

STATEMENT OF ENVIRONMENTAL EFFECTS

RESIDENTIAL ACCOMODATION FOR THE PURPOSE OF KEY WORKERS HOUSING

10-12 BURRUNDULLA AVNEUE, MUDGEES NSW 2850 (LOT 122 DP1074283)



CLIENT: MID-WESTERN REGIONAL COUNCIL

DATE: 15 MARCH 2024

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1. INTRODUCTION

1.1. PURPOSE

This Statement of Environmental Effects (SEE) has been prepared on behalf of Mid-Western Regional Council (the applicant) to accompany a development application (DA) for proposed residential accommodation to accommodate “Key Worker Housing” on land known as 10-12 Burrundulla Avenue, Mudgee NSW 2850 (Lot 122 DP1074283) (the site).

The SEE summarises findings of specialist reports and demonstrates that the proposed development has been formulated having full and proper regard to existing development controls and environmental qualities of the site and its surroundings.

1.2. CONSENT AUTHORITY

The proposed development requires consent under the *Environmental Planning and Assessment Act 1979* (EP&A Act). The proposed development has a value of \$32 Million will be carried out on behalf of Mid-Western Regional Council. As detailed in Section 4.2 of this SEE, the proposed development is considered ‘regionally significant development’, therefore the DA will be submitted to Mid-Western Regional Council for assessment but ultimately determined by the Western Region Planning Panel as the relevant authority.

1.3. INTEGRATED DEVELOPMENT PROVISIONS

The proposed development is not considered integrated development. It is noted that development on ‘waterfront land’ (being land within 40m of a watercourse) requires a Controlled Activity Approval under the *Water Management Act 2000* which would also trigger integrated development under section 4.46 of the EP&A Act. However, Section 41 of the Water Management (General) Regulation 2018 provides that a public authority is exempt from this requirement. Mid-Western Regional Council, being a public authority, is there exempt from requiring a Controlled Activity Approval and the proposed development is not integrated development.

1.4. SCOPE OF STATEMENT OF ENVIRONMENTAL EFFECTS

This SEE accompanies a DA for the proposed development. It has been prepared on behalf of the applicant and includes the matters referred to in Section 4.15 of the EP&A Act and the matters required to be considered by Council.

The purpose of this SEE is to:

- Describe the proposed development;
- Describe the land to which the DA relates and the character of the surrounding area;
- Assess any environmental impacts and provide mitigation measures where relevant; and
- Define the statutory planning framework within which the DA is to be assessed and determined.

1.5. PERMISSIBILITY

Pursuant to the Mid-Western Regional Local Environmental Plan (LEP) 2012 the site is zoned *RE2 Private Recreation* and *part R3 Medium Density Residential*. Whilst Key Worker Housing is not specifically defined within the LEP nor identified as a permitted use within the zone, there are provisions within the LEP that are intended to provide flexibility where the investigation of a site and its surroundings reveals that a use allowed on the other side of a zone boundary would enable a more logical and appropriate development of the site and be compatible with the planning objectives and land uses for the adjoining zone. We consider the proposed development to be permissible on the site when considering all relevant provisions of the LEP.

The proposal has been formulated having regard to the provisions of Mid-Western Regional LEP 2012 and Development Control Plan 2013.

2. SITE AND SURROUNDING AREA

2.1. SITE SUMMARY

Address	10-12 Burrundulla Avenue, Mudgee NSW 2850
Lot and DP	Lot 122 DP1074283
Zone	RE2 Private Recreation and R3 Medium Density Residential
Land Area	1.67ha
Existing Structures	Vacant

2.2. SITE AND SURROUNDING AREA

The site has frontage to both Burrundulla Avenue of approximately 80m and George Street of approximately 14m. The site is irregular in shape and has a total area of approximately 1.67ha. The existing site is currently vacant; however, the previous land use was the former Mudgee Bowling Club with limited to no remains of the previous activities other than some limited infrastructure, fencing and the like.

The site is not identified on the biodiversity values map and is relatively void of vegetation as a result of historic activities on the site. The site is largely “maintained” grass and exiting landscaping (shrub/ lawn) associated the previous development. Vegetation site could be best described as grasses and weeds that have grown since the former bowling club was demolished. There is a clump of trees located in the central portion and other limited trees located on or near the boundaries.

The site exists within an established residential area within Mudgee with land to the north, south and west zoned R3 Medium Density and R1 General Residential to the east. The surrounding dwellings are comprised of a variety of type and age from older style single dwellings with nearby more modern residential dwellings including higher density type accommodation in the vicinity. An aerial image, location plan and zoning plans are provided in *Figures 1 – 3*.



Figure 1: Aerial view. Subject site outlined in yellow (Source: NSW ePlanning Spatial Viewer)

