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# Statement of Environmental Effects

**Client:** Yarranvale Pastoral  
**Project:** Secondary Dwelling, Garage and  
Awning (Retrospective)  
**Site Address:** 27 Gladstone Street, Mudgee

8 March 2023

**Our Reference :** 40648-PR01\_B



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<b>Project Name:</b>	Secondary Dwelling, Garage and Awning (Retrospective) for 27 Gladstone Street, Mudgee
<b>Client:</b>	<b>Yarranvale Pastoral</b>
<b>Project Number:</b>	40648
<b>Report Reference:</b>	40648-PR01_B
<b>Date:</b>	8 March 2023

<b>Prepared by:</b>	<b>Reviewed by:</b>
	
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## Contents

<b>1. INTRODUCTION.....</b>	<b>5</b>
1.1. Background.....	5
1.2. Proponent.....	5
1.3. Consultant .....	5
<b>2. Existing Environment .....</b>	<b>6</b>
2.1. Location and Title .....	6
2.2. Land Use.....	8
2.3. Topography and Soils.....	8
2.4. Flora and Fauna .....	8
2.5. Natural Hazards .....	9
2.6. Services.....	9
2.7. Access and Traffic .....	9
2.8. Heritage.....	9
<b>3. Proposed development .....</b>	<b>11</b>
<b>4. Land Use Zoning .....</b>	<b>12</b>
<b>5. Planning Considerations.....</b>	<b>13</b>
5.1. Biodiversity Conservation Act 2016 .....	13
5.2. Fisheries Management Act 1994.....	15
5.3. Environmental Planning & Assessment Act 1979 .....	15
5.4. Environmental Planning Instruments .....	16
5.5. Draft Environmental Planning Instruments .....	20
5.6. Development Control Plans .....	20
5.7. Any Planning Agreement entered into.....	24
5.8. Any Matters Prescribed by the Regulations.....	24
5.9. Any Likely Impacts of the Development.....	24
5.10. Suitability of the Site for the Proposed Development .....	25
5.11. The Public Interest .....	25
<b>6. Conclusion.....</b>	<b>26</b>
<b>7. References.....</b>	<b>27</b>

### List of Tables

Table 1 – SEPP (Housing) 2021 Compliance Table .....	17
Table 2 – DCP Compliance Table .....	21

### List of Plates

Plate 1 – View of the site fronting Gladstone Street (Google Street View) .....	7
Plate 2 – View of the site fronting Fleetwood Avenue (Google Street View) .....	8

### List of Figures

Figure 1 – Site Location .....	6
Figure 2 – Site Aerial.....	7
Figure 3 – Heritage Conservation Area Mapping.....	10
Figure 4 – Biodiversity Value Map.....	14

### Appendices

APPENDIX A Ident Survey .....	28
APPENDIX B AHIMS Search.....	28
APPENDIX C Development Plans.....	28

## 1. INTRODUCTION

### 1.1. Background

Barnson Pty Ltd has been engaged by Yarranvale Pastoral to prepare information in support of a Development Application (DA) seeking retrospective approval for a secondary dwelling, garage and awning at 27 Gladstone Street, Mudgee.

The subject site is located on Lot 1 DP 574923 and has an area of 846.5m<sup>2</sup>. The site contains an established residential dwelling, pool, gazebo, shed and secondary dwelling.

The development seeking consent consists of a secondary dwelling, garage and awning that was built/used on the site without approval.

The site is zoned R3 Medium Density under *Mid-Western Regional Local Environmental Plan 2012*. The 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
- One (1) PDF copy of this written statement, including plans.

### 1.2. Proponent

The proponent for the DA is Yarranvale Pastoral.

### 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 1 DP 574923, known as 27 Gladstone Street, Mudgee. The site is located on the corner of Gladstone Street and Fleetwood Avenue, approximately 300m southeast of St Matthews Catholic School as shown in Figure 1 below.



Source: (NSW Government Spatial Services, 2023)

**Figure 1 – Site Location**

The site has an overall area of 846.5m<sup>2</sup> (refer to Ident Survey in Appendix A of this report). The site has direct frontage to Gladstone Street and Fleetwood Avenue.

The site contains an established residential dwelling, pool, gazebo, shed and secondary dwelling, as shown in Figure 2 and Plates 1 – 2 below.





Source: (NSW Government Spatial Services, 2023)

**Figure 2 – Site Aerial**



**Plate 1 – View of the site fronting Gladstone Street (Google Street View)**



**Plate 2 – View of the site fronting Fleetwood Avenue (Google Street View)**

## **2.2. Land Use**

The subject site is located in an established residential area. Residential land uses surround the site.

## **2.3. Topography and Soils**

The site is relatively flat. Soils are typically brown clay loam top soil.

## **2.4. Flora and Fauna**

The site is predominately improved with existing dwellings and structures, with managed grasslands and some trees along the eastern boundary of the site.



## 2.5. Natural Hazards

The site is not mapped as bushfire prone or within a Flood Planning Area under the *Mudgee Regional Local Environmental Plan 2012* (the LEP) or the Department of Planning, Industry and Environment's *ePlanning Spatial Viewer*.

## 2.6. Services

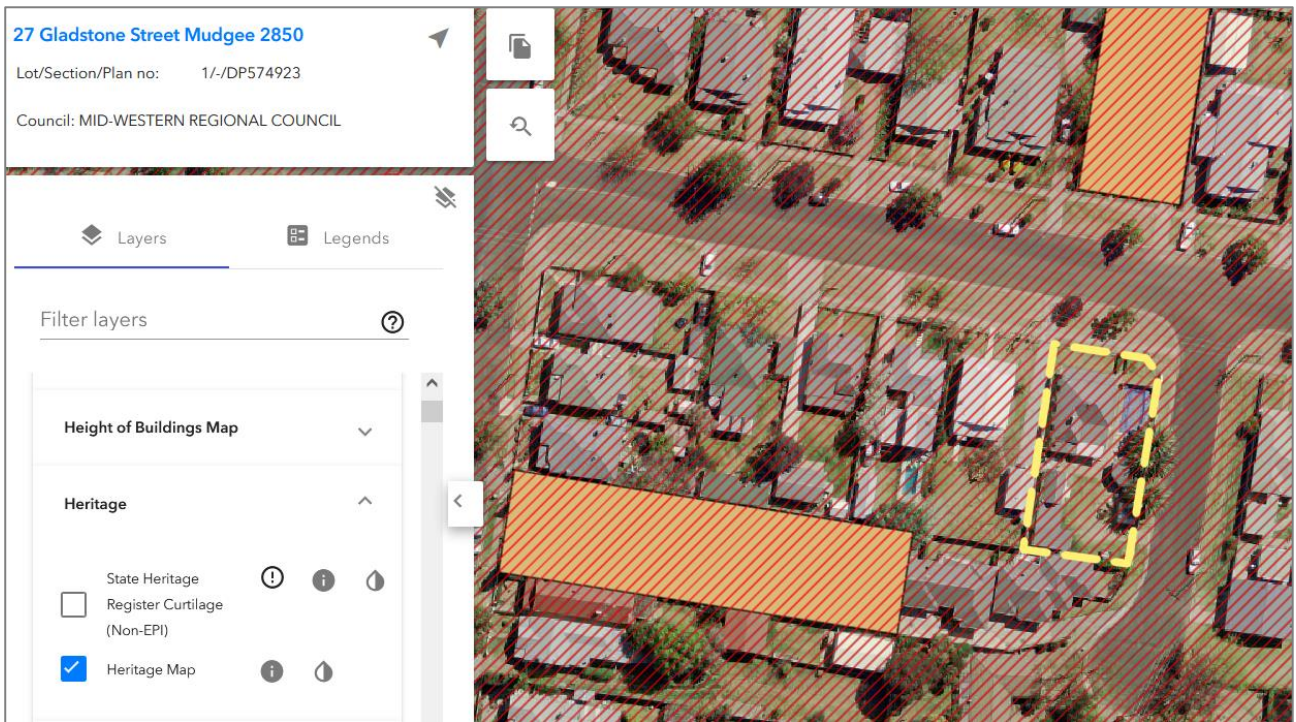
The site contains existing established connections to all essential services including reticulated water, sewer, stormwater, electrical and telecommunications infrastructure. The site has direct frontage and access to both Gladstone Street and Fleetwood Avenue.

