

**STATEMENT OF ENVIRONMENTAL EFFECTS**  
**DEMOLITION OF A DWELLING AND SHED**

**66 Cox Street, Mudgee**



Navigate Planning

6 May 2023

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# 1 INTRODUCTION

This Statement of Environmental Effects (SEE) supports a development application for demolition of a dwelling and shed at 66 Cox Street, Mudgee (Lot 3 DP 1099274).

The subject land is zoned R3 Medium Density Residential. The land contains an old uninhabitable and derelict dwelling. A drainage line crosses the rear of the site.

Demolition is permitted with consent pursuant to clause 2.7 of the Mid-Western Regional Local Environmental Plan 2012. The proposed demolition is not exempt development as the site is located in a heritage conservation area.

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

The demolition will be managed to avoid adverse impacts on the environment, adjoining properties and human health.

The proposal will have social and economic benefits to the community. The development is permissible with consent and is consistent with all relevant legislation and policy. There is no impediment to the granting of development consent subject to conditions.

## 2 PROPOSED DEVELOPMENT

The development consists of the demolition of a single-storey dwelling and a shed on Lot 3 in DP 1099274 at 66 Cox Street, Mudgee.

The demolition of the dwelling and shed will facilitate the erection of new residential development on the land, that will be the subject of a separate development application.

## 3 SITE ANALYSIS

### 3.1.1 Existing development

The subject land contains a derelict dwelling that is unoccupied and uninhabitable. The dwelling sits towards the front and southern boundaries of the site. A small shed is located towards the rear of the dwelling. An open drainage line and large tree is located towards the rear of the site.

### 3.1.2 History, Heritage and Archaeology

The subject land has been used for residential purposes since the mid 1890's. The Heritage Impact Study prepared for the development application states that the existing dwelling on the land was constructed in c. 1895. The land has not been redeveloped since that time. The existing dwelling ceased to be occupied a long time ago and is now uninhabitable.

The land is in the Mudgee Heritage Conservation Area but is not a listed heritage item. However, given it is the original dwelling on the land, there is potential for some heritage values, including archaeology to be located on site. To address the potential heritage values, a Statement of Heritage Impact has been prepared for the development application and a photographic study has commenced and will be completed during the demolition process.

Any future residential development of the site will be undertaken in accordance with an unidentified finds protocol. Similarly any excavations for building foundations will be undertaken carefully with respect to the potential for uncovering any Aboriginal archaeology. These issues will be addressed as part of a future development application.

### 3.1.3 *Services (Water, Sewer, Stormwater, Power)*

The site has access to all necessary services, including water, sewer, electricity and telecommunications. Stormwater from future development of the site can be directed to Cox Street and/or the drainage line at the rear of the site.

### 3.1.4 *Surrounding Development*

The subject land is located in an established residential area. Adjoining and nearby lots all contain residential development.

## 4 COMPLIANCE WITH RELEVANT LEGISLATION

### 4.1 Environmental Protection and Biodiversity Conservation Act 1999

Under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act), a person must not take an action that has, will have or is likely to have a significant impact on any of the matters of national environmental significance without the approval of the Federal Environment Minister. This includes any impacts on threatened species or endangered ecological communities (EEC) listed under the EPBC Act.

The subject land is cleared of vegetation. The proposed demolition will have no significant impact on any matter of national environmental significance.

### 4.2 Environmental Planning and Assessment Act 1979

#### 4.2.1 *Section 4.5 – Designation of consent authority*

Pursuant to clause 4.5 (d), Mid-Western Regional Council is the consent authority.

#### 4.2.2 *Section 4.10 – Designated development*

Clause 4.10 defines designated development as development that is declared by an environmental planning instrument or the regulations as designated development. The development is not declared by any environmental planning instrument as designated development.

#### 4.2.3 *Section 4.12 – Application*

This provision allows for certain LG Act approvals to be addressed within a development consent. No approvals under the LG Act are required for the development.

#### 4.2.4 *Section 4.13 – Consultation and concurrence*

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

#### 4.2.5 *Section 4.15 – Evaluation*

The following matters are relevant to the proposal under section 4.15 of the EPA Act. Detailed assessment against each of these matters is provided in Section 5 of this SEE.

#### **State Environmental Planning Policies**

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

#### **Local Environmental Plans**

- *Mid-Western Regional Local Environmental Plan 2012*

## **Draft Environmental Planning Instruments**

Nil.

