

Item 8: Development

8.1 DA0251/2023 - Alterations and Additions to Dwelling and New Shed at 74 Mayne Street, Gulgong

REPORT BY THE PLANNING COORDINATOR AND MANAGER PLANNING
 TO 13 DECEMBER 2023 ORDINARY MEETING
 GOV400103, DA0251/2023

RECOMMENDATION

That Council:

- A. receive the report by the Planning Coordinator and Manager Planning on the DA0251/2023 - Alterations and Additions to Dwelling and New Shed; and,
- B. approve DA0251/2023 - Alterations and Additions to Dwelling and New Shed be approved subject to the following conditions and statement of reasons:

APPROVED PLANS

- 1. The development is to be carried out in accordance with the following plans endorsed with Council’s Stamp as well as the documentation listed below, except as varied by the conditions listed herein and/or any plan notations.

Title / Name:	Drawing No.	Sheet No.	Revision/ Issue:	Date:	Prepared by:
Site Plan	3796-A01	-	C	NOV 2023	Giselle Denley Drafting Services
Floor Plans	3796-A02	-	C	NOV 2023	Giselle Denley Drafting Services
Elevations	3796-A03	-	C	NOV 2023	Giselle Denley Drafting Services
Typical Section	3796-A04	-	B	SEPT 2023	Giselle Denley Drafting Services
Shed Floor Plan, Elevations and Section	3796-A05	-	B	SEPT 2023	Giselle Denley Drafting Services
BASIX Certificate	A480977	-	-	5 JAN 2023	Rohrs Refrigeration
Stormwater Management Plan	BTE-230077	-	02	8 SEPT 2023	BTE Consulting Pty Ltd
Clause 4.6 Variation Request	-	-	-	23 NOV 2023	de Witt Consulting

- 2. For clarity, this development consent provides approval for alterations and additions to the existing dwelling house and new detached shed, only.

GENERAL

3. All earthworks, filling, building, driveways or other works are to be designed and constructed (including stormwater drainage if necessary) to ensure that at no time any ponding of stormwater occurs on the subject site or adjoining land as a result of this development. Design must also ensure that no diversion of runoff onto other adjacent properties occurs.
4. Notwithstanding the approved plans the structure is to be located clear of any easements and/or 1.5 metres from any water and sewer mains in accordance with Council Policy.
5. The footpath and driveway levels are not to be altered outside the property boundary without Council's permission. Driveways installed over public footpaths must match the existing footpath profile.
6. The detached shed is not to be used or adapted for habitable purposes at any time without the prior approval of Council.

PRIOR TO ISSUE OF A CONSTRUCTION CERTIFICATE

7. Application shall be made to Council under Section 138 of the Roads Act 1993 for driveway crossover works within the road reserve.

The application shall contain details demonstrating compliance with:

- a) Council's Access to Properties Policy; and
- b) Australian Standard AS/NZS 2890.1:2004 Parking Facilities – Off-street parking facilities.

The Section 138 application shall be considered and approved by Council prior to the release of the Construction Certificate for the development.

8. A detailed engineering design is to be submitted to and approved by the Certifier (i.e. Council or a private Certifier) prior to the issue of a Construction Certificate. The engineering design is to comply with Council's Development Control Plan and the Standards referenced within Appendix B and D.

A Construction Certificate is required for but not limited to the following civil works:

- a) Stormwater drainage design.

9. Prior to the issue of a Construction Certificate, evidence that the lots making up the subject site have been consolidated into a single allotment and registered with NSW Land Registry Services is to be submitted to Council and the Certifier (if applicable). The lots to be consolidated into a single parcel include:

- a) Lot 6 Section 30 DP758482
- b) Lot 7 Section 30 DP758482

10. Application shall be made to Council under Section 68 of the Local Government Act 1993 to carry out Water Supply, Stormwater and Sewerage Works.

The application shall contain details demonstrating compliance with the *Plumbing and Drainage Act 2011* and/or the Plumbing Code of Australia. (The application form and further information is available on Council's website www.midwestern.nsw.gov.au).

The Section 68 application shall be considered and approved by Council prior to the issue of a Construction Certificate.

11. All finished surface levels shall be shown on the plans submitted for the Construction Certificate.

PRIOR TO COMMENCEMENT OF WORKS – BUILDING

12. No work shall commence until a Construction Certificate has been issued and the applicant has notified Council of:

- i. the appointment of a Principal Certifying Authority and
- ii. the date on which work will commence.

Such notice shall include details of the Principal Certifying Authority and must be submitted to Council at least two (2) days before work commences.

13. In the case of residential building work for which the Home Building Act 1989 requires there to be a contract of insurance in force in accordance with Part 6 of that Act, that such a contract of insurance is in force before any building work authorised to be carried out by the consent commences.

14. The site shall be provided with a waste enclosure (minimum 1800mm X 1800mm X 1200mm) that has a lid or secure covering for the duration of the construction works to ensure that all wastes are contained on the site. The receptacle is to be emptied periodically to reduce the potential for rubbish to leave the site. Council encourages the separation and recycling of suitable materials.

NOTE: ALL WASTE GENERATED FROM THE CONSTRUCTION PROCESS IS TO BE CONTAINED ON-SITE

15. A sign must be erected in a prominent position on any work site on which involved in the erection or demolition of a building is carried out:

- a) stating that unauthorised entry to the work site is prohibited;
- b) showing the name of the person in charge of the work site and a telephone number at which that person may be contacted outside working hours;
- c) the name, address and telephone number of the principal certifying authority for the work; and
- d) The sign shall be removed when the erection or demolition of the building has been completed.

16. The development site is to be managed for the entirety of work in the following manner:

- a) Erosion and sediment controls are to be implemented to prevent sediment from leaving the site. The controls are to be maintained until the development is complete and the site stabilised with permanent vegetation;
- b) Appropriate dust control measures;
- c) Construction equipment and materials shall be contained wholly within the site unless approval to use the road reserve has been obtained;
- d) Toilet facilities are to be provided on the work site at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.

17. If the work involved in the erection/demolition of the building;

- a) is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or
- b) building involves the enclosure of a public place

A hoarding or fence must be erected between the work site and the public place. If necessary, an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place. Any such hoarding, fence or awning is to be removed when the work has been completed.