## 2.7. Access and Traffic

Vehicular access to the site is gained via Gladstone Street (sealed road) with an existing crossover. The site also has direct frontage to Fleetwood Avenue (Corner lot) and traffic levels are consistent with average traffic levels typical of local residential roadways.

## 2.8. Heritage

The site does not contain a heritage listed item according to the Mid-Western Regional Local Environmental Plan 2012 and the NSW State Heritage Register. However, the site is located within the Mudgee Heritage Conservation Area as shown in Figure 3 below.



**Figure 3 – Heritage Conservation Area Mapping**

An Aboriginal Heritage Information Management System (AHIMS) search was conducted on the subject site and the report (attached in Appendix B of this report) reveals there are no Aboriginal items, places or sites on or within close proximity to the subject site.

### 3. PROPOSED DEVELOPMENT

The proposed development is seeking consent for the retrospective approval of a secondary dwelling, garage and awning on Lot 1 DP , known as 27 Gladstone Street, Mudgee.

The retrospective development consists of an existing secondary dwelling which is 39.8m<sup>2</sup> in size, garage which is 18m<sup>2</sup> in size and attached awning. The existing secondary dwelling is made up of weatherboard cladding, timber framing, iron roof sheeting and guttering and is connected to all existing essential services.

The secondary dwelling is located on the southwestern corner of the site and consists of;

- Garage;
- 1 Bedroom;
- An open living, dining and kitchen area;
- Bathroom/Laundry room.

The secondary dwelling will continue to be used as extra living and accommodation space for residents and their guests.

Refer to the Development Plans provided in Appendix C of this report.

A Building Information Certificate (BIC) application shall be lodged with Council once the consent is released and prior to the ongoing use of the structure. A Structural Adequacy Report shall be prepared and provided as part of the BIC application.

## 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 seeking retrospective approval for a secondary dwelling, which is permissible with consent in the R3 zone.

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 proposed development includes no physical works, no clearing of any vegetation or potential fauna habitat. Therefore, the proposed development is not likely to significantly affect threatened species or ecological communities, or their habitats.

### Section 7.4 Test

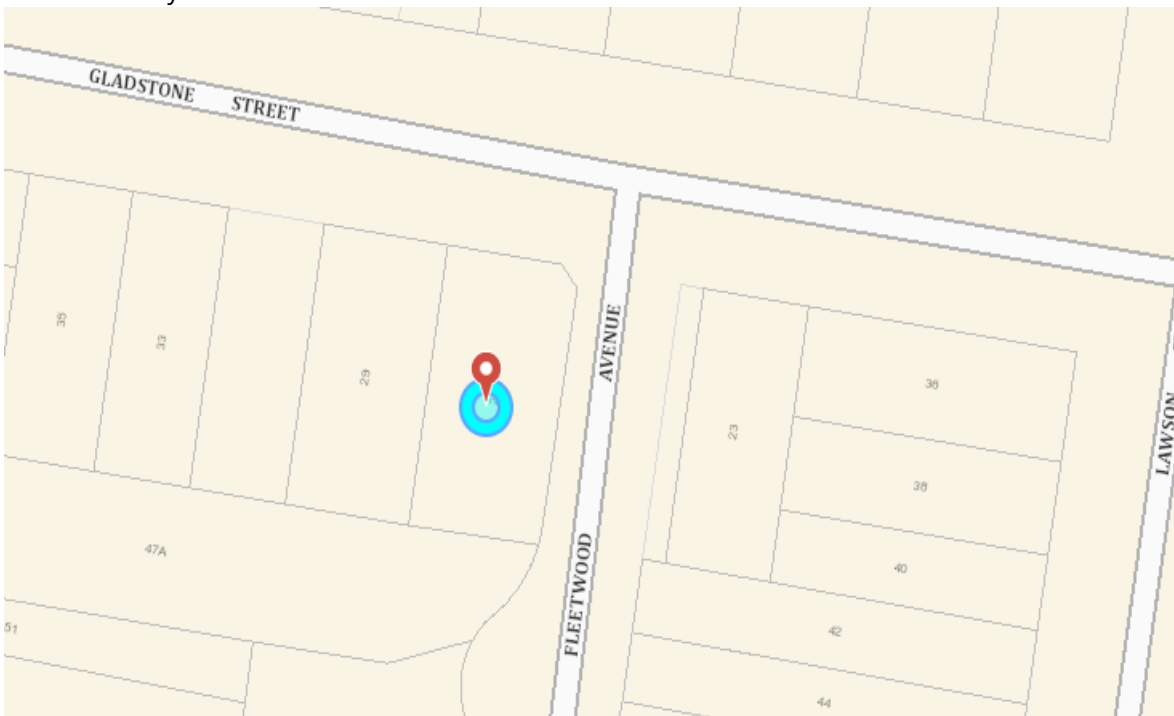
Section 7.4 of the BC Act states:

- (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 includes no clearing or any physical works. The proposed development does not exceed the biodiversity offsets threshold for the purposes of this part

