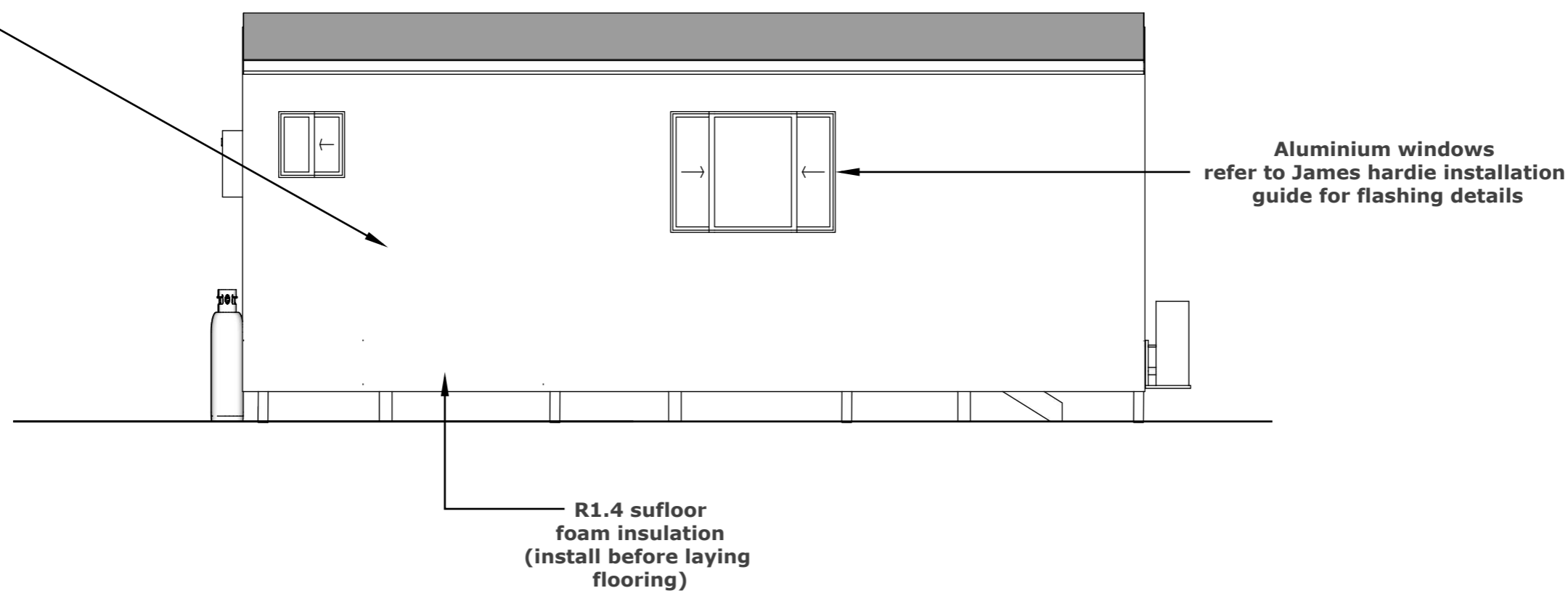
ISSUED FOR:
Complying Development

DESCRIPTION
Existing Vegetation

Ao.6



R2.5 wall insulation
over heavy duty
breathable
wall wrap.





READYBUILT PROJECTS
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Residential

CLIENT
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PROJECT
13 Cox st,
Mudgee
NSW, 2850
Lot 103 DP1243578