18. Any necessary alterations to, or relocations of, public utility services to be carried out at no cost to Council and in accordance with the requirements of the relevant authority including the provision of easements over existing and proposed public infrastructure.
19. Runoff and erosion controls shall be installed prior to clearing and incorporate:-
 - a) diversion of uncontaminated up-site runoff around cleared and/or disturbed areas and areas to be cleared and/or disturbed;
 - b) sediment control fences at the downslope perimeter of the cleared and/or disturbed area to prevent sediment and other debris escaping from the land to pollute any stream or body of water; and
 - c) maintenance of all erosion control measures at maximum operational capacity until the land is effectively rehabilitated and stabilized beyond the completion of construction.

BUILDING CONSTRUCTION

20. All building work must be carried out in accordance with the provisions of the National Construction Code, the Environmental Planning & Assessment Act 1979 and Regulations and all relevant Australian Standards.
21. All plumbing and drainage work must be carried out by a licensed plumber and drainer and must comply with the requirements of the Plumbing & Drainage Act 2011 and the Plumbing Code of Australia.
22. Construction work noise that is audible at other premises is to be restricted to the following times:
 - a) Monday to Saturday - 7.00am to 5.00pmNo construction work noise is permitted on Sundays or Public Holidays.
23. All mandatory inspections required by the Environmental Planning and Assessment Act 1979 and any other inspections deemed necessary by the Principal Certifier being carried out during the relevant stage of construction.
24. Commitments listed in BASIX Certificate number(s) A480977 dated 5 January 2023 prepared by Rohrs Refrigeration must be installed and/or completed in accordance with the requirements contained in that certificate.
25. The licensed demolition contractor and/or principal contractor must comply with the following specific requirements in respect of the proposed demolition works:-
 - a) Demolition work is not be undertaken until:
 - Council has been provided with a copy of any required Hazardous Substances Management Plan;

- The licensed demolition contractor and/or principal contractor has inspected the site and is satisfied that all measures are in place to comply with the provisions of such Plan;
 - b) The removal, handling and disposal of any asbestos material (in excess of 10m²) is to be undertaken only by an asbestos removal contractor who holds the appropriate class of Asbestos Licence, issued by WorkCover NSW, and in accordance with the requirements of WorkCover NSW, the Work Health and Safety Act 2011 and Australian Standard 2601-2001;
 - c) All asbestos and other hazardous materials are to be appropriately contained and disposed of at a facility holding the appropriate license issued by the NSW Environmental Protection Agency; and
 - d) Seven working days' notice in writing is to be given to Council prior to the commencement of any demolition works. Such written notice is to include the date demolition will commence and details of the name, address, contact telephone number and licence details (type of licences held and licence numbers) of any asbestos removal contractor and demolition contractor.
26. The removal of any asbestos material (less than 10m²) during the demolition phase of the development is to be in accordance with the requirements of the Workcover Authority and disposed of at an approved waste facility.
27. Structural members subject to attack by subterranean termites shall be protected by one of the methods outlined in AS 3660.1 and a durable notice must be permanently fixed to the building in a prominent location, such as a meter box or the like, indicating:
- a) the method of protection; and
 - b) the date of installation of the system; and
 - c) where a chemical barrier is used, its life expectancy as listed on the National Registration Authority label; and
 - d) the need to maintain and inspect the system on a regular basis.
28. The strength of the concrete used for the reinforced concrete floor slab must be a minimum 25Mpa.
29. In the event of any Aboriginal archaeological material being discovered during earthmoving/construction works, all work in that area shall cease immediately and the Office of Environment & Heritage (OEH) notified of the discovery as soon as practicable. Work shall only recommence upon the authorisation of the OEH.
30. Metal roof/wall cladding shall be provided in a non-reflective colour scheme such as "Colorbond" steel sheeting.

Stormwater Drainage

31. All earthworks, filling, building, driveways or other works, are to be designed and constructed to ensure that at no time any ponding of stormwater occurs on the subject site or adjoining land as a result of this development. Design must also ensure that no diversion of runoff onto other adjacent properties occurs.
32. All works are to be constructed at the full cost of the developer, in a manner consistent with Aus-Spec #1 and Council's standard drawings.

33. All public footways, foot paving, kerbs, gutters and road pavement damaged during the works are to be restored to match existing conditions at the developer's/demolisher's expense.
34. Stormwater drainage is to comply with the Mid-Western Regional Council Development Control Plan 2013 and the standards referenced in Appendix B & D.

Access to Property - Driveway Crossover

35. Vehicular entrances comprising kerb laybacks (where roll kerb and gutter does not exist) and concrete footway crossings are to be provided to each lot at a suitable location. These should be constructed in accordance with Aus-Spec #1 and Council's "Access to Properties" Policy.

Concrete Must not be poured until the excavation, formwork and reinforcing has been inspected by Council. The contractor/owner must arrange an inspection by contacting Council's Operations Department between 8.00am and 4.30pm Monday to Friday, giving at least twenty four (24) hours' notice.

Failure to have the work inspected may result in the access being removed and reconstructed at the contractors / owners expense.

PRIOR TO ISSUE OF AN OCCUPATION CERTIFICATE

36. Prior to the occupation of a new building, or occupation or use of an altered portion of, or an extension to an existing building, an Occupation Certificate is to be obtained from the Principal Certifying Authority appointed for the erection of the building.
37. The adjustment of existing services or installation of new services and meters, as required, in compliance with Australian Standard 3500: National Plumbing and Drainage Code. All costs associated with this work shall be borne by the developer.
38. Prior to use of the development and/or issue of an Occupation Certificate, all roof water shall be conducted to the street gutter by means of a sealed pipeline having a minimum diameter of 90mm. Please note this can be achieved by connecting to existing stormwater lines.
39. Prior to use of the development and/or issue of an Occupation Certificate, all requirements of BASIX Certificate No. A480977 dated 5 January 2023 prepared by Rohrs Refrigeration, and the associated plans and specifications approved as part of the Construction Certificate, shall be completed in full.
40. Roof water from the dwelling and shed shall be conducted to the water storage tank/s in accordance with the BASIX requirements. Any additional roof water, and overflow from the water storage tank/s, shall be conducted to the street gutter by means of a sealed pipeline having a minimum diameter of 90mm, prior to use of the development and/or issue of an Occupation Certificate.
41. Prior to use of the development and/or issue of an Occupation Certificate, a satisfactory final inspection report from the Council must be received by the Certifier, verifying that all works have been completed in accordance with the relevant Section 68 (Local Government Act 1993) approval/s.