### 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, 2023)

**Figure 4 – 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.

## 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	The development is defined as the erection of a secondary dwelling, in line with the SEPP’s definition.
	The proposed development is on a subject site zoned R3 Medium Density Residential, in line with the SEPP’s residential zone applicability.
No Subdivision – Development consent must not be granted for the subdivision of a lot on which development has been carried out under this part.	Noted. The development does not propose a subdivision as part of this application.
<i>Division 2</i>	
Development consent must not be granted unless – <ul style="list-style-type: none"> <li>a) No dwellings, other than the principle dwelling and the secondary dwelling, will be located on the land, and</li> <li>b) The total floor area of the principle dwelling and the secondary dwelling is no more than the maximum floor area permitted for a dwelling house on the land under another environmental planning instrument, and</li> <li>c) The total floor area of the secondary dwelling is – <ul style="list-style-type: none"> <li>i) No more than 60m<sup>2</sup>, or</li> <li>ii) If a greater floor area is permitted for a secondary dwelling on the land under another environmental planning instrument-the greater floor area</li> </ul> </li> </ul>	<p>There are no other dwellings other than the primary and secondary dwelling on the subject site.</p> <p>The site 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 39.8m<sup>2</sup>, which is no more than 60m<sup>2</sup> as required.</p> <p>The proposed development complies with this provision.</p>
The object of this section is to identify development standards for particular	The non-discretionary development standards are adhered to as follows;

<p>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"> <li>a) For a detached secondary dwelling – minimum site area of 450m<sup>2</sup></li> <li>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.</li> </ul>	<ul style="list-style-type: none"> <li>a) The proposed development is a detached secondary dwelling, and the site area is 846.5m<sup>2</sup>.</li> <li>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.</li> </ul> <p>The proposed development complies with this provision.</p>
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#### 5.4.2. State Environmental Planning Policy (Biodiversity and Conservation) 2021

Whilst the subject site is located within the Mudgee LGA, it is not considered to comprise potential koala habitat as defined by State Environmental Planning Policy (Biodiversity and Conservation) 2021.

Therefore SEPP (Biodiversity and Conservation) 2021 does not require any further consideration.

#### 5.4.3. State Environmental Planning Policy (Resilience and Hazards) 2021

Clause 4.6 of *State Environmental Planning Policy (resilience and Hazards) 2021* requires Council to consider the following before granting consent to a DA:

- (a) *it has considered whether the land is contaminated, and*
- (b) *if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and*
- (c) *if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.*

Comment: A desktop analysis, including a review of Council's records system, did not reveal any information about the past use of the site beyond that of current residential use. Given the long-term continuous use of the land for residential purposes and no known potentially contaminating activities, the highly disturbed nature of the site, and that the site has not been identified as being a known contaminated site under the NSW Environment Protection Authority contaminated land records, no further consideration of the SEPP is required.

#### 5.4.4. Mid-Western Regional Local Environmental Plan 2012

##### Land Use Table

The subject site is zoned R3 Medium Density Residential pursuant to *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 a 'Secondary Dwelling', which is considered to be consistent with the zone objectives as it provides for the housing needs of the community and adds to the variety of housing types in the locality. It is permissible with consent in the R3 zone.

##### Height of Buildings

Clause 4.3 of the LEP establishes a maximum building height limit for land identified on the Height of Buildings Map, of which the subject site is included. As shown on the Development Plans in Appendix C, the existing structures is well below the 8.5m height restriction.

##### Controls Relating to Miscellaneous Permissible Uses

Clause 5.4(9) of the LEP states the following:

*(9) Secondary dwellings If development for the purposes of a secondary dwelling is permitted under this Plan, the total floor area of the dwelling (excluding any area used for parking) must not exceed whichever of the following is the greater—*

- (a) 60 square metres,*
- (b) 50% of the total floor area of the principal dwelling.*

Comment: Given that the subject application is seeking consent for the use of a secondary dwelling, this clause applies. The existing secondary dwelling is 39.8m<sup>2</sup> in size, therefore complying with (a) of this clause.

##### 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 an existing principal dwelling, secondary dwelling and pergola. The buildings have been positioned on the site for an extended period of time, and therefore the site/land shall remain unchanged as part of this application. The secondary dwelling is located behind the principal dwelling with minimal street impact. As such, the context of the locality and its heritage aspect shall not be impacted in this instance.

## 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 of 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 secondary dwelling is already connected to reticulated water, stormwater, sewerage, electrical and telecommunication infrastructure. Access to the secondary dwelling is gained off Fleetwood Avenue via the existing layback and driveway.

## 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* applies to the proposed development. Relevant provisions of the DCP have been addressed in Table 2 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 <sup>2</sup> . The subject site is 846.5m <sup>2</sup> .
Building Setbacks	The secondary dwelling setback complies with this provision with 1371mm western setback and 937mm southern setback.
Building Height	The existing structure is single storey and well below the LEP height maximum of 8.5m
Design	The existing structure does not mirror reverse or duplicate design of the primary dwelling. Minimum solar access requirements between 9:00am and 3:00pm is achieved. The bulk and scale of the secondary dwelling complements the primary dwelling and is situated toward the rear of the property as to not impact on the visual amenity of the street. The subject site is not a battle-axe arranged lot. 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).
Slope and Cut and Fill	Not applicable in this instance.
Open Space	The POS provided associated for the secondary dwelling is located on the northern and eastern side of the dwelling, is directly adjacent to the proposed living area, has minimum dimensions of 5m and has an area greater than 80m <sup>2</sup> .
Site Coverage	The size of all structures on the site is as follows: Principal dwelling = 177m <sup>2</sup> Gazebo = 30m <sup>2</sup> Secondary dwelling = 39.8m <sup>2</sup> Garage attached to secondary dwelling = 17.6m <sup>2</sup> Total = 264.4m <sup>2</sup> Therefore, $264.4 / 846.5 \times 100 = 31.2\%$ thereby complying with the 35% maximum requirement.

Parking	Parking is addressed in Table 1 of this report, as <i>State Environmental Planning Policy (Housing) 2021</i> applies to the proposed development.
Utilities	The secondary dwelling is not located over any utility easements and clear of overhead utility infrastructure, as shown on the Ident Survey in Appendix A of this report.  The structure enjoys existing connections to reticulated water, stormwater, sewerage, electrical and telecommunication infrastructure.
Fencing	No proposed fencing as part of this application.
Heritage	There is no impact to the existing heritage status of the site or locality for the ongoing use of the development.
<i>Part 3.1 Residential Development</i>	
Building Setbacks	Setbacks comply with this part.
Building Height	The existing 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, as discussed previously in this table.
Solar Access	Living area and private open space afforded to the secondary dwelling are located with a northerly aspect.
Privacy	The building has a FFL that is less than 1m above the Natural Ground Level and is single story.
Parking	Parking addressed in Table 1 of this report, as <i>State Environmental Planning Policy (Housing) 2021</i> applies to the proposed development.
Landscaping	No new landscaping proposed.
Open Space	The POS provided associated with the secondary dwelling is located on the northern and eastern side of the dwelling, is directly adjacent to the proposed living area, has minimum dimensions of 5m and has an area greater than 80m <sup>2</sup> .
Corner Lots	The development addresses the street frontage with windows.
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	Not applicable in this instance.
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 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 Table 1 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.
<i>5.4 Environmental Controls</i>	
Protection of Aboriginal Archaeological Items	An AHIMS 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	Not relevant.
Brickwork	Not applicable.
All Buildings	Noted.
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. Therefore the secondary dwelling 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 secondary dwelling does not alter or require the alteration of the existing access arrangement to the allotment. Access to both the primary and secondary dwelling is gained via the existing driveway and will not result in the generation of any additional traffic beyond the current approvals afforded to the site.