## **Development Control Plans**

Mid-Western Regional Development Control Plan 2013

## **Planning Agreements**

Nil

## **Environmental Planning and Assessment Regulation**

Nil

## **Impacts on the built environment**

The demolition of the dwelling and shed will remove an existing eyesore from the streetscape, making way for a new residential development. This will have a positive impact on the built environment.

## **Impacts on the natural environment**

The demolition of the dwelling and shed will have no significant impact on the natural environment.

## **Social and economic impacts**

The demolition will have positive social and economic impacts through the removal of a derelict dwelling, facilitating a new residential development of the land.

## **Suitability of the site**

The dwelling is derelict and uninhabitable. The dwelling cannot be restored to be habitable. There is no alternative means of facilitating a suitable residential development of the land other than demolition of the dwelling and shed.

## **The Public Interest**

The demolition of a derelict dwelling and a shed to facilitate new residential development and occupation of the land is considered to be in the public interest.

### **4.2.6 Section 4.46 – Integrated Development**

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

## **4.3 Biodiversity Conservation Act 2016**

The *Biodiversity Conservation Act 2016* (BC Act) outlines the processes for biodiversity assessments, approvals and offsets where required. The BC Act also defines biodiversity values, and these are shown as the purple areas on the Biodiversity Values Map. No part of the subject land is mapped as having biodiversity values. The site contains no native vegetation and the proposed development will have no direct or indirect impacts on any threatened ecological communities. The proposal will have no significant impact on biodiversity.

## **4.4 National Parks and Wildlife Act 1974**

Part 6 of the *National Parks and Wildlife Act 1974* (NPW Act) states that it is an offence to harm or desecrate an Aboriginal object unless authorised by an Aboriginal heritage impact permit.

A basic search of the Aboriginal Heritage Information Management System found no records of any Aboriginal artefacts within 200m of the subject land.

The site has been developed, disturbed and used over a long period of time for residential purposes. Works associated with the proposed demolition will only involve areas previously disturbed. It is considered that there is minimal potential for disturbance of Aboriginal archaeology and that no further detailed Aboriginal cultural heritage assessment is warranted. However, the development, and future new residential development will be undertaken in accordance with the legislative requirements to protect any Aboriginal item uncovered during works.

#### **4.5 Water Management Act 2000**

Section 91 of the Water Management Act 2000 requires a controlled activity approval for works within 40m of a watercourse. The drainage line at the rear of the site is mapped as a watercourse. The proposed demolition is partly within 40m of the watercourse.

However, clause 42 and clause 29 of Schedule 4 of the Water Management Regulation 2018 provides an exemption for any kind of controlled activity carried out in connection with development for a dwelling house or dual occupancy building.

The proposal therefore does not require a controlled activity approval and is not integrated development.

### **5 COMPLIANCE WITH PLANNING CONTROLS**

#### **5.1 State Environmental Planning Policy (Resilience and Hazards) 2021**

Chapter 4 of *State Environmental Planning Policy (Resilience and Hazards) 2021* aims to promote the remediation of contaminated land to reduce risk to human health and the environment. SEPP 55 requires consideration of the potential contamination of land and the need for remediation of that land before development consent is granted. To assist in the assessment of potential contamination, SEPP 55 the following land as being subject to consideration:

- (a) *land that is within an investigation area,*
- (b) *land on which development for a purpose referred to in Table 1 to the contaminated land planning guidelines is being, or is known to have been, carried out,*
- (c) *to the extent to which it is proposed to carry out development on it for residential, educational, recreational or child care purposes, or for the purposes of a hospital—land:*
  - (i) *in relation to which there is no knowledge (or incomplete knowledge) as to whether development for a purpose referred to in Table 1 to the contaminated land planning guidelines has been carried out, and*
  - (ii) *on which it would have been lawful to carry out such development during any period in respect of which there is no knowledge (or incomplete knowledge).*

There are no relevant consultation or concurrence requirements for the development under the SEPP.

The development site is not in an investigation area. 66 Cox Street has been used since at least 1895 for residential purposes. There is no evidence of any previous use that is likely to have caused contamination of the site. It is therefore considered that no further contamination assessment is warranted as part of this development application.