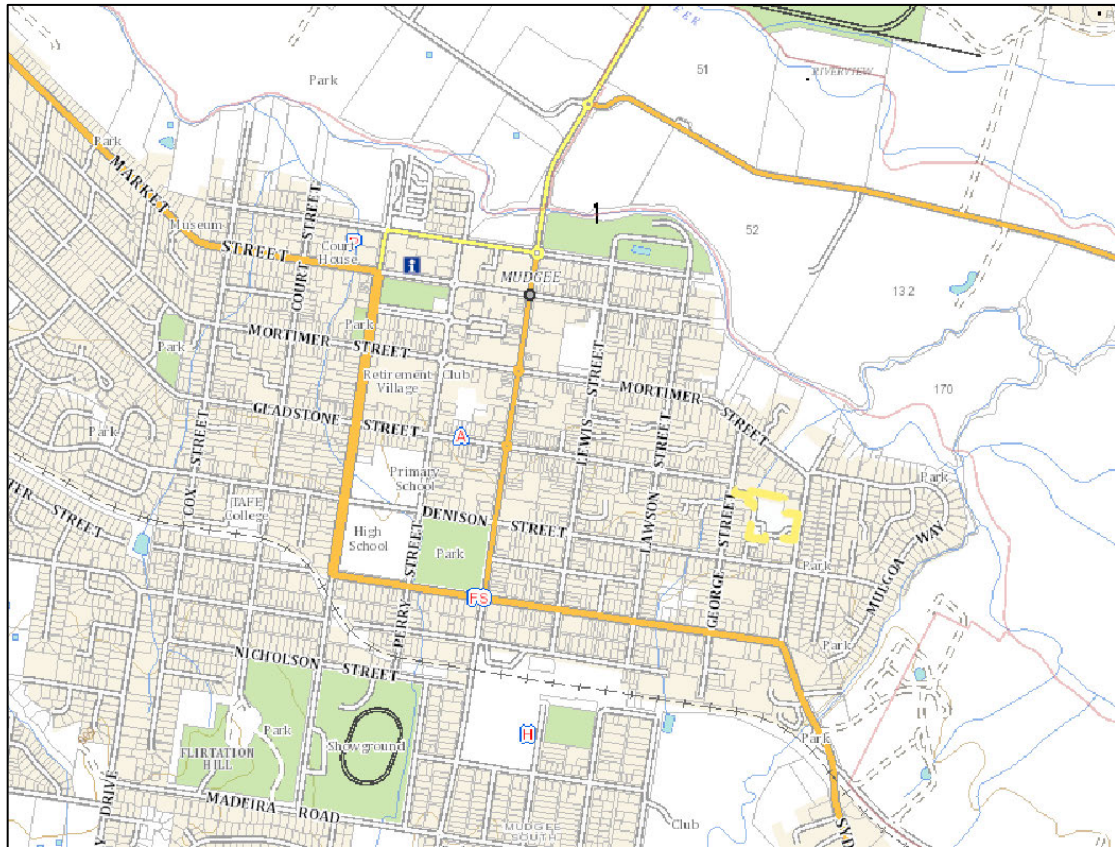


Figure 2: Location Plan. Subject site in yellow (source: NSW ePlanning Spatial Viewer)

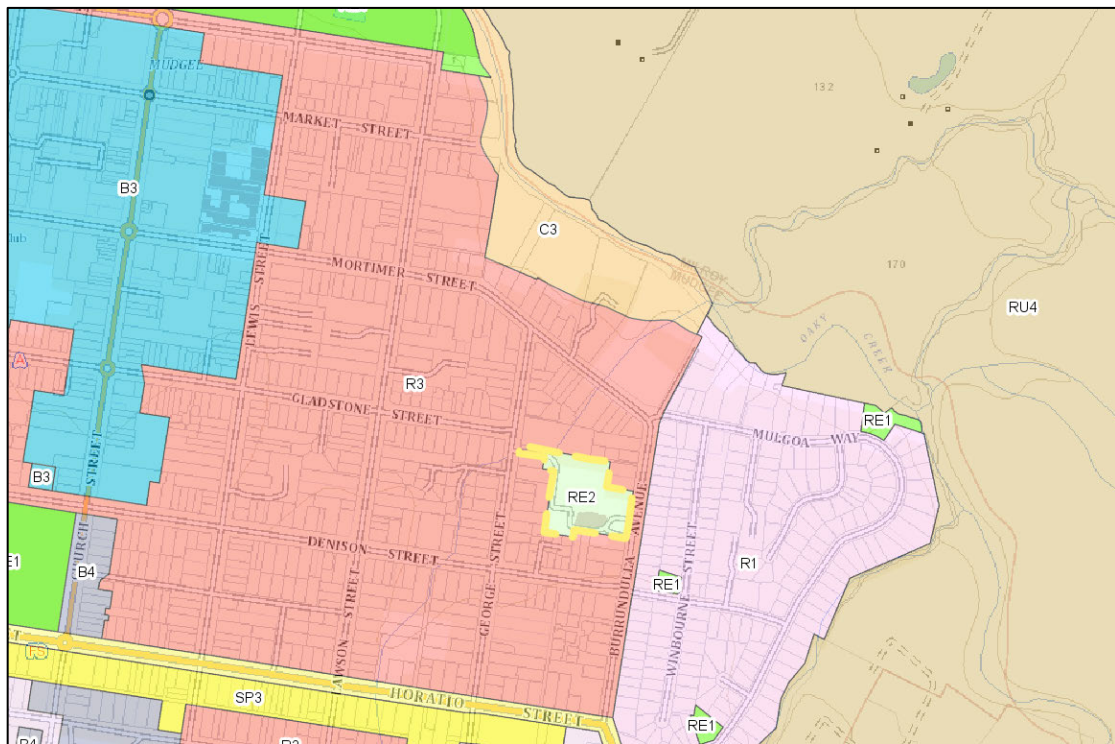


Figure 3: Land Zoning Plan. Subject site in yellow (source: NSW ePlanning Spatial Viewer)

2.3. KEY FEATURES

2.3.1. Vegetation

The site is largely void of vegetation and is not identified as containing any Biodiversity Values or contain any known or mapped ecological corridors or significant clusters of vegetation. The general site condition can also be seen through the images provided within the SEE.

2.3.2. Heritage

Aboriginal Heritage: The site is located in the Mudgee Local Aboriginal Land Council (LALC) area. A search of the Aboriginal Heritage Information Management System (AHIMS) database concluded that there are no Aboriginal sites or places within 200m of the site (**Appendix 7**). The site is also not mapped as sensitive aboriginal landscape.

Non-Aboriginal Heritage: The site is not identified as containing non-indigenous heritage items or within a Heritage Conservation Area (HCA).

2.3.3. Bushfire

The site is not identified as bush prone land.

2.3.4. Soils and Geotechnical

No acid sulfate soils have been identified or mapped on the site or surrounding area. A search of the EPA Contaminated land register found that the area is not identified as containing contamination.

Notwithstanding, due to the site's historic use, a Site Contamination Investigation has been undertaken to (**Appendix 8**). This found that the surface soils contain low concentrations of heavy metals and hydrocarbons. The concentrations detected were all found to be below health-risk based criteria suited for the evaluation of contamination in a residential land use scenario.

2.3.5. Flooding

The greater site is not mapped as flood prone land, however there is a mapped watercourse that traverses across the north western corner of the site. This northwestern entrance and area of the site has been identified as affected by some localised flooding associated with the mapped creek. Detailed flood information including sources, depths and velocities are included within the flood report memorandum in **Appendix 5**.

2.3.6. Traffic and Access

The site has direct frontage to Burrundulla Avenue and George Street, both being bitumen roads with a speed limit of 50km/h. The local road network accommodates a range of vehicles and traffic movements associated with the surrounding residential uses, but also has some varied traffic patterns and movements associated with nearby land uses and or movements along Burrundulla Road, George Street and Mortimer Street.