### **5.9.3. Utilities**

The proposed development seeking consent shall continue to be serviced as per the current arrangements. Proposal will not necessitate any upgrade of existing service infrastructure.

### **5.9.4. Social and Economic Impacts in the Locality**

The proposed development seeking consent provides additional housing stock to meet the housing needs as well as contribute to the variety of housing options in the locality. The proposed development is not considered to have any significant social or economic negative impact.

### **5.9.5. Other Impacts**

There are no other issues such as heritage, flooding, bushfire flora/fauna etc that would impact upon the development.

## **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 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 use of the secondary dwelling, garage and awning seeking retrospective approval on Lot 1 DP 574923 known as 27 Gladstone 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 development is not anticipated to generate any adverse impacts in the locality; and
- The development is considered suitable for the site and its surrounds.



## 7. REFERENCES

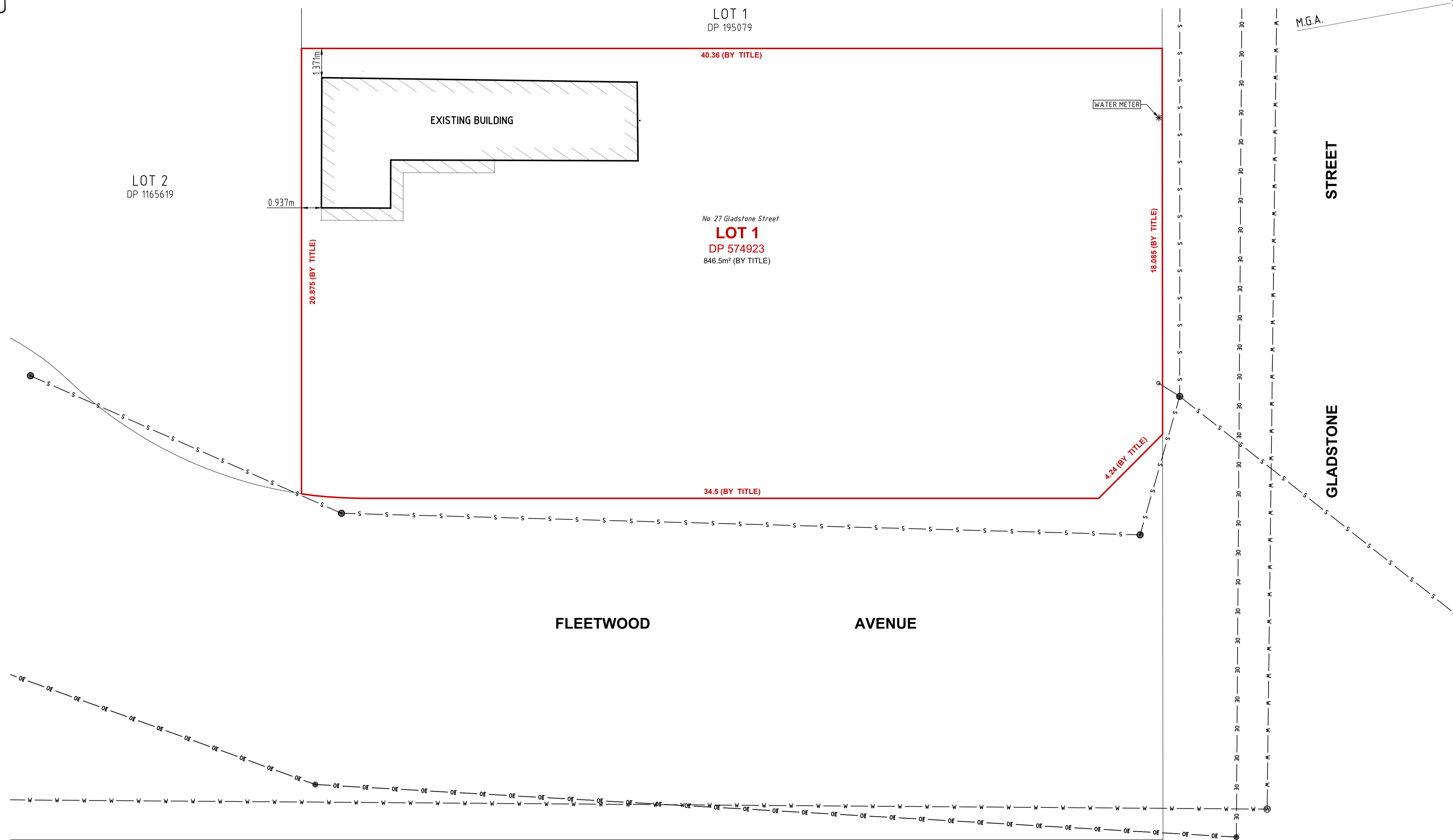
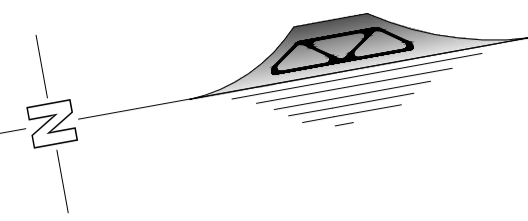
Mid-Western Regional Local Environmental Plan, 2012

Mid-Western Regional Council Development Control Plan 2013

NSW Government. (2023, January 13). *Biodiversity Value Map*. Retrieved from <https://www.lmbc.nsw.gov.au/Maps/index.html?viewer=BVMap>

NSW Government Spatial Services. (2023, January 12). *Six Maps*. Retrieved from <http://maps.six.nsw.gov.au/>