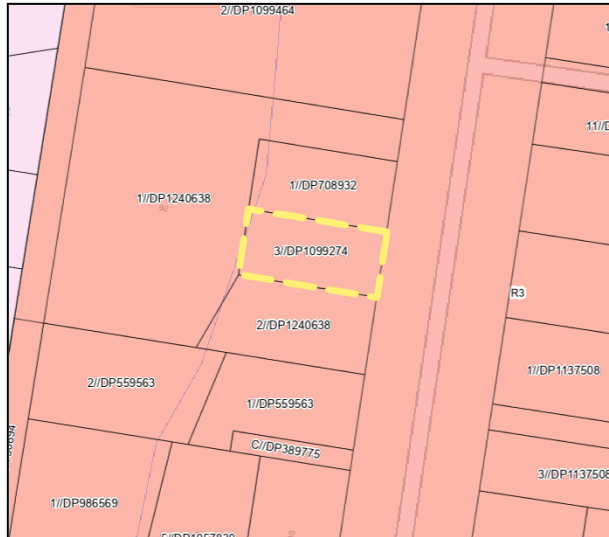
The original fabric of the dwelling does not contain asbestos, however there may be some asbestos containing materials from later renovations. Demolition will be undertaken in compliance with safe work practices.

Given the above the site is considered suitable for the development.

## 5.2 Mid-Western Regional Local Environmental Plan 2012

### 5.2.1 Zoning and zone objectives

The development is proposed on land zoned R3 Medium Density Residential, as shown on the map below.



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.*

The proposed development facilitates the reinstatement of habitable residential accommodation of the land. The land is in the Mudgee Heritage Conservation Area. Given the derelict nature of the existing dwelling, its demolition is considered a positive impact on the area. The proposal is therefore considered to be consistent with the above objectives.

### 5.2.2 Land Use Permissibility

The proposed development is demolition. No land use is proposed as part of this development application. As noted above, demolition is permitted with consent pursuant to clause 2.7 of the MWRLEP 2012.

### 5.2.3 Lot Size

Not applicable to the proposed development.

### 5.2.4 Building height

Not applicable to the proposed development.

### 5.2.5 Heritage

The site does not contain a heritage item, however it is within the Mudgee heritage conservation area. The site is in close proximity to a heritage item (Item I48, House at 116 Denison Street, Mudgee). The heritage map in the MWRLEP 2012 is shown below.





A Heritage Impact Statement has been prepared for the development application. The HIS outlines the following impacts of the proposed demolition on the heritage significance of the dwelling:

- *The removal of a derelict house, which has been unused for many decades, will be a positive on the residential amenity of the area.*
- *When the former 1890s house is removed, significance of the streetscape will be affected. This is probably the oldest house in the vicinity.*

The recommendation of the HIS are as follows:

1. *A small number of materials can be salvaged and passed onto others for use. Some face bricks, the timber fireplace surround and the front weatherboard cladding. These should be carefully removed.*
2. *An archival record of digital photographic record should be made before and during demolition. During demolition hidden aspects of the method of construction can then be recorded. This record will need to be in two parts. Before and during demolition.*
3. *A look out for any unforeseen relics, especially during the demolition process, such as objects under the floorboards. Report back to the heritage adviser and include in the photographic record.*

Subject to the demolition being undertaken in accordance with these recommendations, the proposal is considered to be consistent with clause 5.10 of the MWRLEP 2012.

A draft photographic record of the dwelling has been prepared for this development application. The photographic record will continue during the demolition process to capture any elements currently unable to be seen, such as the roof framing and the foundations. A final photographic record will be provided to Council following the completion of the demolition works.

In relation to Aboriginal Heritage, a basic search of the Aboriginal Heritage Information Management System found no records of any Aboriginal artefacts within 200m of the subject land. The site has been developed, disturbed and used over a long period of time for



residential purposes. Works associated with the proposed demolition will only involve areas previously disturbed. It is considered that there is minimal potential for disturbance of Aboriginal archaeology and that no further detailed Aboriginal cultural heritage assessment is warranted. However, the development, and future new residential development will be undertaken in accordance with the legislative requirements to protect any Aboriginal item uncovered during works.