A Traffic and Parking Assessment report has been prepared and included in **Appendix 4** of this report.

2.3.7. Site Photos

Photos of the site and surrounds have been provided on the following pages.



Photo 1 – View across site of typical site condition



Photo 2 – Typical multi dwelling housing.



Photo 3 – View toward site across Burrundulla Road



Photo 4 – Built form in George Street



Photo 5 – Built form in Burrundulla Road



Photo 6 – Site entrance from George Street

3. THE PROPOSAL

This DA is seeking consent for the redevelopment of the site for the purpose of residential dwellings and accommodation to be utilised for the purpose of *Key Worker Housing*. This proposed development including dwellings and accommodation for the purpose of housing key workers will consist broadly of the following:

- Construction of accommodation in the form of 47 dwellings varied in nature.
- Landscaping associated with individual dwellings.
- Common landscaping areas.
- Relevant stormwater and drainage infrastructure including improvement to existing stormwater infrastructure traversing the site.
- Internal roads and footpath network.
- Provision of common landscaped areas.



Proposed design outcomes building form.

3.1. RESIDENTIAL DEVELOPMENT/ KEY WORKERS HOUSING

The proposed key worker housing can be separated by type and form and will consist of the following:

- Type 1 – 2 bedroom single storey dwelling with single garage.
- Type 2 – 4 bedroom two storey dwelling with no garage.
- Type 3 – 3 bedroom two storey dwelling with double garage.
- Type 4a and 4b – 3 bedroom two storey dwelling with no garage
- Type 5 – 2 bedroom two storey dwelling with no garage
- Type 6a, 6b and 6c – 2 bedroom two storey attached dwellings with no garage
- Type 7a, 7b and 7c – 1 bedroom two storey attached dwellings with no garage
- Fonzie Flat – 1 bedroom two storey dwelling with single garage below on ground floor

Overall, the above typology will result in a variety of dwelling types and outcomes that results in an appropriate mix of dwelling type and infrastructure type i.e. garaging and form that creates an appropriate outcome when considering bedroom numbers, living areas and parking requirements. The proposed dwellings will essentially result in needed accommodation to facilitate key workers with varied needs. The proposal includes the following dwelling typology.

- 9 x 1 Bedroom
- 26 x 2 Bedroom
- 9 x 3 Bedroom
- 9 x 4 Bedroom

Each of the above consists of the relevant amenity, facilities and design outcomes suitable for a dwelling of its nature. The various accommodation is supported by and benefit from the relevant access to Private Open Space and suitable levels of solar access to these spaces.

3.2. LANDSCAPING

The proposed landscaping outcomes on site are guided by the proposed Landscape Plan provided in **Appendix 3**. The proposed selections have largely been development considering Council’s preferred species and outcomes for the greater area. The proposed native and nonnative species selections ensure definition between private and public spaces as well as provide appropriate streetscape outcomes and on an individual basis associated with the proposed dwellings. The proposed landscaping has also been utilised to reduce the potential for adverse impacts on privacy and or the potential for adverse impacts on visual amenity.

Whilst described above, the Landscape Plans provided in **Appendix 3** includes full detail the proposed scheme, generally summarised as follows:

- Timber edging delineating garden and proposed treed areas to assist with maintenance
- Turf to common and private areas
- Deco-Granite paths
- Paved pathways
- Gravel pathways
- Street Tree planting and landscaping of common areas.

Figure 4, provides an excerpt of the proposed landscaping plans across the site, with additional plans in the set provided in Appendix 3.

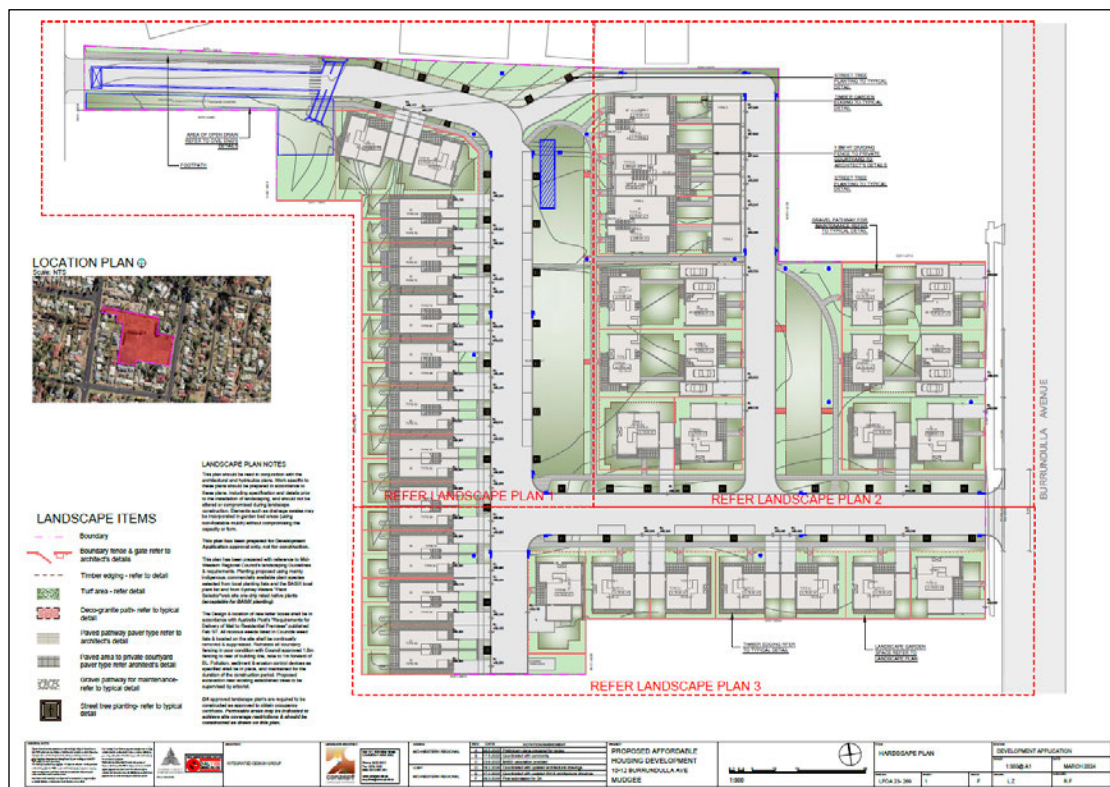


Figure 4: Landscape Plans – Site Plan (source: Conzept Landscape Architects)

3.3. SERVICING AND UTILITIES

Whilst the site benefits from access to existing utilities (albeit disconnected), the proposed development will require the augmentation of existing services and utilities. This augmentation has been considered through the design process. An indicative Sewer and Water servicing scheme has been prepared and is provided with the Civil/Stormwater and Infrastructure Plan set located in *Appendix 2*. Whilst detailed design will be required, it is appropriate that this detail is undertaken through the development process.