ADVISORY NOTES

42. The removal of trees within any road reserve requires the separate approval of Council in accordance with the policy "Tree Removal and Pruning - Public Places".
43. The land upon which the subject building is to be constructed may be affected by restrictive covenants. This approval is issued without enquiry by Council as to whether any restrictive covenant affecting the land would be breached by the construction of the building, the subject of this approval. Persons to whom this approval is issued must rely on their own enquiries as to whether or not the building breaches any such covenant.
44. Division 8.2 of the Environmental Planning and Assessment Act 1979 (EP&A Act) gives you the ability to seek a review of the determination. This request is made to Council and must be made within 6 months after the date on which you receive this notice. The request must be made in writing and lodged with the required fee; please contact Council's Development Department for more information or advice.
45. If you are dissatisfied with this decision section 8.7 of the EP&A Act gives you the right to appeal to the Land and Environment Court within 6 months after the date on which you receive this notice, pursuant to section 8.10(1)(b).
46. To ascertain the extent to which the consent is liable to lapse, refer to Section 4.53 of the EP&A Act.

STATEMENT OF REASONS

The determination decision was reached for the following reasons:

47. The proposed development generally complies with the requirements of the applicable environmental planning instruments and Mid-Western Regional Development Control Plan 2013.
48. The justification provided to support the variation to clause 4.3 Height of Buildings of the Mid-Western Regional Local Environmental Plan is considered to be satisfactory in the circumstances of the case.
49. The proposed development is considered to be satisfactory in terms of the matters identified in Section 4.15 of the Environmental Planning & Assessment Act 1979.
50. No submissions were received during the public exhibition period.

Executive summary

OWNER/S	Mr C and Mrs P Schimek
APPLICANT:	Mr Benjamin Pirie
PROPERTY DESCRIPTION	74 Mayne Street, Gulgong Lots 6 and 7 Sec 30 DP 758482

PROPOSED DEVELOPMENT	Alterations and Additions to existing Dwelling House and New Shed
ESTIMATED COST OF DEVELOPMENT:	\$150,000
REASON FOR REPORTING TO COUNCIL:	Variation to LEP Clause 4.3 Maximum Building Height Exceeding 10%
PUBLIC SUBMISSIONS:	No submissions received during the notification period

Council is in receipt of Development Application DA0251/2023 that seeks approval for Alterations & Additions to an existing dwelling and new detached shed, at 74 Mayne Street GULGONG NSW 2852, Lot 6 & 7 Sec 30 DP 758482.

The site has an area of approximately 1315m², with a combined frontage of approximately 24m to Mayne Street, and secondary frontage to Queen Street. The subject site falls to the rear (Queen Street) by approximately 3.5m and is currently occupied by a single storey dwelling that is a heritage listed building and small detached shed.

The applicant is proposing the partial demolition to the rear of the dwelling with new additions comprising a floor area of approximately 121m². The additions include a kitchen / family room, pantry, additional bedroom, bathroom, laundry / mudroom and an 'L' shaped rear verandah. The applicant is also proposing a new 9m x 11m detached shed to the rear of the property.

The proposal has been amended a number of times owing to Council concerns in relation to impacts to the heritage listed building and the design of the dwelling additions proposed. Further, it was identified that there was a significant non-compliance with clause 4.3 Height of Buildings of the Mid-Western Local Environmental Plan (LEP) 2012. The applicant has therefore sought a variation to this development standard pursuant to clause 4.6 Exceptions to development standards of the LEP.

The applicant submitted final plans and a revised clause 4.6 variation report on the 24 November 2023 which seeks a 34.2% variation to the 5-metre maximum building height for Gulgong, to a total height of 6.69 metre which is marginally lower than the current heritage house.

Importantly, it should be noted that the existing heritage listed dwelling currently exceeds the maximum building height of 5 metres. It is currently 6.69 metres from natural ground level to the ridge of the dwelling and this area of the dwelling will be retained by the proposed development. The application was notified, in accordance with Mid-Western Regional Community Participation Plan 2019, for a period of 14 days. During the notification period, no submission/s were received. Whilst revised plans were provided to Council to address heritage impacts and reduce the building height variation proposed, the changes to the design of the dwelling additions were considered to reduce potential impacts to adjoining properties. Re-notification of the proposal was therefore not required.

The application has been referred to Council for consideration as it exceeds staff's *Delegation of Authority*, in that the application seeks a variation to the LEP Height of Buildings development standard of more than 10% and a clause 4.6 justification report has been provided for consideration.

The application is recommended for approval.

Disclosure of Interest

Nil

Detailed report

PROPOSED DEVELOPMENT

Council is in receipt of Development Application DA0251/2023 that seeks approval for Alterations & Additions to an existing dwelling and new detached shed located at 74 Mayne Street GULGONG NSW 2852, legally known as Lot 6 & 7 Sec 30 DP 758482.

The applicant is proposing the partial demolition to the rear of the heritage listed dwelling with new additions comprising a floor area of approximately 121m².

The additions include a kitchen / family room, pantry, additional bedroom, bathroom, laundry / mudroom and an 'L' shaped rear verandah. The applicant is also proposing a new 9m x 11m detached shed to the rear of the property which is proposed to be constructed over the existing boundary of the two (2) lots.

Please refer to the development plans located within **Attachment 1**.

The application was notified, in accordance with Mid-Western Regional Community Participation Plan 2019, for a period of 14 days. During the notification period, no submissions were received.

SUBJECT SITE

The site has an area of approximately 1315m², with a combined frontage of approximately 24m to Mayne Street, and secondary frontage to Queen Street. The subject site falls to the rear (Queen Street) by approximately 3.5m and is currently occupied by a single storey dwelling that is a heritage listed building and small detached shed.

Mayne Street at this location features concrete kerb and gutter on both sides of the street and a sealed carriageway width of approximately 11 metres. Queen Street also has kerb and gutter on both sides of the street.

The site previously contained a large peppercorn tree on the Queen Street frontage. This tree has since been removed from the site following a storm event.

Please refer to the aerial image shown in Figure 1 below.



Figure 1: Site Plan

APPLICATION HISTORY

Upon receiving the application and undertaking a preliminary assessment, a number of significant issues were identified and a further information request was made on the 13 February 2023.