#### 5.2.6 Flood planning

Clause 5.21 (2) of the MWRLEP 2012 states that “*development consent must not be granted to development on land the consent authority considers to be within the flood planning area unless the consent authority is satisfied the development—*

- (a) *is compatible with the flood function and behaviour on the land, and*
- (b) *will not adversely affect flood behaviour in a way that results in detrimental increases in the potential flood affectation of other development or properties, and*
- (c) *will not adversely affect the safe occupation and efficient evacuation of people or exceed the capacity of existing evacuation routes for the surrounding area in the event of a flood, and*
- (d) *incorporates appropriate measures to manage risk to life in the event of a flood, and*
- (e) *will not adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses.”*

The Mudgee Flood Study completed in February 2021 identifies the rear portion of the land along the open drainage channel as being within the flood planning area. An extract of the 1% AEP flood map in the study is provided below.



The demolition of the dwelling and shed will have no impact on flood behaviour. Any future residential development of the land will need to have regard to its potential impact on flood behaviour and define an appropriate floor level.

#### 5.2.7 Earthworks

Not applicable to the proposed development.

### 5.2.8 Groundwater vulnerability

The whole of the land is mapped as groundwater vulnerable on the Groundwater Vulnerability Map in MWLEP 2012.

Clause 6.4 requires the consent authority to consider:

- (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 ecosystems,*
- (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.*

The proposed demolition will have no detrimental impacts on groundwater.

### 5.2.9 Terrestrial Biodiversity

The subject land does not contain any areas mapped as having terrestrial biodiversity.

### 5.2.10 Essential Services

Clause 6.9 of MWRLEP 2012 states that “*development consent must not be granted to development unless the consent authority is satisfied that any of the following services that are essential for the proposed development are available or that adequate arrangements have been made to make them available when required—*

- (a) *the supply of water,*
- (b) *the supply of electricity,*
- (c) *the disposal and management of sewage,*
- (d) *stormwater drainage or on-site conservation,*
- (e) *suitable road access.”*

The site has access to all necessary services, including water, sewer, electricity and telecommunications. Stormwater from future development of the site can be directed to Cox Street and/or the drainage line at the rear of the site.

## 5.3 Mid-Western Regional Development Control Plan 2013

### 5.3.1 Section 3.1 Residential Development in Urban Areas

There are no specific provisions in Section 3.1 relating to the demolition of a dwelling or shed.

### 5.3.2 Section 5.2 Flooding

The Mudgee Flood Study completed in February 2021 identifies the rear portion of the land along the open drainage channel as being within the flood planning area. An extract of the 1% AEP flood map in the study is provided below.

The demolition of the dwelling and shed will have no impact on flood behaviour. Any future residential development of the land will need to have regard to its potential impact on flood behaviour and define an appropriate floor level.

### 5.3.3 Section 5.3 Stormwater Management

Not applicable to the proposed development.

### 5.3.4 Section 5.4 Environmental Controls

#### **Protection of Aboriginal Archaeological Items**

A basic search of the Aboriginal Heritage Information Management System found no records of any Aboriginal artefacts within 200m of the subject land. The site has been developed, disturbed and used over a long period of time for residential purposes. Works associated with the proposed demolition will only involve areas previously disturbed. It is considered that there is minimal potential for disturbance of Aboriginal archaeology and that no further detailed Aboriginal cultural heritage assessment is warranted. However, the development, and future new residential development will be undertaken in accordance with the legislative requirements to protect any Aboriginal item uncovered during works.

#### **Bushfire Management**

The subject land is not mapped as bushfire prone land.

#### **Riparian and Drainage Line Environments**

A drainage line crosses the rear of the site. The drainage line is mapped as a watercourse, but is not in a natural state. Pursuant to clause 42 and clause 29 of Schedule 4 of the Water Management Regulation 2018, the proposal does not require a controlled activity approval and is not integrated development. Appropriate measures will be in place prior to and during demolition to ensure there are no detrimental impacts on the watercourse.

#### **Pollution and Waste Management**

The development will generate demolition waste. In accordance with the recommendations of the Heritage Impact Study, any fabric that is capable of salvation and reuse will be stored on site until appropriate reuse options are identified. Fabric not suitable for reuse will be disposed of at the Mudjee waste transfer station.

#### **Threatened Species and Vegetation Management**

Not applicable to the proposed development.

#### **Building in Saline Environments**

Not applicable to the proposed development.

## **6 CONCLUSION**

This Statement of Environmental Effects (SEE) supports a development application for demolition of a dwelling and shed at 66 Cox Street, Mudjee (Lot 3 DP 1099274).

The subject land is zoned R3 Medium Density Residential. The land contains an old uninhabitable and derelict dwelling. A drainage line crosses the rear of the site.

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