**APPENDIX A**  
**Ident Survey**

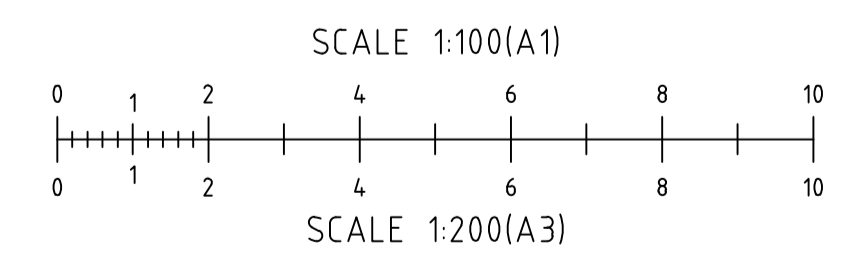


**NOTES:**

- THE BOUNDARY INFORMATION SHOWN ON THIS PLAN BEEN PLOTTED AS REQUIRED UNDER DIVISION 1, SECTION 9(1) OF THE "SURVEYING AND SPATIAL INFORMATION REGULATION 2017". IT HAS NOT BEEN DETERMINED BY AN ACCURATE BOUNDARY SURVEY.
- IF ANY CONSTRUCTION OR DESIGN WORK WHICH RELIES ON CRITICAL SETBACKS FROM THE STREET OR BOUNDARIES IS PLANNED, IT WOULD BE IMPERATIVE TO CARRY OUT FURTHER SURVEY WORK TO DETERMINE THE BOUNDARY DIMENSIONS.
- THE LOCATIONS AND DEPTHS OF UNDERGROUND SERVICES ARE NOT ASSURED BY BARNSON SERVICE AUTHORITIES SHOULD BE CONSULTED BEFORE ANY EXCAVATION, DEMOLITION OR CONSTRUCTION COMMENCES.
- THERE MAY BE UNDERGROUND SERVICES THAT HAVE NOT BEEN SHOWN HEREON.
- BARNSON TAKES NO RESPONSIBILITY FOR LOSSES, DAMAGES OR INJURIES TO ANY PERSON OR ORGANISATION THAT MAY OCCUR DUE TO THE RELIANCE ON THIS PLAN FOR THE LOCATION OF UNDERGROUND SERVICES.

KEY	
	EXISTING SUBJECT CADASTRAL BOUNDARIES
	EXISTING ADJOINING CADASTRAL BOUNDARIES
	EXISTING UNDERGROUND WATER MAIN - APPROX.
	EXISTING UNDERGROUND SEWER PIPE - APPROX
	EXISTING OVERHEAD ELECTRICITY CABLES
	EXISTING OVERHEAD TELECOMMUNICATIONS LINE
	EXISTING SEWER MANHOLE
	EXISTING SEWER BOUNDARY RISER
	EXISTING WATER METER
	ELECTRICITY POWER POLE
	EXISTING WATER STOP VAVLE

**EXISTING SITE PLAN**  
REDUCTION RATIO 1:100 @ A1  
1:200 @ A3



**ISSUED TO CLIENT**



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Rev	Date	Description
A	3/02/2023	ISSUED TO CLIENT

Project  
**EXISTING SITE PLAN OVER LOT 1 IN DP 574923**  
Site Address  
27 GLADSTONE STREET  
MUDGEES NSW 2850  
Client  
Yarranvale Pastoral

Drawing Title		Certification	
<b>EXISTING SITE PLAN</b>		Original Sheet Size	A1
Survey	RB	Project No	40648
Drawn	JS	Drawing No	<b>L01</b>
Check	RB	Revision	A

**APPENDIX B**  
**AHIMS Search**

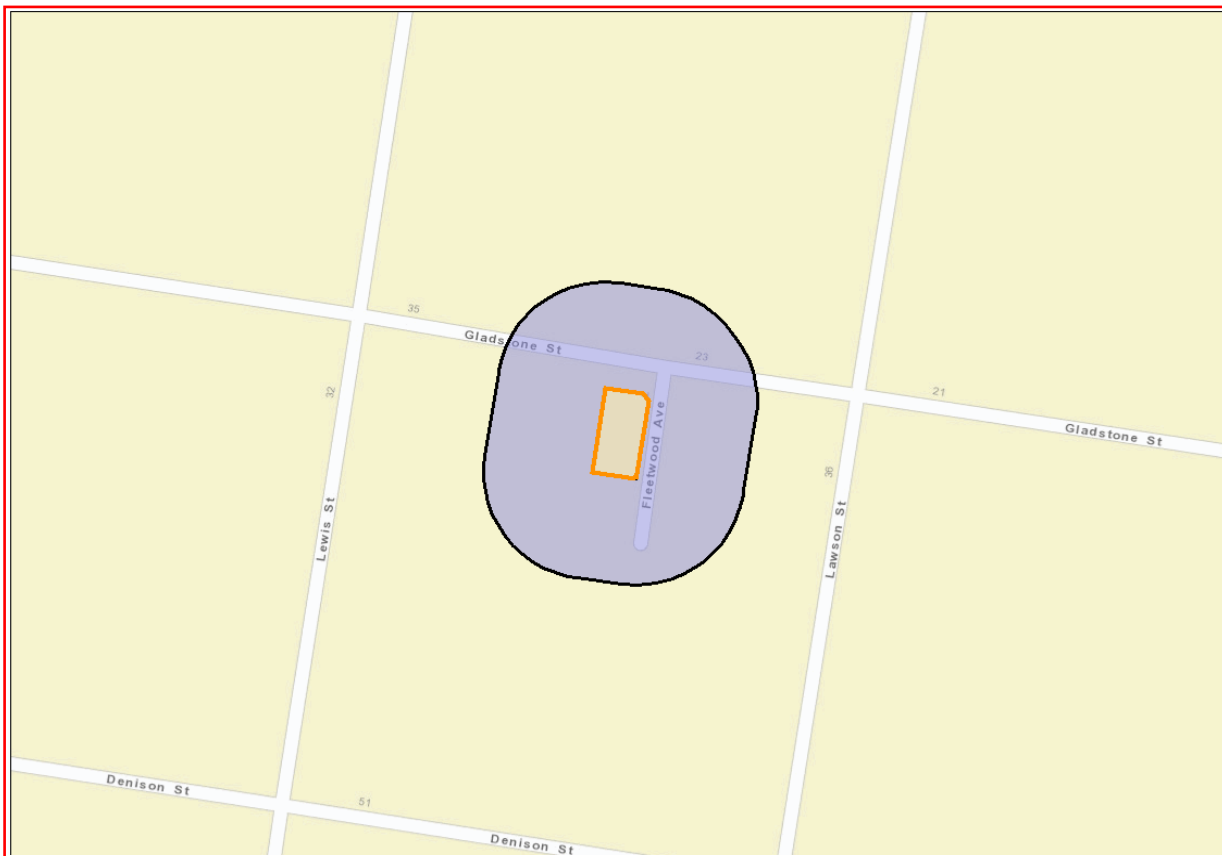
Barnson  
Suite 6 11 White Street  
Tamworth New South Wales 2340  
Attention: Jack Massey  
Email: jmassey@barnson.com.au

Date: 16 February 2023

Dear Sir or Madam:

**AHIMS Web Service search for the following area at Lot : 1, DP:DP574923, Section : - with a Buffer of 50 meters, conducted by Jack Massey on 16 February 2023.**