Issues identified included:

1. The plans did not include the total height of the proposed building works (which is to be shown from natural ground level). A significant variation to the maximum building height under the Mid-Western Regional LEP 2012 was proposed based on the plans submitted. No clause 4.6 variation to a development standard justification report was however submitted with the application for Council assessment.
2. A variation to the street setback was proposed for the secondary frontage of the site and the views to the proposed shed from Queen Street. No justification for this variation was provided for assessment.
3. No stormwater concept design was submitted despite there being a significant amount of additional site coverage proposed, along with the natural sloping nature of the land appearing to cause impacts of overland flows to adjoining land.
4. The development appeared to be proposed / constructed over a boundary line. No clarification was provided in this respect.

5. The site contains a number of trees (and is also located within the Gulgong Heritage Conservation area) however the application did not provide any information on tree removal or replacement landscaping, or any fencing to address the proposed reduced setback for the shed from Queens Street.
6. Concerns in relation to heritage impacts and design of the additions to the dwelling (raised by Council's Heritage Advisor following a site inspection and review of the application).

A meeting with the applicant was also undertaken on the 21 March 2023, at their request, and in order to clarify the information request.

On the 9 August 2023, Council received a clause 4.6 variation report from the applicant, prepared by de Witt Consulting. This clause 4.6 report noted that a variation of 40.6% was proposed to the Building Height prescribed under the MWRLEP 2012 for Gulgong.

As the applicant did not alter the propose design of the development, based on the Heritage advisor's response, the proposed 40% variation to the LEP building height was not supported. The applicant was formally advised of this on the 11 August 2023.

On the 9 October 2023, revised plans were provided which reduced the bulk of the dwelling additions along with the submission of a stormwater concept plan and SEE addendum report that sought to address the building setback variation proposed for the shed from Queen Street.

Unfortunately, however, the clause 4.6 variation report was not updated to reflect the proposed changes to the plans and variation sought, and on the 13 October 2023, it was requested that this report be updated for assessment finalisation.

An amended clause 4.6 report was provided for assessment; however, the extent of the variation was incorrectly assessed within the report. This was owing to the fact that the height of the building is required to be taken from natural ground level, not the finished floor level.

A final clause 4.6 report with amended plans were provided to Council on the 24 November 2023 and informed the final assessment of the application. This confirmed that the proposed variation to the LEP height of buildings development standard was now 34.2%.

The application has been referred to Council for consideration as it exceeds staff's *Delegation of Authority*, in that the application seeks a variation to the LEP Height of Buildings development standard of more than 10% and a clause 4.6 justification report has been provided for consideration.

LEGISLATIVE REQUIREMENTS

Environmental Planning and Assessment Act 1979

Designated Development

The development proposal is not considered to be Designated Development, in accordance with Schedule 3 of the Environmental Planning and Assessment Regulation 2021 (EP&A Regs).

Integrated Development

The development proposal is not considered to be Integrated Development, in accordance with section 4.46 of the Environmental Planning and Assessment Act 1979 (EP&A Act).

ASSESSMENT

The application has been assessed in accordance with **Section 4.15** of the *Environmental Planning & Assessment Act 1979* as follows.

4.15(1)(a) Requirements of Regulations and Policies

(i) Do any environmental planning instruments (SEPP, REP or LEP) apply to the land to which the Development Application relates?

STATE ENVIRONMENTAL PLANNING POLICY (BIODIVERSITY AND CONSERVATION) 2021

The proposed development will not require removal of vegetation or koala habitat under this Policy. Therefore, no further consideration of this SEPP is considered necessary.

STATE ENVIRONMENTAL PLANNING POLICY (BUILDING SUSTAINABILITY INDEX: BASIX) 2004

The proposal involves development that requires the issue of a BASIX certificate. The applicant has provided the relevant BASIX certificate and a condition of consent has been included ensuring that the commitments be met as listed in the certificate – BASIX Certificate no. A480977 dated 5 January 2023 prepared by Rohrs Refrigeration.

STATE ENVIRONMENTAL PLANNING POLICY (PLANNING SYSTEMS) 2021

The proposed development is not State or Regionally Significant Development nor is impacted by any other requirements of this Policy. Therefore, no further consideration of this SEPP is considered necessary.

STATE ENVIRONMENTAL PLANNING POLICY (RESILIENCE AND HAZARDS) 2021 Pursuant to section 4.6 of the Policy, a site inspection and a search of council's records did not reveal any potentially contaminating activities upon the site. Accordingly, no further consideration is necessary

STATE ENVIRONMENTAL PLANNING POLICY (RESOURCES AND ENERGY) 2021 The proposed development is not impacted by any requirements of this Policy. Therefore, no further consideration of this SEPP is considered necessary

STATE ENVIRONMENTAL PLANNING POLICY (TRANSPORT AND INFRASTRUCTURE) 2021

Pursuant to section 2.48, the development will not have impact on underground electricity power lines, distribution pole or tower. There are no electrical easements that constrain the subject site and therefore no further consideration of this SEPP is considered necessary.

MID-WESTERN REGIONAL LOCAL ENVIRONMENTAL PLAN 2012 (MWRLEP 2012)

The following clauses of Mid-Western Regional Local Environmental Plan 2012 have been assessed as being relevant and matters for consideration in assessment of the Development Application.

Clause 1.2 Aims of Plan

The application is not contrary to the relevant aims and objectives of the plan.

Clause 1.4 Definitions

The proposal is defined in accordance with the MWRLEP 2012 as alterations and additions to an existing dwelling house and a detached garage. A dwelling house is defined as the following, and the proposed detached garage is considered ancillary to the residential use of the site:

- **dwelling house** means a building containing only one dwelling.
- **dwelling** means a room or suite of rooms occupied or used or so constructed or adapted as to be capable of being occupied or used as a separate domicile.

Clause 2.2 Zoning of Land to Which Plan Applies

The land is zoned R1 General Residential and is therefore subject to the Plan.

Clause 2.3 Zone objectives and Land Use table

The land is zoned R1 General Residential pursuant to MWRLEP 2012. The proposal, being alterations and additions to an existing dwelling house with detached shed is permissible with consent in the zone and complies with the relevant objectives.

The objectives of the zone and how the proposal satisfies the objectives is addressed below:

R1 General Residential

1. *To provide for the housing needs of the community.*

Comment The proposal will contribute to the housing needs of the community.

2. *To provide for a variety of housing types and densities.*

Comment The proposal will contribute to the variety of housing types and densities within the R1 zone.

3. *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*

Comment The proposal is not expected to hinder other possible permissible land uses within the immediate area.