The provision of telecommunication services and electricity will also be required to be augmented enabling services to the site and associated dwellings, however this will be required to be the subject of separate application and detailed design with the relevant authorities through the development process.

Whilst no subdivision is proposed at this time, services have and or will be designed in a manner to accommodate for the future subdivision of the site.

3.4. STORMWATER MANAGEMENT

Stormwater management of the site is illustrated in the proposed civil/stormwater located in **Appendix 2**. Generally, the stormwater infrastructure includes the following:

- Construction of underground stormwater pipes
- Proposed stormwater inlet pits
- Kerb inlet pits
- Proposed kerb and gutter
- Stormwater detention basin

The proposed stormwater system has also considered the existing stormwater management that occurs within the northwestern area of the site. Whilst the proposed system has considered the proposed outcomes it also seeks to improve the existing management in this location. The proposed treatment and management could be considered to result reduction in the existing or potential adverse impacts in this location.

Outline of the proposed stormwater plan is below in Figure 5. Refer to **Appendix 2** for the remaining civil works for the proposed development.

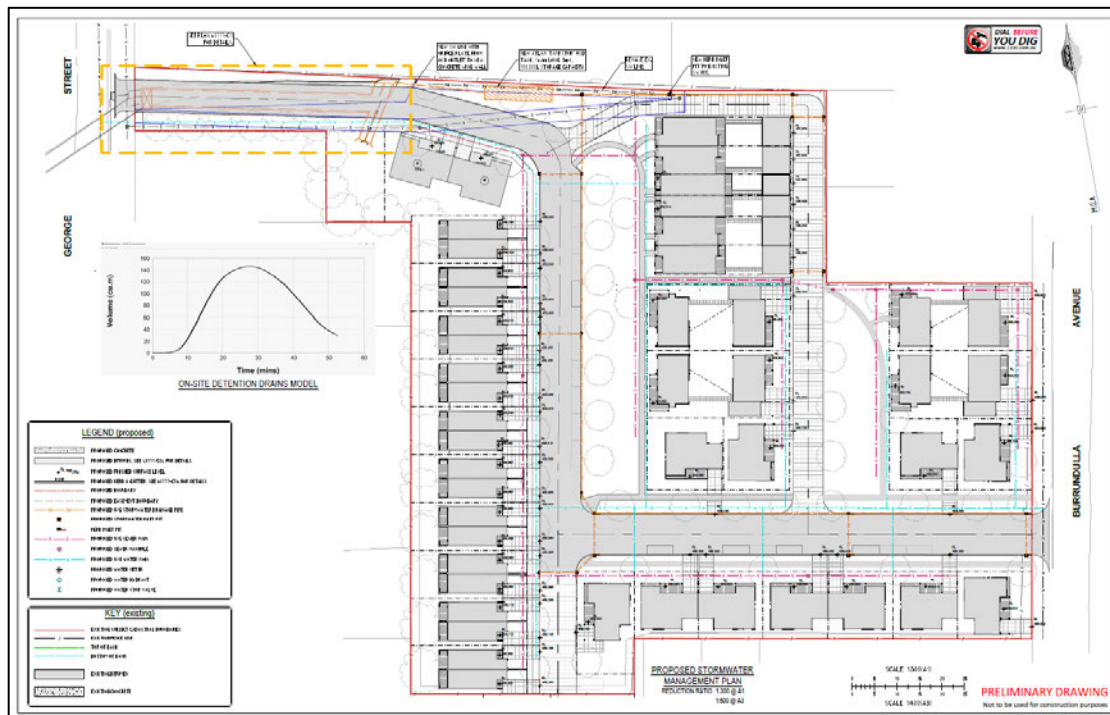


Figure 5: Stormwater Plans – Site Plan (source: Barson)

4. STATUTORY PLANNING CONTROLS

4.1. ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 AND REGULATIONS 2021

The proposed development will require consent under the provisions of Part 4 of the EP&A Act.

The proposed development is considered to be Regionally significant development pursuant to the State Environmental Planning Policy (SEPP) (Planning Systems) 2021. The development will have a CIV of \$32 Million, which is greater than \$5Million Council threshold and general development greater than \$30 million and the application will require determination by the Regional Planning Panel.

Additionally, the proposed development is **not** considered to be:

- Integrated development pursuant to Section 4.46 of the EP&A Act;
- Designated development pursuant to Schedule 3 of the Environmental Planning and Assessment Regulations 2021 (the Regulations) or any other environmental planning instrument; or
- State significant development (SSD) or State significant infrastructure (SSI) pursuant to Section 4.36 of the EP&A Act.

4.2. RELEVANT STATE ENVIRONMENTAL PLANNING POLICIES

Table 1 address the relevant SEPPs in accordance with Section 4.15(1) of the EP&A Act.