**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:

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

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

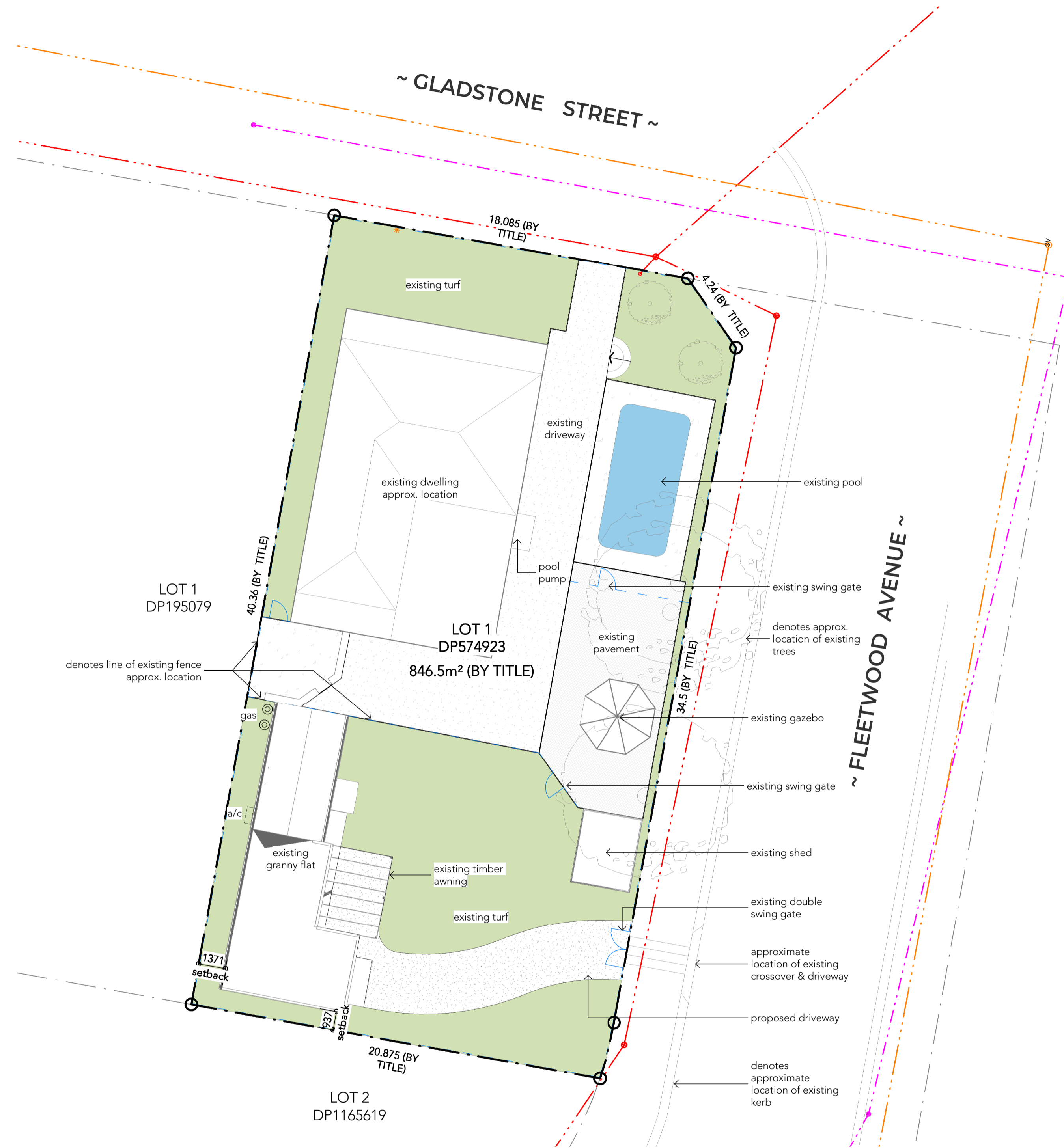
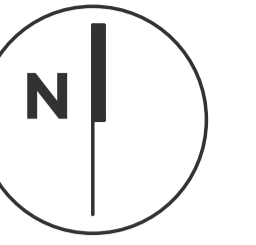
- You must do an extensive search if AHIMS has shown that there are Aboriginal sites or places recorded in the search area.
- If you are checking AHIMS as a part of your due diligence, refer to the next steps of the Due Diligence Code of practice.
- You can get further information about Aboriginal places 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**



**EXISTING SITE LEGEND**

- existing boundary
- existing adjoining boundary
- existing buildings & structures
- underground sewer
- overhead telecommunications line
- overhead electrical lines
- underground water lines
- existing sewer manhole
- existing sewer boundary riser
- existing water meter
- electricity power pole
- existing water stop valve

**ISSUED FOR DA**

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Rev.	Date	Amendment
A	08.02.2023	PRELIMINARY
B	05.05.2023	BASIX & DRIVEWAY REVISED

Project: **EXISTING GRANNY FLAT BIC**

Site Address: 27 GLADSTONE ST, MUDGEE, NSW 2850

Client: YARRANVALE PASTORAL

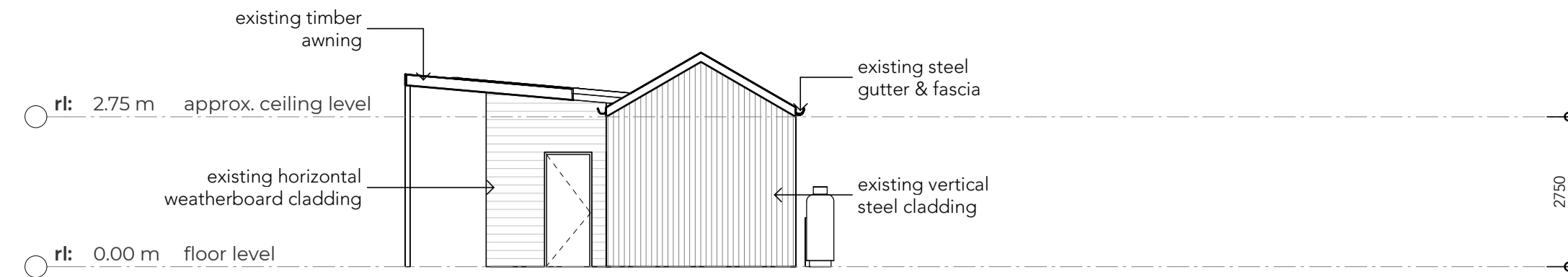
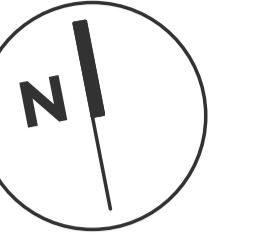
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Scale: As indicated @ A1  
Sheet: 01 of 02  
Project No: 40648

Drawn: TP  
Checked: KG  
Revision: B

Drawing No.