Clause 2.7 Demolition requires development consent

In satisfaction of this clause, the development application seeks approval for the demolition of the rear existing portion of the residence including the kitchen, dining, bathroom, laundry, toilet and small living room.

Clause 4.3 Height of buildings

The subject site is mapped for a maximum height limit of 5 metres above existing ground level. The development for the rear addition to the dwelling is proposed at a maximum height of 6.71 metres. The existing frontage of the heritage listed dwelling (being retained) has an established overall height of 6.69 metres. As a result, both the existing heritage listed dwelling, and the proposed addition to the rear is non-compliant with the development standard and results in a variation of 34.2%. The applicant has sought a variation to this requirement pursuant to Clause 4.6 of the LEP 2012 which is addressed below.

It is important to note that the Standard Instrument (Local Environmental Plans) Amendment (Exceptions to Development Standards) Order 2023 commenced on the 1 November 2023. As the development application was made prior to the 1 November 2023, the savings provisions of cl.1.8A of the LEP 2012 applies and therefore the prior relevant subclauses of cl.4.6 have been considered by this assessment below.

Clause 4.6 Exceptions to development standards

It is proposed to vary Clause 4.3 of the MWLEP to allow for an increase in the maximum height limit of 5.0 metres prescribed in the MWLEP to 6.71 metres. This represents a variation of 34.2% of the development standard. The variation is considered acceptable and to meet the requirements of this clause as specified below:

(2) Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.

Comment Approval is sought to contravene a development standard imposed by the Mid-Western Regional Local Environmental Plan being Clause 4.3 as the proposed dwelling will exceed the maximum height of 5.0 metres prescribed in the MWLEP.

The variation of this Development Standard is not expressly excluded noting the following:

- The variation does not relate to subdivision of the land (excluded under Subclause 6).
- The variation does not contravene any of the following (excluded under Subclause 8)
 - (a) a development standard for complying development

- (b) a development standard in connection with a commitment set out in a BASIX certificate.
- (c) clause 5.4 (relating to “controls relating to miscellaneous permissible uses)

- (3) *Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:*
- (a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and*
 - (b) that there are sufficient environmental planning grounds to justify contravening the development standard.*

Comment A satisfactory professionally written justification report dated 23 November 2023 has been provided by the applicant that argues that the compliance with the maximum height of 5m in this case is unreasonable and unnecessary for the following reasons:

The existing dwelling is a local heritage item, and the site is located within the Gulgong Heritage Conservation Area (HCA). The Statement of Heritage Impact found the proposal to have neutral to positive impacts on the heritage character of the building and HCA.

Strict compliance with the height of building development standard is unreasonable and unnecessary in the circumstances of the case as the objectives of the standard have been achieved. The proposed alterations and additions create a built form that is largely consistent with existing development on site and in the surrounding area. It will not adversely impact the scale of the dwelling as a whole. The proposed development also contributes positively to the Gulgong Heritage Conservation Area, as demonstrated by the Statement of Heritage Impact. The proposed alterations and additions facilitate appropriate development of the site with the variation of the height of building developments standard justified on the basis that the proposed design better meets the objectives of this clause in the LEP.

Adhering strictly with the height of building development standard would result in a potentially degraded visual character, since the proposed addition improves the aesthetic qualities of the existing development. The proposed development does not require strict adherence to the development standard to meet the clause objectives.

The proposed development retains the existing roof ridge line, whilst also not adversely impacting important view corridors or the significance of the HCA from the Queen Street elevation. As a result, a compliant development would be required to be split levelled, which would not result in the same complementary heritage outcome, which is of high importance in an HCA and a site containing a local heritage item.

The proposal in its current form is more appropriate in its context than a development that complies with the standard.

- (4) *Development consent must not be granted for development that contravenes a development standard unless:*
- (a) the consent authority is satisfied that:*
 - (i) the applicant’s written request has adequately addressed the matters required to be demonstrated by subclause (3); and*

Comment The written request provided by the applicant has adequately addressed the matters (refer to subclause (3) for further details).

(ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and.

Comment The application is considered to be in the public interest as it is able to meet the objectives of the zone as well as the objectives of Clause 4.3 relating to Height of Buildings as discussed below.

Clause 4.3 Height of Buildings

To establish a maximum height limit to which buildings can be designed in particular locations.

Comment: The proposed height of the addition to the rear of the existing heritage listed dwelling will be less than the current height of the dwelling, and will be consistent with buildings in the locality. The nature of the variation is due to the sloping nature of the land and the applicant has elected to retain a similar roof profile, whilst keeping the addition on the same finished floor level as the current dwelling. On this basis, the variation is considered to be acceptable.

To enable infill development that is of similar height to existing buildings and that is consistent with the heritage character of the towns of Mudgee, Gulgong, Kandos and Rylstone.

Comment: The proposed additions to the dwelling will be similar in height to surrounding development in the area, given the existing buildings in the area. The addition to the rear of the site will not dominate the streetscape or the existing character of the heritage listed dwelling.

Zone R1 General Residential

To provide for the housing needs of the community

Comment: The proposed development will continue to provide an appropriate form of housing for the Gulgong community, whilst preserving the heritage listed dwelling located on the site.

To provide for a variety of housing types and densities

Comment: The proposed development will continue to provide housing opportunities for the Gulgong community.

To enable other land uses that provide facilities or services to meet the day to day needs of residents

Comment: The proposal is not expected to hinder other possible permissible land uses within the immediate area.

(b) the concurrence of the Secretary has been obtained.

Comment The Secretary's concurrence may be assumed in accordance with Planning Circular PS 18-003 issued on 5 May 2020 which states:

all consent authorities may assume the Secretary's concurrence under:

- *Clause 4.6 of a local environmental plan that adopts the Standard Instrument (Local Environmental Plan) Order 2006 or any other provision of an environmental planning instrument to the same effect, or*

- *State Environmental Planning Policy No 1 – Development Standards.*

However, the assumed concurrence is subject to conditions. In relation to numerical and non-numerical development standards the circular states:

The Secretary's concurrence may not be assumed by a delegate of council if:

- *The development contravenes a numerical standard by more than 10%; or*
- *The development contravenes a non-numerical standard.*

It is proposed to vary the maximum height limit of 5m by 34.2%. As the development contravenes the standard by more than 10%, the secretary's concurrence cannot be assumed by a delegate of council. As a result, a report to Council is required to determine the application.