Table 1: Relevant SEPPs

SEPP	COMPLIANCE
State Environmental Planning Policy (Resilience and Hazards) 2021 Chapter 4 – Remediation of Land	Section 4.6 of the SEPP sets out that a consent authority must not consent to the carrying out of any development on land unless it has considered whether the land is contaminated, and 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. Whilst the site has not been registered as a contaminated site, the site investigation found the surface soils contain low concentrations of heavy metals and hydrocarbons. Ultimately, this investigation found the concentrations to be of no significant risk to the health or the environment of humans and the site is suitable for the proposed residential use (Appendix 8).
State Environmental Planning Policy (Planning Systems) 2021 Chapter 2 – State and Regional Development (SEPP)	Schedule 6 of the SEPP identifies development that is regionally significant and that which requires determination by an established Regional Planning Panels (RPP). Such triggers include the following, but not limited to development with a capital investment value (CIV) over \$30 million, development with a CIV over \$5 million which is proposed by Council. The proposed development will have a CIV over \$30 million and ultimately the Regional Planning Panel will be the consent authority. All assessment will be undertaken by the Council Officers, with recommendations prepared and furnished to the Regional Planning Panel for determination.
State Environmental Planning Policy (Building Information Sustainability Index: BASIX) 2004	The SEPP was enacted to ensure buildings are designed to use less potable water and minimise greenhouse gas emissions by setting energy and water reduction targets for residential houses and units. BASIX certificates have been prepared in support of the proposed development and is included at Appendix 6 . BASIX requirements of the proposal's construction and ongoing energy/sustainability needs have been appropriately considered

4.3. MID-WESTERN REGIONAL LOCAL ENVIRONMENTAL PLAN 2012

Mid-Western Regional LEP 2012 provides a planning framework to facilitate development in an appropriate manner with due consideration to ecologically sustainable development. Relevant clauses of LEP 2012 are discussed in Table 2.

Table 2: Consistency with relevant clauses of LEP 2012

CLAUSE	CONSISTENCY
1.2 Aims	<p>The LEP provides for appropriate development within the LGA ensuring promotion of development of land for the arts, cultural activity, growth and housing diversity whilst considering the significance of natural resources, environment and other significant attributes of the area.</p> <p>The proposed development is considered to be consistent with the objectives of the LEP.</p>
2.1 Land use zones	<p>This site is zoned part RE2 Private Recreation and R3 Medium Density Residential. The RE2 Private Recreation Zone is the dominant zone, being the zone that applies to the majority of the site, notwithstanding both zones have been addressed below.</p> <p>The following uses are those permitted and prohibited within the R3 Medium Density Residential zone.</p> <p>2 Permitted without consent <i>Home-based childcare; Home businesses; Home occupations; Roads; Water reticulation systems</i></p> <p>3 Permitted with consent <i>Attached dwellings; Boarding houses; Centre-based child care facilities; Community facilities; Educational establishments; Environmental protection works; Exhibition homes; Exhibition villages; Flood mitigation works; Garden centres; Group homes; Health services facilities; Home industries; Information and education facilities; Markets; Multi dwelling housing; Neighbourhood shops; Oyster aquaculture; Places of public worship; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Residential accommodation; Respite day care centres; Seniors housing; Sewage reticulation systems; Signage; Tank-based aquaculture; Tourist and visitor accommodation; Water recycling facilities; Water storage facilities</i></p> <p>4 Prohibited <i>Advertising structures; Farm stay accommodation; Hotel or motel accommodation; Rural workers' dwellings; Any other development not specified in item 2 or 3</i></p> <p>The following uses are those permitted or prohibited within the RE2 Private Recreation Zone.</p> <p>2 Permitted without consent <i>Extensive agriculture; Roads; Water reticulation systems</i></p> <p>3 Permitted with consent <i>Airstrips; Aquaculture; Backpackers' accommodation; Boat launching ramps; Boat sheds; Camping grounds; Caravan parks; Charter and tourism boating facilities; Community facilities; Eco-tourist facilities; Emergency services facilities; Entertainment facilities; Environmental facilities; Environmental protection works; Flood mitigation works; Food and drink premises; Function centres; Helipads; Hotel or motel accommodation; Information and education facilities; Kiosks; Markets; Recreation areas; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Registered clubs; Roadside stalls; Seniors housing; Sewerage reticulation systems; Signage; Timber yards; Water recreation structures; Water recycling facilities; Water supply systems</i></p> <p>4 Prohibited <i>Any development not specified in item 2 or 3</i></p> <p>Whilst land uses such as multi dwelling housing, attached dwellings and residential accommodation are only permitted with consent in the R3 Medium Density Residential Zone and not permitted with consent in the RE2 Private Recreation Zone, there are still</p>

CLAUSE	CONSISTENCY
	<p>residential and accommodation activities permitted within the RE2 Private Recreation Zone.</p> <p>It is also relevant to note the proposed development seeks to utilise Clause 5.3 (Development Zone Boundaries) within the LEP to enable the permissibility of the proposed be addressed. This is further explored within this table below.</p>
2.3 Zone objectives	<p>Objectives of the RE2 zone are as follows:</p> <ul style="list-style-type: none"> • <i>To enable land to be used for private open space or recreational purposes.</i> • <i>To provide a range of recreational settings and activities and compatible land uses.</i> • <i>To protect and enhance the natural environment for recreational purposes.</i> <p>The proposal whilst not directly consistent with the zone objectives will provide housing in the form 47 dwellings for key workers. This additional residential accommodation in this location will not adversely impact on the ability for such recreational activities to be provided in other suitable locations. Furthermore this increased residential growth may result in a greater customer base for other facilities to remain sustainable. It is worthy to note in this instance, as the area has developed surrounding the site, the existing site, and previous uses became no longer compatible.</p> <p>Objectives Zone R3 Medium Density Residential</p> <ul style="list-style-type: none"> • <i>To provide for the housing needs of the community within a medium density residential environment.</i> • <i>To provide a variety of housing types within a medium density residential environment.</i> • <i>To enable other land uses that provide facilities or services to meet the day to day needs of residents.</i> • <i>To encourage higher-density residential development that is sympathetic to and compatible with the existing character of the Mudgee Heritage Conservation Area.</i> <p>The proposed development is consistent with the objectives of the R3 zoning. Whilst the R3 Zoning is only located on part of the site, by virtue of Clause 5.3 the R3 Zoning and its objectives are important to consider.</p> <p>The proposed development will provide additional housing for the purpose of Key Workers to satisfy the growing housing needs. The proposal includes a varied typology of housing and has the design intent in material and style to respect the eclectic mix, but historic nature of housing within Mudgee.</p>
4.1 Minimum subdivision lot size	<p>There is a minimum lot size of 600sqm in the R3 zone and no prescribed minimum lot size for the RE2 zone. Notwithstanding this, there is no subdivision proposed as part of this application.</p>
4.3 Height of buildings	<p>8.5m is the prescribed height limit for the R3 zoned land.</p> <p>No height prescribed height limit for the RE2 zoned land.</p> <p>The proposed key workers housing range in building heights depending on the type of dwelling constructed. The proposed heights of the single storey dwellings are 5.08metres and the two storey dwellings are 7.245metres at their highest points.</p> <p>It is important to recognise the proposed heights across the site are also within the height limits of the surrounding R3 Zone.</p>

CLAUSE	CONSISTENCY
4.6 Exceptions to development standards	<p>This Clause enables some development to occur in circumstances where it may meet planning objectives despite not meeting the required development standards. This clause provides flexibility to allow these objectives to be met by varying development standards in certain cases.</p> <p>The proposed development is not seeking any exemptions to development standards.</p>
5.3 Development near zone boundaries	<p>(1) <i>The objective of this clause is to provide flexibility where the investigation of a site and its surroundings reveals that a use allowed on the other side of a zone boundary would enable a more logical and appropriate development of the site and be compatible with the planning objectives and land uses for the adjoining zone.</i></p> <p>(2) <i>This clause applies to so much of any land that is within the relevant distance of a boundary between any 2 zones. The relevant distance is 50 metres.</i></p> <p>(3) <i>This clause does not apply to—</i></p> <p>(a) <i>land in Zone RE1 Public Recreation, Zone C1 National Parks and Nature Reserves, Zone C2 Environmental Conservation, Zone C3 Environmental Management or Zone W1 Natural Waterways, or</i></p> <p>(a1) <i>land in Zone RU1 Primary Production, Zone RU3 Forestry, Zone RU4 Primary Production Small Lots, Zone R2 Low Density Residential, Zone R5 Large Lot Residential, Zone IN2 Light Industrial or Zone SP3 Tourist, or</i></p> <p>(b) <i>land within the coastal zone, or</i></p> <p>(c) <i>land proposed to be developed for the purpose of sex services or restricted premises.</i></p> <p>Note—</p> <p><i>When this Plan was made it did not include Zone E2 Environmental Conservation or Zone W1 Natural Waterways.</i></p> <p>(4) <i>Despite the provisions of this Plan relating to the purposes for which development may be carried out, development consent may be granted to development of land to which this clause applies for any purpose that may be carried out in the adjoining zone, but only if the consent authority is satisfied that—</i></p> <p>(a) <i>the development is not inconsistent with the objectives for development in both zones, and</i></p> <p>(b) <i>the carrying out of the development is desirable due to compatible land use planning, infrastructure capacity and other planning principles relating to the efficient and timely development of land.</i></p> <p>(5) <i>This clause does not prescribe a development standard that may be varied under this Plan.</i></p> <p>The proposed development seeks to utilise this Clause to essentially capture those attributes and objectives of the surrounding land use zone (being the R3 Zone) to apply across the greater site. The flexibility provided by this Clause, in this case ensures a more logical and appropriate development of the site. The site does not currently include a precluded zone, within the coastal zone nor does the proposal include a precluded land use.</p> <p>Whilst the proposal does not include a development for recreational purposes and is not directly consistent with the objectives of the RE2 zone, is not to say that it is necessarily inconsistent. The proposed development is wholly consistent with the objectives of the R3 Zone and is as a result of the site being entirely suitable for a proposal of this nature. The site has limited constraints, is of a size suitable to provide a variety of housing type of a nature that can support the demand. The site is well located when considering the Mudgee town centre as well as the strategic intent in relation to the growth in Mudgee.</p>
5.21 Flood Planning	<p>The site is not identified as flood prone land on the ePlanning Spatial Viewer, however it has been identified there is a small area of the site that experiences localised flooding. Flooding has been considered through the preparation of the application and dealt with according.</p>

CLAUSE	CONSISTENCY
	A flood report has been prepared (Appendix 5). The proposed civil and stormwater design has been designed to accommodate and consider the potential impacts of this localised flooding and seeks to manage and improve the existing outcomes.
6.3 Earthworks	Whilst the site is gentle in grade, there will be required earthworks as part of the development. The proposed earthworks will involve some limited grading and the construction of the concrete slabs and footings for the proposed dwellings, drainage works and internal roads.
6.4 Groundwater Vulnerability	The site is mapped as being vulnerable in the sense of groundwater location. Any works on site is to consider the effects on the groundwater and prevent any contamination. The constructions work will be minimal for the development and will not alter the ground water table. The site will provide appropriate measures to retain stormwater where necessary to prevent any impacts.
6.9 Essential Services	The utilities and services provided to the subject site will require augmentation to service the proposed new dwellings. Appropriate applications to relevant agencies will be required through the development process which will require application and detailed design. A concept water and sewer design have been provided within the Civil/ Infrastructure set of plans.

4.4. MID-WESTERN REGIONAL DEVELOPMENT CONTROL PLAN 2013

Mid-Western Regional Development Control Plan (DCP) 2013 provides guidance to development of land under LEP 2012 and is intended to act as an integrated planning document. The purpose of the DCP 2013 is to supplement LEP 2012 and provide additional information to take into account when preparing a development application. An assessment of the proposed development against applicable DCP requirements is provided in Table 3 overleaf.

Table 3: Consistency with Mid-Western Regional DCP 2013

CLAUSE / CONTROL	CONSISTENCY
Part 4 Specific Types of Development	
4.1 Multi Dwelling Housing	
Built Form	<p>The proposed development will have direct access to 2 street frontages being Burrundulla Avenue and George Street. The site is of a size and dimension that facilitated development generally consistent with the requirements of the section.</p> <p>There are no existing dwellings or buildings located onsite and the site was previously utilised as a private recreation facility with limited infrastructure that was suitable for integration.</p> <p>The dwellings have been designed and positioned to accommodate the existing streetscape on Burrundulla Road, but providing design outcomes that respect the existing through from an also position being set back generally 7metres with only a small encroachment into this setback. The proposed heights are consistent with height requirements on the surrounding properties, the roof form and type whilst within the height limited seeks to respect the heritage-built form within the greater Mudgee.</p> <p>Each of the proposed dwellings within the development seeks to ensure each property benefits from appropriate levels of solar access, private open space and amenity. The proposed setbacks to external boundaries also consider adjoining solar access, privacy and amenity. Where possible the design outcomes have considered managing these impacts and or additional considerations has occurred through the proposed landscaping.</p>
Setbacks	The setbacks proposed for each dwelling are generally compliant with the requirements identified in the within the DCP.
Development Density	When considering the greater site and its area as well as desired outcomes the proposed density in dwelling numbers, type and size, the proposal is considered generally consistent with the requirements of the DCP.
Landscaping	Landscape plans have been provided in Appendix 3 , which illustrate site landscaping can comply with the DCP requirements. The nature of the landscaping ensures the ability to provide appropriate and advanced stock where necessary. The proposed native and non-native species provide purpose through screening and improvement to amenity whilst ensuring solar access can be achieved at the appropriate times of year. Landscaping within with front side and rear setbacks where appropriate ensure positive and manageable outcomes are achieved.
Site Coverage and Private Open Space	The proposed site coverage is generally consistent with that required 40% when consideration excluded areas from calculation. The relevant private open space has been provided in appropriate location with direct access from living areas. Whilst in some instances these spaces may not be entirely compliant with dimensions and or requirement the functioning and size type is considered appropriate, such as POS on the side setback within the site, but with a suitable setting and screened appropriately.



CLAUSE / CONTROL	CONSISTENCY
Vehicular Access and Parking	Each dwelling has provision for parking that ranges between a single garage or carport through to a double garage based on dwelling type that is proposed across the site. Appropriate levels of visitor parking are also accommodated through designated areas, on street parking or in instances additional parking capable of occurring within the driveway. Driveway access from the internal access road is available to each dwelling.
Privacy and Amenity	Each dwelling has been designed to minimise the openings onto the surrounding dwellings either within the site or onto nearby properties. Where window have been provided appropriate setbacks are also implemented and or treatment of the window location, height, covering and position have also been implemented into design. Building setbacks on each dwelling has carefully considered the impacts on privacy and amenity. In addition, the proposed landscape is also to ensure appropriate amenity, but reduce the potential for adverse impacts on privacy.
Acoustic Privacy	There is appropriate separation between the proposed dwellings and adjoining dwellings to ensure suitable acoustic privacy. Whilst the access point is proposed on George Street, this is an existing access point previously utilised for the access to the Club. The traffic residential in nature combined with improved design outcomes in this area, treatment or road, landscaping, fencing and the like is all intended to mitigate the potential for adverse acoustic impacts in this location.
Waste Disposal	The design of the development and connective pattern ensures a garbage truck can access the site for waste collection.
Part 5 Development Standards	
5.1 Carparking	Each new dwelling will have a minimum of 1 car space. Some of the proposed dwellings will benefit from 2 car spaces to accommodate for its type i.e bedroom numbers. The nature of the street and proposed driveways ensures there is adequate and appropriate areas for each for visitor parking on site.
5.2 Flooding	Part of the site is identified as localised flood prone land. There has been a flood report prepared (Appendix 5) to support the proposed development. There are no dwellings proposed within this mapped area and there is proposed drainage infrastructure including a detention basin to deal with stormwater from the site, but consider the impacts of flooding, existing, both on and off the site.
5.3 Stormwater Management	Stormwater plans have been prepared within the civil plans in Appendix 2 . The proposed stormwater includes a detention basin and relevant trunk mains and civil infrastructure to ensure stormwater is managed in an appropriate manner.
Part 7 - Subdivision	
Lot Size	Despite the RE2 Zone not including a minimum lot size, there is no subdivision proposed at this time.
Lot Design	Whilst no subdivision is proposed at this time the dwellings location and orientation have considered the potential for future subdivision. Each dwelling has frontage to an internal road with active street frontages
Street Design and Layout	The proposed road is provides connection between Burrundulla Road and George Street. The internal roads allow for each lot to have direct access to a street through the provision of a driveway. Whilst no subdivision is proposed at this time, the nature of the proposed roadway is of a size and type that in time this could be a public street and facility subdivision of the site.



CLAUSE / CONTROL	CONSISTENCY
Landscaping	Landscaping has been provided within the landscape plans in Appendix 3 .
Utility Services	Utilities will be designed to service each new dwelling including reticulated sewer and water, electricity and telecommunications so that should the site be subdivided in time the appropriate augmentation has been made.
Drainage	Drainage has been providing to drain the whole development. There is a proposed detention basin to retain stormwater for the development and included within the civil plans in Appendix 2 .

5. ASSESSMENT OF ENVIRONMENTAL EFFECTS

5.1. SECTION 4.15(1)(A) – STATUTORY PLANNING CONSIDERATIONS

In determining the subject DA, Council is required to consider those relevant matters listed in section 4.15(1) of the EP&A Act. Each of the relevant matters is addressed below.

Section 4.15(1)(a) requires the consent authority to take into consideration the provisions of any environmental planning instrument (EPI), draft EPI, DCP, planning agreement that has been entered into under section 7.4 of the EP&A Act or under the EP&A Regulations 2021.

These matters (and others) are addressed in Section 4 of this report, and below.

The proposal is permissible with the consent of Council, and is generally consistent with the provisions and objectives of Mid-Western Regional LEP 2012 and DCP 2013.

5.2. SECTION 4.15(1)(B) – ENVIRONMENTAL, SOCIAL AND ECONOMIC IMPACTS

The following table provides an overview of the potential impacts of the development on the natural and built environments.

Table 4: Assessment of Environmental Effects

IMPACT	COMMENT
Access	The proposed development will have direct access to Burrundulla Avenue and George Street through the provision of new internal access roads for the new dwellings. Each dwelling will include pedestrian and vehicle where relevant from the internal roads to ensure residents and visitors appropriate access within, but also external to the surrounding street network.
Acoustic	<p>Whilst the site has been vacant for some time, there was previously commercial (and recreational) activity on site. The nature of the acoustic impact has previously changed and will change as a result of the proposal, it is not considered unreasonable when considering the context of the surrounding land use zones and existing land use.</p> <p>The proposed development will alter the acoustics of the area through the addition of the new dwellings on the site however, relevant setbacks and design intent have been implemented to ensure impacts are not unreasonable.</p> <p>There will be impacts to the surrounding area during the construction phase of the development and will be managed and mitigated during the construction.</p>
Air Quality	There will be no additional impacts to air quality for this development. There may be minor impacts to the air quality through dust and emissions during the construction phases however these will be managed through site construction mitigation measures. The ongoing use of the site will be residential use which is consistent with the surrounding area.
Biodiversity	The subject site is not identified as containing any biodiversity values or adjoining land identified as containing biodiversity values.
Bushfire	The site is not located within a mapped bushfire prone area, nor will development result in an increased risk associated with bushfire.
Economic	Whilst there will be economic benefits through the construction phase of the development, the development will have an ongoing positive economic impact as it will provide additional housing for key workers required within the community. The proposed housing is intended ensure key workers within the community have affordable housing options of a suitable type and in an appropriate location. This vacant and underutilised site will, when developed include a variety of dwelling types and nature to accommodate a range of key worker family and individuals.
Effluent Disposal	The site is currently benefits from access to reticulated services which will require augmenting to service the proposed dwellings. The proposed development will provide each new dwelling with connection into the sewer network.
Erosion and Sediment Control	Whilst the site is relatively flat, appropriate erosion and sediment control measures will be implemented through the construction phase, it would be appropriate to require such a plan be required through the construction certificate phase. The proposed development will not result in any ongoing additional erosion and sediment issues post construction.

IMPACT	COMMENT
Flood	A small portion of the site is identified as being impacted on by localised flooding. Flooding information and consideration has been undertaken through the preparation of the development. The proposed outcomes seek to manage and improve the existing situation with relation to the localised flooding and stormwater. The mitigation measures along with improved infrastructure will result in no additional impacts off site.
Heritage	The site does not contain any heritage listed items or within a heritage conservation area. An AHIMS search returned no Aboriginal places or sites within 200m of the development site.
Safety and Security	The proposed development if not of a scale or type that requires additional CPTED considerations. Notwithstanding this, the proposed development will result in additional residential dwellings and design outcomes across the site that will include relevant lighting, territorial understanding through fencing, landscaping and design features, clear access and sight lines and passive surveillance outcomes through dwelling design.
Social	The proposed development will provide additional dwellings on a vacant and site. The site is surrounded by development residential in nature and will provide a continuation of this type of development of a scale and type congruent to the surrounds. However, it is important to understand the nature of the proposal is intended to create housing to accommodate for key works who may otherwise find it difficult secure such accommodation ultimately resulting in positive social outcomes for the Mudgee area.
Stormwater	The proposed development will provide stormwater drainage to manage the stormwater and provide rainwater tanks and detention basin to assist with this development and managing outcomes on and off the site. The proposed management of stormwater will ensure the small area of localised flooding is managed accordingly and no additional offsite impacts will occur.
Traffic	The proposed works will involve the construction of the relevant internal access roads and driveways to enable each dwelling with access to Burrundulla Avenue and or George Street. Impacts created on traffic by the dwellings are consistent with that expected with a residential development of this nature. There will be temporary traffic impacts during the construction phase of the development only.
Visual	There will be no adverse visual impacts associated with the proposal, the development will improve the existing visual amenity of the site that is currently vacant. The site will be developed and will provide appropriate landscaping to improve the visual impact from the street and internal proposed access roads. The proposed development visual impacts will be consistent with the surrounding landscape. Where relevant dwellings have been designed to address the internal streetscape, but also Burrundulla Road directly and with a varied, but generally 7m setback to ensure streetscape and positive impacts on visual amenity occur.
Water	Whilst the site is already connected to reticulated water services, such services will require agenting to ensure the proposed dwellings will have water connection available.

Overall, the proposal is substantially consistent with the objectives and development controls contained within the various environmental planning instruments and development controls that apply to the site (see Section 4). The proposed development will not result in an adverse impact to the environment and is consistent with existing built form onsite and in the surrounding area. The proposed development comprises orderly economic development of the site for purposes for which it is zoned and currently used. The proposal will not pose any negative social or economic impacts.

5.3. SECTION 4.15(1)(C) – THE SUITABILITY OF THE SITE

Suitability of the site for the proposed development is dealt with in Section 2. The site has access to all services and direct access to Burrundulla Avenue and George Street. The proposed development is a permissible form of development with consent within the land use zone, when considering the flexibility afforded by Clause 5.3 of the LEP and the surrounding R3 Medium Density Residential Zone. The sites environmental conditions are appropriate to support the residential development design that is generally in accordance with the LEP and DCP controls. It is therefore considered that the site is suitable for the proposed development.



5.4. SECTION 4.15(1)(D) – SUBMISSIONS

Any relevant representations will need to be considered by the Council in the determination of the development application.

5.5. SECTION 4.15(1)(E) – PUBLIC INTEREST

The public interest is best served by the orderly and economic use of land for purposes permissible under the relevant planning regime and substantially in accordance with the prevailing planning controls. The development is a permissible form of development when considering the provisions afforded by the LEP. Furthermore, the development is intended to provide accommodation for workers associated with critical activities within the community and is an appropriate location, that is currently underutilised and is therefore considered to be in the public interest.



6. CONCLUSION

This SEE has been prepared on behalf of Mid-Western Regional Council (the applicant) to accompany a DA for residential accommodation in the form of key workers housing Development at 10-12 Burrundulla Avenue, Mudgee NSW 2850 (Lot 122 DP1074283) (the site).

The proposed development is located on a site that includes two zones (RE2 Private Recreation and R3 Medium Density Residential), whilst permitted with consent within the R3 Medium Density Residential zone in accordance with Mid-Western Regional LEP 2012, by virtue of proximity, proposed outcomes and Clause 5.3 of the LEP, the development is also considered permitted within the RE2 zone in this instance. The development is also considered consistent with the relevant controls set out within the DCP 2013.

The proposal is reasonable and appropriate when considered under the relevant heads of consideration in Section 4.15(1) of the EP&A Act and is considered to be worthy of favourable determination by Council.



APPENDICES



APPENDIX 1

Architectural Plans prepared by Integrated Design Group



APPENDIX 2

Civil/ Stormwater Infrastructure Plans prepared by Barnson



APPENDIX 3

Landscape Plans prepared by Conzept Landscape Architects



APPENDIX 4

Traffic Assessment Report prepared by Transport and Traffic Planning Associates



APPENDIX 5

Flood Report Memorandum prepared by WMA Water



APPENDIX 6

BASIX Certificates



APPENDIX 7

Aboriginal Heritage Information Management Systems Search Results



APPENDIX 8

Site Contamination Assessment prepared by Barnson