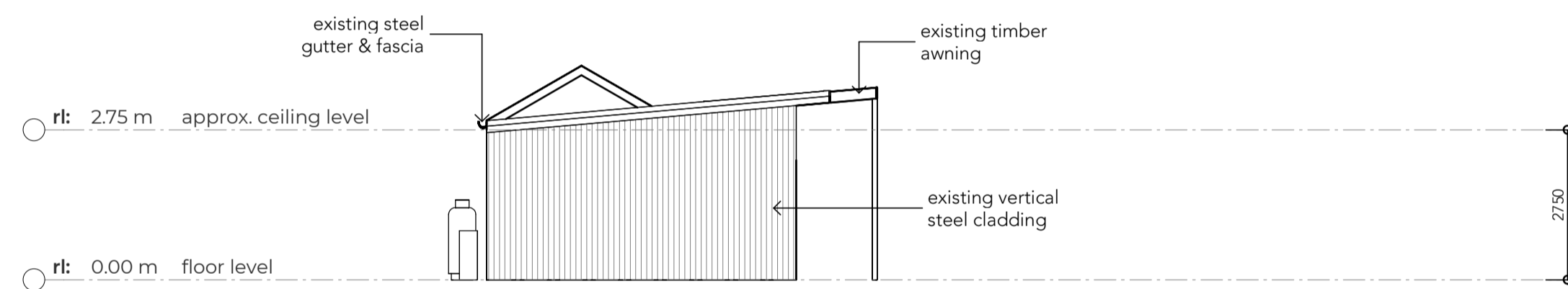
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A01**



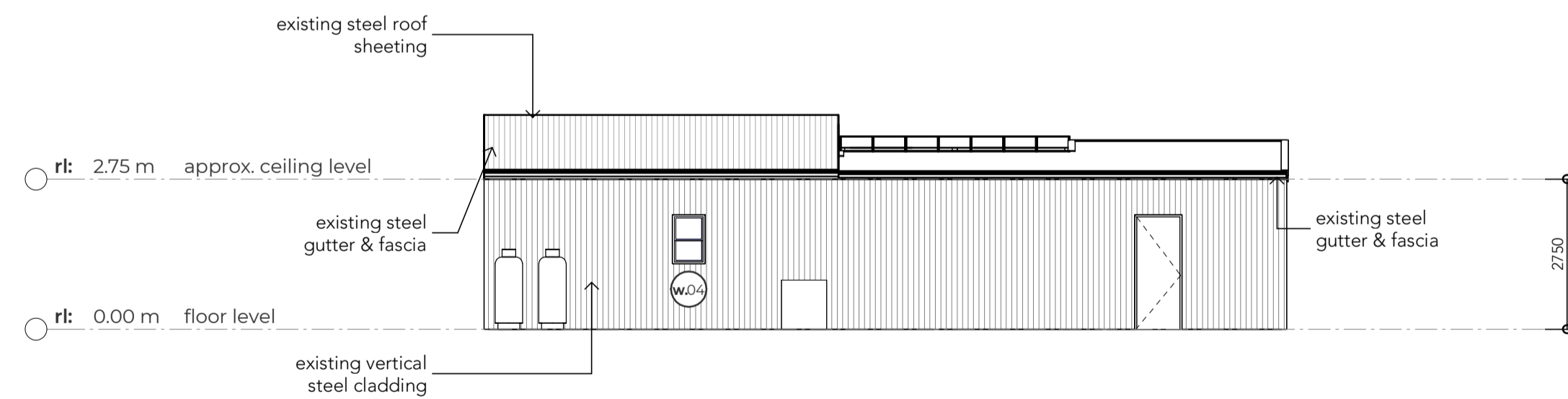
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Scale 1 : 100 @ A1



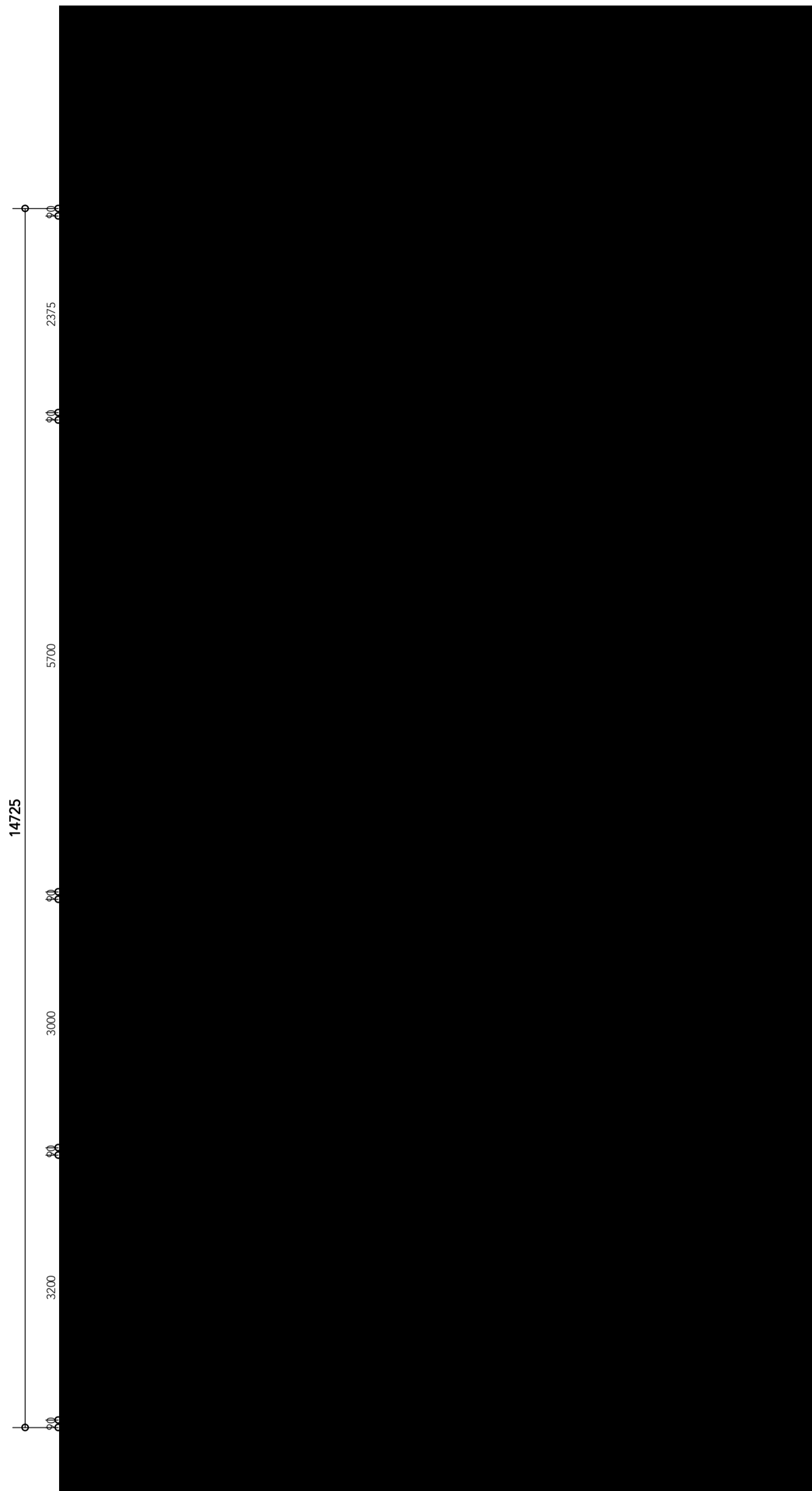
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Scale 1 : 100 @ A1