(5) *In deciding whether to grant concurrence, the Secretary must consider:*

- whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and*
- the public benefit of maintaining the development standard, and*
- any other matters required to be taken into consideration by the Secretary before granting concurrence.*

Comment Noted – the secretary's concurrence has been assumed in accordance with Planning Circular PS 20-002 issued on 5 May 2020 refer to the previous Clause for further details.

(6) *Development consent must not be granted under this clause for a subdivision of land in Zone RU1 Primary Production, Zone RU2 Rural Landscape, Zone RU3 Forestry, Zone RU4 Primary Production Small Lots, Zone RU6 Transition, Zone R5 Large Lot Residential, Zone E2 Environmental Conservation, Zone E3 Environmental Management or Zone E4 Environmental Living if:*

- the subdivision will result in 2 or more lots of less than the minimum area specified for such lots by a development standard, or*
- the subdivision will result in at least one lot that is less than 90% of the minimum area specified for such a lot by a development standard.*

Comment Not applicable – the variation does not relate to subdivision.

(7) *After determining a development application made pursuant to this clause, the consent authority must keep a record of its assessment of the factors required to be addressed in the applicant's written request referred to in subclause (3).*

Comment Noted, the consent will be added to Council's register.

Clause 5.4 Controls relating to miscellaneous permissible uses

The proposal does not include any of the listed uses contained under this clause.

Clause 5.10 Heritage Conservation

As the proposal includes works involving a heritage item (which is also located in the Gulgong Heritage Conservation Area), consideration must be given to the relevant heritage significance in accordance with Clause 5.10(4).

Initially, the design of the proposal included a raised roof profile above the existing Edwardian cottage (circa 1915-1925), projection of the side walls straight back and an L shaped veranda addition. The site and proposed plans were supported by a Statement of Heritage Impact prepared by BJ Hickson Heritage Adviser, which was reviewed by Council's Heritage Advisor.

Concerns were raised by Council's Heritage Advisor, predominately due to the raised roof profile with the comment made that the original fabric of the cottage was lost, owing to its lower pitch. The new veranda was also of concern.

Feedback was provided to the applicant, in light of the fact that the proposal would also result in a variation to the maximum building height, recommending a reduction to the height of the rear addition to be consistent with the existing cottage, or reduced further below the roofline of the cottage, in order to ensure that the streetscape, fabric and character of the cottage is preserved.

Amended plans were submitted and referred back to council's heritage advisor who provided support to the revised design.

On the basis of the revised design, the proposal is considered to have no significantly adverse impacts on the Heritage Conservation Area of Gulgong, including its setting, whilst conserving the heritage significance of the existing heritage listed dwelling.

Clause 5.21 Flood Planning

The subject site is not identified as being within the flood planning area in accordance with Council's maps and the Floodplain Study and Management Plan. No further consideration is necessary.

Clause 6.1 Salinity

The proposal only involves minimal earthworks and is not expected to significantly affect the process of salinisation.

Additionally, as the proposal involves piers for the alteration/additions and a concrete slab for the shed, a condition of consent has been included requiring the slab to be designed appropriately to minimise the impacts of salts in the ground on the building.

Clause 6.3 Earthworks

The proposal involves only minor earthworks to prepare the site for the development. The works are not expected to generate any significant impacts as listed in Clause 6.3(3). Conditions of consent have been included to ensure any earthworks related activities are carried out appropriately and minimise impacts upon neighbouring properties.

Clause 6.4 Groundwater vulnerability

The site is not identified as groundwater vulnerable.

Clause 6.5 Terrestrial biodiversity

The proposal is not located in any area identified as 'Moderate or High Biodiversity Sensitivity'.

Clause 6.7 Active street frontages

Not Applicable. The site is not located within the area mapped as 'Active street frontage'.

Clause 6.8 Airspace operations – Mudgee Airport

The proposal will not penetrate the relevant height limits for safe operation of the Mudgee Airport.

Clause 6.9 Essential Services

All essential services that are relevant to the proposal are available or will be available as a result of the proposed development.

Clause 6.10 Visually sensitive land near Mudgee

The land is not located within the area identified within the visually sensitive land map.

4.15(1)(a) Requirements of Regulations and Policies

(ii) Draft environmental planning instruments (EPI)

No draft environmental planning instruments apply to the land to which the Development Application relates.

(iii) Any development control plans

MID-WESTERN REGIONAL DCP 2013


An assessment is made of the relevant chapters and sections of this DCP. Those chapters or sections not discussed here were considered not specifically applicable to this application or are discussed elsewhere in this report.

Part 3.1 Residential Development

DEVELOPMENT CONTROL REQUIREMENT	COMMENT / COMPLIES
Minimum lot size	
Minimum lot size	Not Applicable - the site contains an existing dwelling house.
Attached Dual Occupancy – Minimum 600m ²	Not Applicable
Detached Dual Occupancy – Minimum 800m ²	Not Applicable

Note: Detached Dual Occupancy is prohibited in R2 Low Density Residential Zone.

DEVELOPMENT CONTROL REQUIREMENT	COMMENT / COMPLIES
Building Setback from the street	
Zones R1, R2 and R3 where Lot size is less than 900m ² : 4.5m and 5.5m to the garage	Not Applicable
Zones R1, R2 and R3 where lot size is greater than 901m ² and less than 1999m ² : 6.5 and 7.5 to the garage	The proposed shed is setback 3m from Queen Street. The DCP requires a 7.5m setback from the street to the garage. This is achieved from the Mayne Street frontage, however, a variation to the DCP of 60% is sought based on the immediately adjoining sheds in this location being located less than 7.5m from Queen Street. This was confirmed following a site inspection with a number of existing garages located within 7.5m of the Queen Street frontages adjacent to the site and is therefore considered to be acceptable based on the merits of the application.