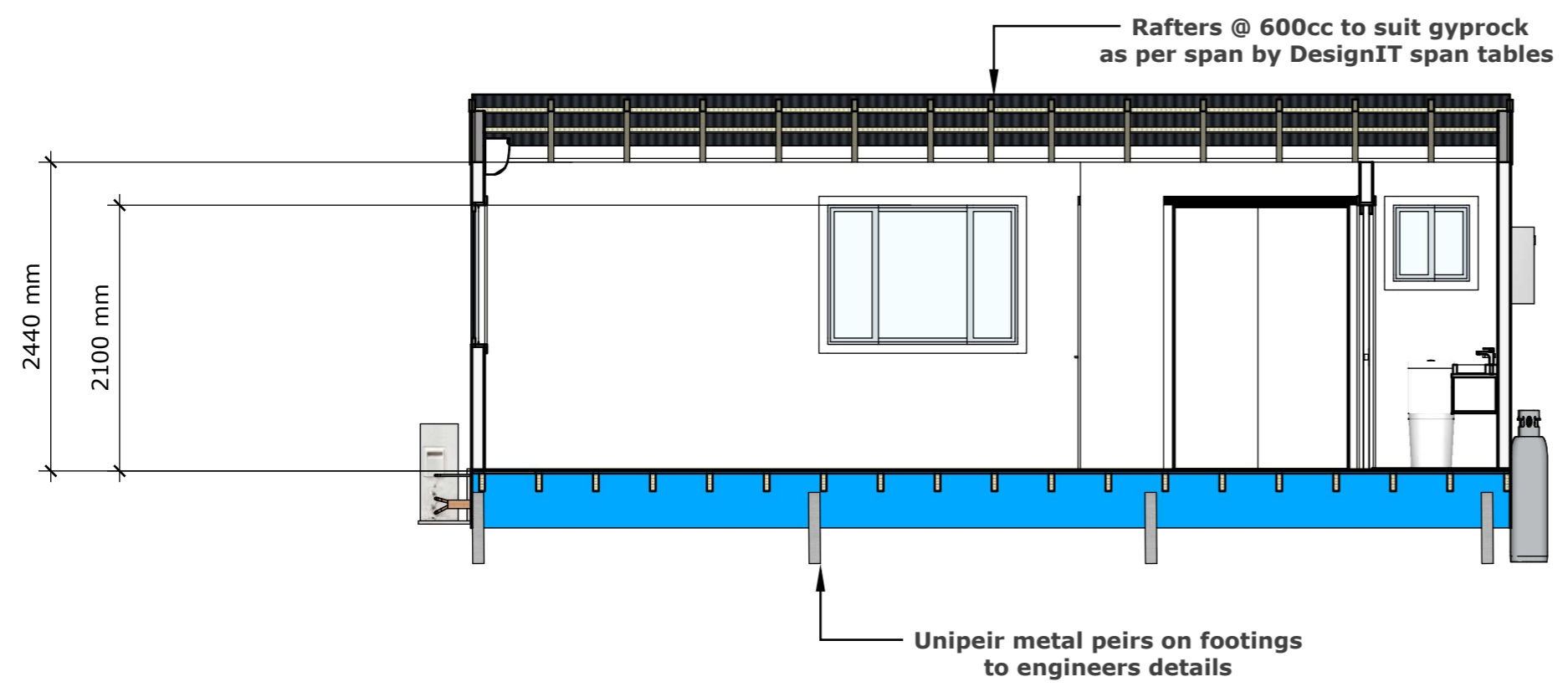
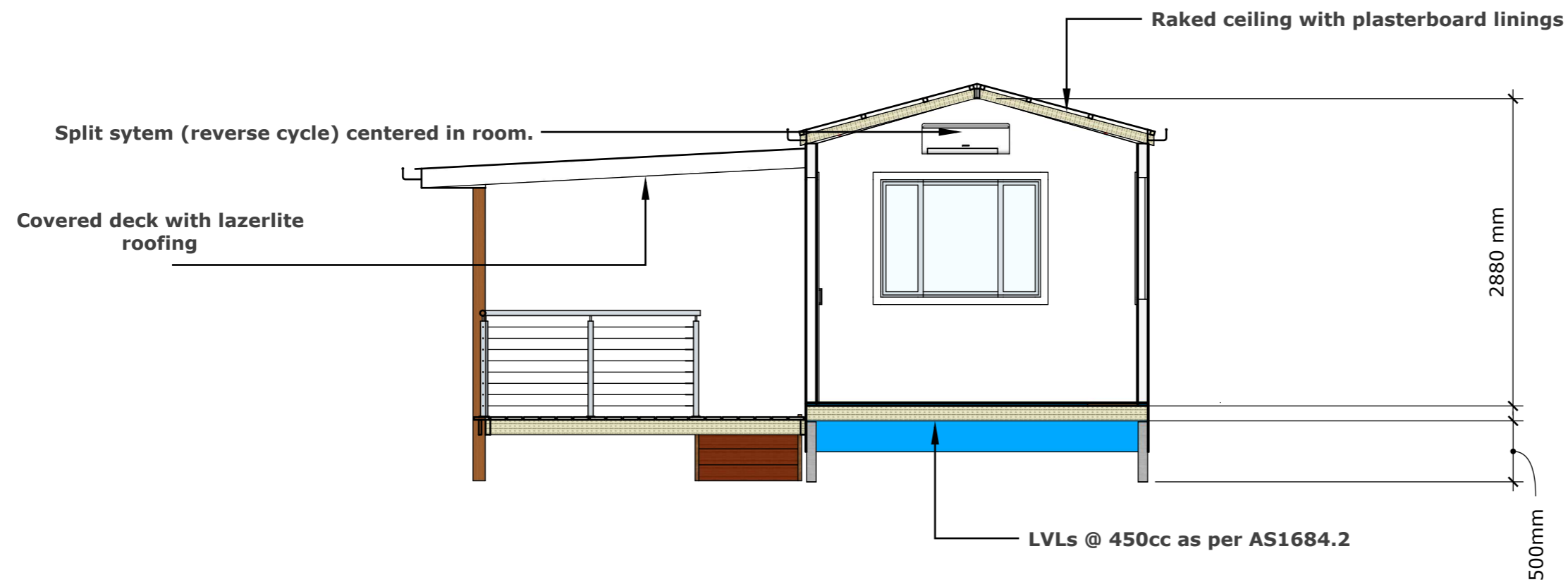
DRAWN BY
Joshua Jackett

ISSUES AND REVISIONS
22/06/2022

ISSUED FOR:
Complying Development

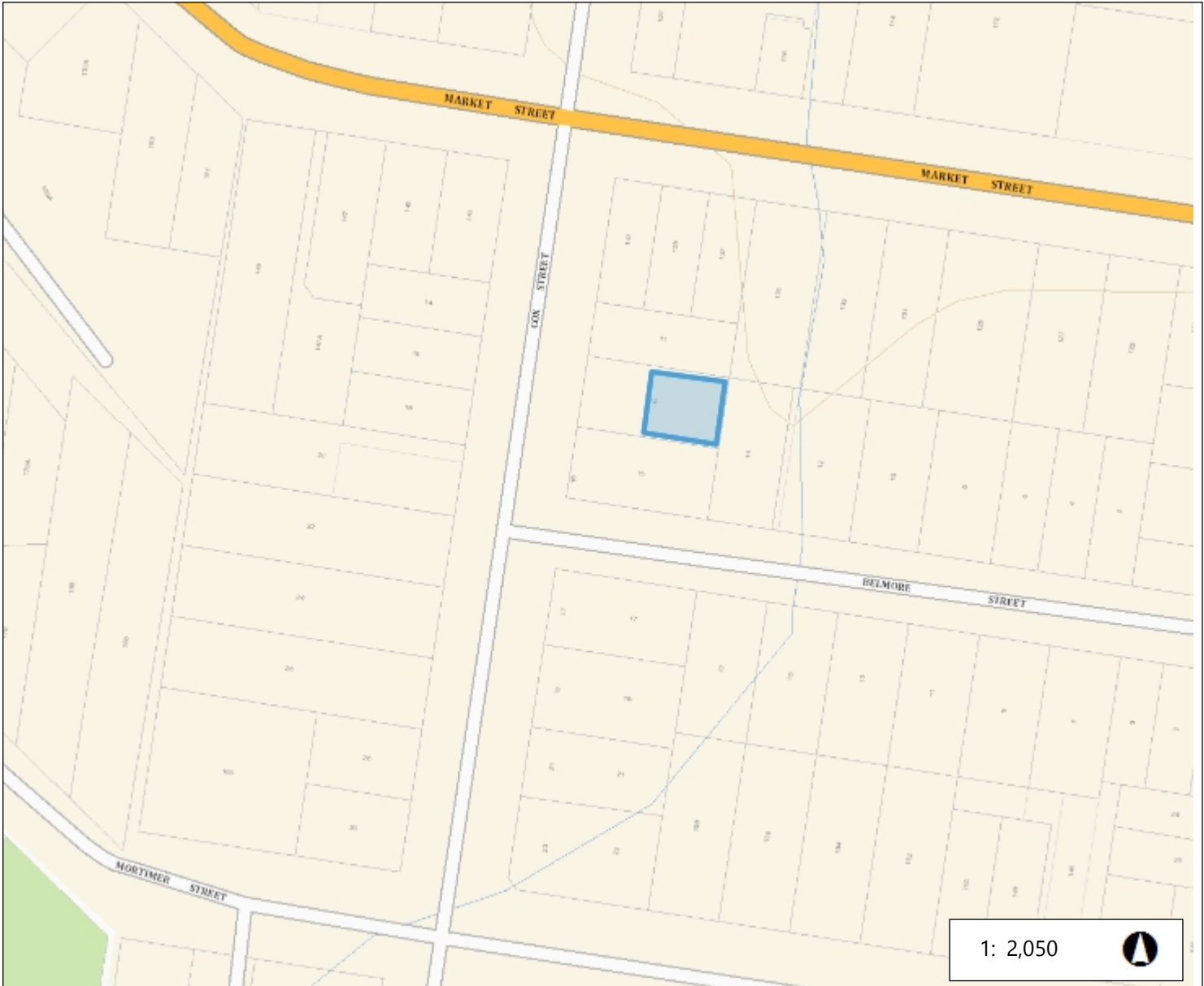
DESCRIPTION
Existing Vegetation

A0.7



APPENDIX D
BMAT Report

Biodiversity Values Map



104.2 0 52.08 104.2 Metres

WGS_1984_Web_Mercator_Auxiliary_Sphere

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

THIS MAP IS NOT TO BE USED FOR NAVIGATION

Legend

- Biodiversity Values that have been mapped for more than 90 days
- Biodiversity Values added within last 90 days

Notes

© NSW Department of Planning and Environment

Biodiversity Values Map and Threshold Report

Results Summary

Date of Calculation	22/08/2022 3:31 PM	BDAR Required*
Total Digitised Area	362.1 sqm	
Minimum Lot Size Method	LEP	
Minimum Lot Size 10,000sqm = 1ha	600 sqm	
Area Clearing Threshold 10,000sqm = 1ha	2,500 sqm	
Area clearing trigger Area of native vegetation cleared	no	no
Biodiversity values map trigger Impact on biodiversity values map(not including values added within the last 90 days)?	no	no
Date of the 90 day Expiry	N/A	

*If BDAR required has:

- at least one 'Yes': you have exceeded the BOS threshold. You are now required to submit a Biodiversity Development Assessment Report with your development application. Go to <https://customer.lmbc.nsw.gov.au/assessment/AccreditedAssessor> to access a list of assessors who are accredited to apply the Biodiversity Assessment Method and write a Biodiversity Development Assessment Report
- 'No': you have not exceeded the BOS threshold. You may still require a permit from local council. Review the development control plan and consult with council. You may still be required to assess whether the development is "likely to significantly affect threatened species' as determined under the test in s. 7.3 of the Biodiversity Conservation Act 2016. You may still be required to review the area where no vegetation mapping is available.

Where the area of impact occurs on land with no vegetation mapping available, the tool cannot determine the area of native vegetation cleared and if this exceeds the Area Threshold. You will need to work out the area of native vegetation cleared - refer to the BMAT user guide for how to do this.

On and after the 90 day expiry date a BDAR will be required.

Disclaimer

This results summary and map can be used as guidance material only. This results summary and map is not guaranteed to be free from error or omission. The State of NSW and Department of Planning and Environment and its employees disclaim liability for any act done on the information in the results summary or map and any consequences of such acts or omissions. It remains the responsibility of the proponent to ensure that their development application complies will all aspects of the *Biodiversity Conservation Act 2016*.

The mapping provided in this tool has been done with the best available mapping and knowledge of species habitat requirements. This map is valid for a period of 30 days from the date of calculation (above).

Acknowledgement

I as the applicant for this development, submit that I have correctly depicted the area that will be impacted or likely to be impacted as a result of the proposed development.

Signature _____ Date: 22/08/2022 03:31 PM