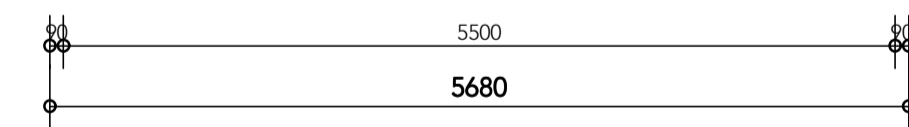
**05 ELEVATION. SOUTH FACADE**  
Scale 1 : 100 @ A1



**06 ELEVATION. WEST FACADE**  
Scale 1 : 100 @ A1



**02 EXISTING FLOOR PLAN**  
Scale 1 : 50 @ A1



**BASIX CERTIFICATE COMMITMENTS.**

certificate number: 13870585

**water commitments**  
the applicant must comply with the commitments listed below in carrying out the development of the dwelling.

- fixtures:
- The applicant must install showerheads with a min. rating of 4 star (>4.5 but <=6L/min plus spray force and/or coverage tests), in all showers in the development.
  - The applicant must install toilet flushing systems with a min. rating of 3 star in each toilet in the development.
  - The applicant must install taps with a min. rating of 3 star in the kitchen in the development.
  - The applicant must install basin taps with a min. rating of 3 star in each bathroom in the development.

**thermal commitments**  
the applicant must comply with the commitments listed below in carrying out the development of the dwelling.

- general features:
- The dwelling must not have more than 2 storeys.
  - The conditioned floor area of the dwelling must not exceed 300 square metres.
  - The dwelling must not contain open mezzanine area exceeding 25 square metres.
  - The dwelling must not contain third level habitable attic room.

- floor, walls and ceiling/roof
- The applicant must construct the floor(s), walls and ceiling/roof of the dwelling in accordance with the specifications listed in the table below.

construction	add. insulation req'd (r-value)	other specifications
floor - concrete slab on ground	nil	
external wall- framed (weatherboard, fibre cement, metal clad)	2.20 (or 2.60 including construction)	
ceiling and roof - flat ceiling / pitched roof, framed	ceiling: 4.0 (up), roof: foil/sarking	unventilated; dark (solar absorbance < 0.70)
ceiling and roof - flat ceiling / flat roof, framed	ceiling: 4.0 (up), roof: foil/sarking	framed; dark (solar absorbance < 0.70)

**glazing requirements**  
the applicant must comply with the commitments listed below in carrying out the development of the dwelling.

windows & glazed doors:  
The applicant must install the windows, glazed doors & shading devices, in accordance with the specifications listed in the table below. Relevant overshadowing specifications must be satisfied for each window & glazed door.

The dwelling may have 1 skylight (<0.7 square metres)

The following requirements must also be satisfied in relation to each window & glazed door:

- For the following glass and frame types, the certifier check can be performed by visual inspection.
  - Aluminium single clear
  - Aluminium double (air) clear
  - Timber/uPVC/fibreglass single clear
  - Timber/uPVC/fibreglass double (air) clear

windows & glazed doors glazing requirements:

Window no.	Maximum height (mm)	Maximum width (mm)	Type	Shading Device (Dimension within 10%)
<b>East facing</b>				
w01	900	600	aluminium, single, clear	none
w02	1500	600	aluminium, single, clear	vermandah 3690 mm, 2155 mm above base of window or glazed door
w03	1500	600	aluminium, single, clear	vermandah 3690 mm, 2155 mm above base of window or glazed door
<b>West facing</b>				
w04	900	600	aluminium, single, clear	none

**energy commitments**  
the applicant must comply with the commitments listed below in carrying out the development of the dwelling.

hot water: The applicant must install the following hot water system in the development, or a system with a higher energy rating: gas instantaneous.

cooling system: The applicant must install the following cooling system, or a system with a higher energy rating, in at least 1 living area: ceiling fans + 1-phase airconditioning; Energy rating: 7.5 star (cold zone).  
The applicant must install the following cooling system, or a system with a higher energy rating, in at least 1 bedroom: ceiling fans + 1-phase airconditioning; Energy rating: 7.5 star (cold zone).

heating system: The applicant must install the following heating system, or a system with a higher energy rating, in at least 1 living area: 1-phase airconditioning; Energy rating: 7.5 star (cold zone).  
The applicant must install the following heating system, or a system with a higher energy rating, in at least 1 bedroom: 1-phase airconditioning; Energy rating: 7.5 star (cold zone).

ventilation: at least 1 bathroom: individual fan, ducted to facade or roof; Operation control: manual switch on/off  
kitchen: individual fan, ducted to facade or roof; Operation control: manual switch on/off  
laundry: individual fan, ducted to facade or roof; Operation control: manual switch on/off

artificial lighting: The applicant must ensure that the "primary type of artificial lighting" is fluorescent or light emitting diode (LED) lighting in each of the following rooms, and where the word "dedicated" appears, the fittings for those lights must only be capable of accepting fluorescent or light emitting diode (LED) lamps:  
- at least 1 of the bedrooms / study; dedicated

natural lighting: The applicant must install a window and/or skylight in 1 bathroom(s)/toilet(s) in the development for natural lighting

other: The applicant must install a gas cooktop & electric oven in the kitchen of the dwelling.

The applicant must construct each refrigerator space in the development so that it is "well ventilated", as defined in the BASIX definitions.

The applicant must install a fixed outdoor clothes drying line as part of the development.

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Rev.	Date	Amendment
A	08.02.2023	PRELIMINARY
B	05.05.2023	BASIX & DRIVEWAY REVISED

Project: **EXISTING GRANNY FLAT BIC**

Site Address: **27 GLADSTONE ST, MUDGEE, NSW 2850**

Client: **YARRANVALE PASTORAL**

Drawing Title: **EXISTING FLOOR PLAN & ELEVATIONS**  
Scale: **As indicated @ A1**  
Sheet: **02 of 02**  
Project No: **40648**

Drawing No.

Drawn: **TP**  
Checked: **KG**  
Revision: **B**

**40648-A02**