DEVELOPMENT CONTROL REQUIREMENT	COMMENT / COMPLIES
	
Zone R2 where 200m ² to 1ha: 10m	Not Applicable
Zone R5 less than or equal to 5ha: 30m	Not Applicable
Zones RU1, RU4 and R5 greater than 5ha: 60m	Not Applicable
RU5: DCP	Not Applicable
Building Side/Rear setback	
Zones R1, R2 and R3 where Lot size is less than 900m ² : 900m	Not Applicable
Zones R1, R2 and R3 where Lot size is greater than the 901m ² and less than 1,999m ² : 900mm	The proposed shed is setback 3m from the secondary street frontage known as Queen Street.
Zone R2 where 2000m ² to 1ha: 2.5m	Not Applicable
Zone R5 less than or equal to 5ha: 20m	Not Applicable
Zones RU1, RU4 and R5 greater than 5ha: 20m	Not Applicable
RU5: BCA	Not Applicable
Building Secondary Frontage for corner lots setback	
Zones R1, R2 and R3 where Lot size is less than 900m ² : 0m for garages in laneways 2m to side boundary	Not Applicable
Zones R1, R2 and R3 where Lot size is greater than 901m ² and less than 1,999m ² : 2m	Not Applicable
Zone R2 where 2000m ² to 1ha: 7.5m	Not Applicable

DEVELOPMENT CONTROL REQUIREMENT	COMMENT / COMPLIES
Zone R5 less than or equal to 5ha: 15m	Not Applicable
Zones RU1, RU4 and R5 greater than 5ha: 15m	Not Applicable
RU5: 3m	Not Applicable
Building height / design	
Proposed buildings are single story	Complies
The design is not a mirror or duplication for the two dwellings when fronting streets.	Not Applicable
75% of internal living areas shall receive at least three hours effective sunlight between the hours of 9.00am and 3.00pm on 21 June (Winter solstice)	Complies
Both dwellings have direct street frontage, i.e. battle-axe arrangements are not permissible	Not Applicable
Minimum separation of 3 metres between buildings	Not Applicable
The garage door or carport does not exceed 45% of the front elevation	Complies
All facades with street frontage contain windows	Complies
Street frontage elevations contain minimum 5% openings	Complies
Building is not a transportable or relocated dwelling	Complies
Slope and cut and fill	
The slope of the site does not exceed 15%	Complies
Cut is limited to 1m	Complies
Fill is limited to 600mm and is made up of clean fill and is accompanied by a geo-technical assessment demonstrating compaction complies with Australian Standards.	Conditions to be imposed.
Any cut and fill has been provided with retaining wall including drainage and is set back a minimum 300mm from the allotment boundary.	Conditions to be imposed.
Fill does not direct stormwater onto adjoining properties and drainage pits for	Conditions to be imposed.

DEVELOPMENT CONTROL REQUIREMENT	COMMENT / COMPLIES
overland flow paths have been provided.	
Cut / fill is clear of any water or sewer easements.	Conditions to be imposed.
Open space	
Private open space is located on the Northern or Eastern side of dwellings.	Existing retained to the northern side / rear of the dwelling.
Private open space has direct access from main living areas.	Complies
Each dwelling provides a Principal Private Open Space with a minimum of 80m ² and a minimum dimension of 5 metres.	Complies
If alfresco is to be counted as Principal Private Open Space, it must be: located at or near ground level have direct northerly aspect) create no more than 25% of principal open space	Not Applicable
Where Principal Private Open Space is located within front set back: located behind suitably landscaped area minimum width of 1.5 metres to the front boundary	Not Applicable
75% of Principal Private Open Space shall receive a minimum of 3 hours sunlight between 9.00am and 3.00pm on 21 June	Complies
Site coverage	
Maximum site coverage of 50%	Complies
Parking	
Each dwelling has two car parks with a minimum of one being a garage for each.	Complies
Parking and manoeuvring areas are hard stand	Conditions to be imposed.
Driveways are located a minimum of 6m from any intersection	Complies
Utilities	
Buildings are located clear of utility infrastructure	Complies
Building is not located within an easement	Complies

DEVELOPMENT CONTROL REQUIREMENT	COMMENT / COMPLIES
for the purpose of utility infrastructure	
Structures are located a minimum of 1500mm from the centre of water and sewer main	Complies - Conditions to be imposed.
Details of water supply and sewer reticulation have been provided:	
If available within 500m applicant has proposed connection to reticulated network	Complies
Where no water supply is available, applicant has provided a minimum 60,000 litres which includes a minimum of 20,000 litres reserved for firefighting purposes	Not Applicable
Where no reticulated sewer is present, the applicant has proposed onsite disposal in accordance with Section 68 of the Local Government Act 1919	Not Applicable
If reticulated services have not been proposed the site is a minimum of 5ha in size	Not Applicable
All storm water flows to a gravity system	Complies
Buildings are not located in the path of overland flow	Complies
Fencing	
1.8 metre high fencing is provided between Principal Private open spaces	Not Applicable
Front fences are open panel, do not exceed 1.2 metres in height and are not of Colorbond material construction	Not Applicable
Side fences located in front of the building line are open panel or a combination of open panel and masonry columns to match the front fence and do not exceed 1.2 metres in height	Not Applicable
Side and rear fences do not exceed 1.8 metres in height once behind the building	Complies
For corner allotments no fence, structure or landscaping in greater than 1 metre in height is located within the triangle formed by a sight line 12 metres x 6 metres from the intersection of the two street boundaries	Not Applicable
Dividing fences do not affect the flow of surface water with the possibility of causing	Not Applicable

DEVELOPMENT CONTROL REQUIREMENT	COMMENT / COMPLIES
flooding.	
Garages, Outbuildings	
Outbuildings must not negatively affect the amenity of the streetscape or adjoining properties	The proposed shed is to be located to the rear of the property, with access available from Queen Street. The proposed shed is not considered to impact the amenity of the streetscape or surrounding properties.
Urban areas where <750m ² : 50m ² maximum shed size	Not Applicable
Urban areas where 751-1000m ² : 80m ² maximum shed size	Not Applicable
Urban areas where 1001-2000m ² : 100m ² maximum shed size	Complies = 99m ²
Urban areas where 2001-3000m ² : 120m ² maximum shed size	Not Applicable
Urban areas where >3000m ² : 150m ² maximum shed size	Not Applicable
Max building height of 4.5m from natural ground level to the ridge applies in urban areas where the lot is under 2000m ²	Complies

Note: Urban areas are limited to residential areas which include the R1, R2, R3 zones and where a dwelling-house is approved or constructed on the land.

Part 4.4 Signs

Not Applicable

Part 4.7 Tree Preservation Order

No trees to be removed. A recent site inspection confirmed that a large peppercorn tree had previously fell in a storm and has been subsequently removed. This tree is not listed under the TPO of the DCP however.

Part 5.1 Car Parking

Complies. The proposed development will provide 2 parking spaces onsite, with a new shed allowing for 1 space to be undercover.

Part 5.2 Flooding

Not Applicable

Part 5.3 Stormwater Management

Council's Development Engineer has provided comments and conditions concerning adequate disposal of stormwater.

Part 5.4 Environmental Controls

All the relevant considerations have been discussed elsewhere in this report or dealt with through conditions of consent.

Part 8.1 Gulgong

The proposed development is not for subdivision and is not located within the mapped area under Part 8.1.

Section 7.11 Contributions

MID-WESTERN REGIONAL CONTRIBUTIONS PLAN 2019

No contributions necessary as the proposal is not for additional residential development on the site and therefore Section 7.11 or Section 7.12 of the EP&A Act does not apply.

Section 64 - Water/Sewer Developer Services Charges

In accordance with the Developer Servicing Plans for Water and Sewer (August 2008), the development does not increase the demand or loading upon Councils infrastructure or require additional water, sewer or trade waste services to the land or building. No charges can therefore be applied under the plan.

4.15(1)(a) Provisions of any Planning Agreement or Draft Planning Agreement – (1)(a)(iia)

No Planning Agreements are applicable.

Regulations –4.15(1)(a)(iv)

ENVIRONMENTAL PLANNING AND ASSESSMENT REGULATION 2021

No matters prescribed by the Regulations impact determination of the Development Application.

Likely impacts of the development – 4.15(1)(b)¹

¹ Including environmental impacts on both the natural and built environments, and social and economic impacts in the locality

(A) CONTEXT AND SETTING

The proposal is appropriate with regards to the surrounding context and setting.

(B) ACCESS, TRANSPORT AND TRAFFIC

The implications of suitable access and parking are discussed throughout this report. The proposal is considered appropriate.

(C) PUBLIC DOMAIN

The development will not impact the public domain in terms of recreation opportunities, the amount, location, design, use and management of public spaces, or pedestrian linkages between public spaces.

(D) UTILITIES

All relevant utilities are available or can be made readily available to the site.

(E) HERITAGE

As disused under the clause 5.10 LEP assessment, there are no adverse heritage impacts identified based on the revised proposal submitted for consideration.

(F) OTHER LAND RESOURCES

No impact expected on the conserving and the use of valuable land, such as productive agricultural land, mineral or extractive resources, or water supply catchments.

(G) WATER

No significant impact expected, subject to compliance with conditions.

(H) SOILS

No significant impact expected. The land is not known to be affected by slip or mass movement, subject to contamination, and will not result in significant soil erosion or degradation subject to compliance with conditions.

(I) AIR AND MICROCLIMATE

The development is not expected to impact air quality or microclimatic conditions.

(J) FLORA AND FAUNA

Not Applicable

(K) WASTE

Waste Service Available

(L) ENERGY

To comply with BASIX requirements.

(M) NOISE AND VIBRATION

Conditions are required to manage noise during construction.

(N) NATURAL HAZARDS

The development site is not identified as bushfire prone or flood prone and there are no known slip or mass movement issues.

(O) TECHNOLOGICAL HAZARDS

There are no known risks to people, property or the biophysical environment, resulting from technological or industrial hazards, or building fire risk.

(P) SAFETY, SECURITY AND CRIME PREVENTION

Increased passive surveillance as a result of the proposed development.

(Q) SOCIAL IMPACT IN THE LOCALITY

Generally positive including the provision of suitable residential development.

(R) ECONOMIC IMPACT IN THE LOCALITY

Generally positive including the provision of additional local employment and expenditure during the construction phase.

(S) SITE DESIGN AND INTERNAL DESIGN

Adequate as discussed throughout this report.

(T) CONSTRUCTION

To comply with the BCA where relevant.

(U) CUMULATIVE IMPACTS

Nil. There are no known impacts that have the potential to act in unison, in terms of space or time, or owing to their repetitive nature, that would produce an effect greater or different than the sum of the separate parts.

Suitability of Site for Development – 4.15(1)(c)

(A) DOES THE PROPOSAL FIT IN THE LOCALITY?

Yes. There are no hazardous land uses or activities nearby, there are no constraints posed by adjacent developments and there are adequate utilities and transport facilities in the area available for the development.

(B) ARE THE SITE ATTRIBUTES CONDUCIVE TO DEVELOPMENT?

Yes. The site is not subjected to any natural hazards, and the project will not impact any critical habitat, threatened species, populations, ecological communities or endangered habitats on the site.

Submissions made in accordance with Act or Regulations – 4.15(1)(d)

(A) PUBLIC SUBMISSIONS

The application was notified, in accordance with Mid-Western Regional Community Participation Plan 2019, for a period of 14 days. During the notification period, no submissions were received.

(B) SUBMISSIONS FROM PUBLIC AUTHORITIES

No submissions were sought or received from public authorities.

The Public Interest – 4.15(1)(e)

(A) FEDERAL, STATE AND LOCAL GOVERNMENT INTERESTS AND COMMUNITY INTERESTS

No significant issues in the interests of the public are expected as a result of the proposed development.

CONSULTATIONS

(A) HEALTH AND BUILDING

Council's Health & Building Surveyor has not raised any concerns with the proposal, subject to conditions.

(B) TECHNICAL SERVICES

Council's Development Engineer has not raised any concerns with the proposal subject to conditions.

(C) HERITAGE ADVISOR

Council's Heritage Advisor has not raised any concerns with the revised proposal submitted.

(D) ACCESS COMMITTEE

No consultation necessary.

Community Plan implications

Theme	Looking After Our Community
Goal	Vibrant towns and villages
Strategy	Respect and enhance the historic character of our region and heritage value of our towns

Strategic implications

Council Strategies

Not Applicable

Council Policies

Mid-Western Local Environmental Plan 2012
Mid-Western Development Control Plan 2013
Mid-Western Community Participation Plan 2019

Legislation

Local Government Act 1993
Environmental Planning and Assessment Act 1979 (as amended)
Environmental Planning and Assessment Regulation 2021

Financial implications

Should Council refuse the application and the applicant seeks to appeal this decision through the Land & Environment Court, legal costs associated with an appeal will be required to be funded by Council.

Associated Risks

Should Council refuse the application, the applicant may seek a further review of this decision or appeal through the Land & Environment Court.

KAYLA ROBSON
PLANNING COORDINATOR

ALINA AZAR
DIRECTOR DEVELOPMENT

27 November 2023

Attachments: 1. Development Plans and Reports. (separately attached)

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER